



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 8 Iúil 2021

Thursday, 8 July 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Grant Payments

1. **Deputy Rose Conway-Walsh** asked the Minister for Further and Higher Education, Research, Innovation and Science if the holiday earnings disregard is applied to the pandemic unemployment payment, PUP, for SUSI applicants; and if he will make a statement on the matter. [36806/21]

Deputy Rose Conway-Walsh: I want to know if the holiday disregard of €4,500 will be applied to the PUP payment to create equity. If students were working as they normally would, they would get disregard. I want to know before I leave here today if this disregard is going to be applied and that at a minimum €4,500 would be disregarded.

Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris): I thank the Deputy for the question. The student support scheme is a critical financial support for students participating in higher education. As of earlier this week, Student Universal Support Ireland, SUSI, had received almost 74,000 applications from students. To date, almost 53,500 applications have been assessed, with more than 47,000 deemed as eligible for support for the next academic year. As in any statutory scheme, a core principle is that there is a consistency of approach and equitable treatment for applicants as part of the means assessment process. This applies to people who are dependent on different types of social protection payments. The pandemic unemployment payment, PUP, has been treated as reckonable income since it was introduced in March 2020. Income from the Covid-19 payment, therefore, has

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the same standing and is treated in a similar fashion to other Department of Social Protection payments, such as jobseeker's benefit or jobseeker's allowance. This means that a student or family on the PUP should be treated in the same way as a student or family who are dependent on jobseeker's benefit or allowance.

The holiday earnings disregard does not apply to these social protection payments and, therefore, it would not be fair, equitable or, possibly, legal to apply a different approach to the PUP. However, an important feature of the scheme is the change of circumstance provision. If an applicant has experienced a change of circumstances during 2021, they can apply to SUSI for their application to be assessed or re-assessed under a change of circumstances. Such a change in circumstances will clearly include no longer being in receipt of the PUP. Students will no longer be able to receive the payment from early September, in line with normal circumstances where students do not qualify for unemployment payments while at college. Therefore, no students will miss out on the SUSI grant as a result of them being in receipt of the PUP because they will not be receiving it from September onwards. I know entirely what the Deputy is trying to get at. It is a very important point that she is trying to highlight, in not wanting someone to have lost out because they received the PUP. The fact, though, that a student will not be in a position to receive the PUP from September means they will qualify under the change of circumstances for the payment to be disregarded.

Deputy Rose Conway-Walsh: Please take it from me that the exceptional circumstances are not working. People and families who were in the same financial position last year as they are this year are being excluded by SUSI, which is unacceptable. I understand in terms of social welfare, disregards, and uniformity across the board, but we are in a global pandemic. We have made all kinds of exceptions. We have put through emergency legislation and everything else. Why are students being singled out? The Minister is putting money in their pockets with one hand and taking out twice as much with the other. The same issue applies to medical cards. I spoke to a mother yesterday evening whose son had lost his medical card because of PUP. If students had known at the beginning that if they accepted PUP, many of them would be excluded from medical cards and SUSI, they would never have taken that payment. The payment is directly connected to employment.

Deputy Simon Harris: There are crossed lines of communication here, so let me be clearer. Full-time students will not be in a position to receive the PUP from September. Therefore, they will be entitled to have their SUSI application assessed as though they have not received the payment. That is the purpose of the change of circumstances. I met my officials as recently as yesterday on this. I acknowledge that Deputy has pursued this matter in a number of occasions and it is important. If students were going to receive the PUP beyond September we would have the issue of which the Deputy speaks, but because students are not going to be eligible to receive PUP from September, all of them will qualify to have their SUSI application reassessed under the change of circumstances with their PUP payments not factored in.

I will arrange for SUSI to provide a briefing for Oireachtas Members on this. I will also arrange for SUSI to communicate directly with students and put information directly on their website in respect of this. Our intentions are the same. No student will lose out as a result of them receiving the PUP.

Deputy Rose Conway-Walsh: Basically, the Minister needs to communicate with SUSI. People who are applying at the moment are being told that they are over the limit. They need to know. Parents and students need to plan now as to whether they can afford to go to college

and continue their education. Waiting until September and hoping that everything will be okay is going to delay and clog things up. Parents and students have enough worries as it is, without being excluded from this. Dealing with SUSI, in terms of change of circumstances, is not as simple as the Minister portrays. We are in such exceptional times that there should be an exceptional blanket at a minimum of €4,500. Why can that not be done? I know the Minister referred to social welfare norms but, because it is an exceptional payment, surely there is some mechanism between the Minister's Department and SUSI for it to be done.

Deputy Simon Harris: Not to surprise the Deputy, but I am doing more for students than she has asked me to do. Not only are we going to put in a disregard of €4,500, because full-time students are no longer entitled to the PUP from September, if they apply for the change of circumstances, that will mean their application will be reassessed without their PUP payment being calculated as part of it. SUSI has kept on additional staff. The Deputy probably knows that SUSI takes on staff for certain periods. It has extended that period to deal more students who will use the change of circumstances this year. The change of circumstances is a well-established procedure. We have seen that it can operate at scale. For example, last year or this current year, more than 10,000 applicants declared a change in circumstance. Approximately 40% of those were related to Covid-19. However, I take the Deputy's point about this needing to be simple and straightforward for students. It needs to be well-publicised and well-advertised. I will arrange for SUSI to provide a briefing for Oireachtas Members on this and, most importantly, to communicate directly with students, through student unions, their websites, etc, on how they can avail of this. However, I genuinely believe that the change in circumstances route will address the issue the Deputy highlighted.

Technological Universities

2. **Deputy Verona Murphy** asked the Minister for Further and Higher Education, Research, Innovation and Science the level of funding his Department has secured to support the establishment of a County Wexford campus for the technological university of south east Ireland, TUSEI; and if he will make a statement on the matter. [37070/21]

Deputy Verona Murphy: What level of funding has the Minister's Department secured to support the establishment of a County Wexford campus for the technological university for the south east of Ireland?

Deputy Simon Harris: I thank the Deputy for the question and for consistently raising with me the need for a Wexford campus as part of the technological university for the south east. It has been a long-term objective of what is currently Institute of Technology, IT, Carlow to secure and develop a suitable, permanent campus site in Wexford. In the broader context of higher education progression and integration, this is an objective that I strongly support. I do not see this as an option or something nice to do; I see it as essential to the functioning of the new technological university for the south east. Should the application made by IT Carlow and Waterford Institute of Technology, WIT, to establish a multi-campus TU serving the south east ultimately prove to be successful, which I expect it will, then any new campus of IT Carlow located in Wexford would, in turn, become the campus of the designated TU, which would mean that Wexford would have a university campus. As the Deputy knows, IT Carlow submitted an updated business case earlier this year to the Higher Education Authority, HEA, to purchase a site in Wexford. Following a review of the business case, I am delighted that the

HEA board approved the proposal, including the value for money parameters. The proposal has further been approved by me and the Minister for Public Expenditure and Reform, in line with the Technological Higher Education Association, THEA, code of governance, which applies to institutes of technology. As the site acquisition process is ongoing, I cannot answer the direct question on the funding details, because they are commercially sensitive. I can confirm, however, that a proposal has been approved by me and the Minister for Public Expenditure and Reform and that funding from my Department has been earmarked in line with the value for money considerations outlined in the IT Carlow business case. IT Carlow is engaged in efforts to secure the site and has been liaising with Wexford County Council, which has informed me it is also very supportive of the planned development. IT Carlow has also outlined, at a high level, its plans for a phased campus development in Wexford. However, that planning is still at an early stage. The scope and scale of the infrastructural development remains to be agreed. This will be agreed upon by the Higher Education Authority, HEA, and by my Department once it is submitted. We must secure a site. I have to do it in line with the value for money parameters set down by the Department of Public Expenditure and Reform but I want to see every possible route and tool the State has in its toolkit used to make sure this happens.

Deputy Verona Murphy: I thank the Minister. This is a matter that is very close to my heart. I commend the Minister on the progress he has made as Minister responsible for higher education based on moving along the project for the technological university of south-east Ireland, TUSEI. It has been difficult. There have been differences between WIT and IT Carlow but everybody's interventions helped, and all the stakeholders eventually got it together. This week, the international board is meeting WIT and IT Carlow to assess them.

I am aware of the support of Wexford County Council and of Carlow IT's ongoing negotiations on purchasing a site. Bearing in mind the Minister's successful intervention previously, I ask him to organise a stakeholder meeting in this regard so we can move the project along in a timely fashion. The last thing I want is for the TUSEI to be sidelined on establishment if somebody comes in with other ideas. In addition to arranging a stakeholder meeting, the Minister might come to Wexford and visit the current campus.

Deputy Simon Harris: That is an excellent suggestion. I would be very happy to take the Deputy up on it and arrange for a meeting with Oireachtas Members from Wexford, perhaps the chief executive of Wexford County Council, the president of IT Carlow and their like to meet me. I would be very happy to try to do that this month, at least online. I will take the Deputy up on her offer to visit the existing campus. She makes an important point because there is an existing campus. We want to get it much better facilities but there are students today accessing third level education in Wexford.

We have made a lot of progress together and I acknowledge the support across the political spectrum. The Teachers Union of Ireland ballots have now been passed overwhelmingly in both WIT and IT Carlow. The international panel process is ongoing, as the Deputy says. We are very much on track, subject to the international panel's view, to have a new university for the south east designated and open its doors on 1 January 2022. I, too, want to make sure Wexford is a part of it. Wexford will be a part of it but I want to make sure we can secure the site. This will require many approaches. I will be very happy to work with the Deputy on it.

Deputy Verona Murphy: I thank the Minister for his commitment to engage with the council or IT Carlow, either during the recess or beforehand online, before we all take off on our holidays. I appreciate that greatly.

I am a graduate of the Wexford campus of IT Carlow. Had I not been able to attend night classes at the age of 35, I might never have had a law degree. There are many people like me in the south east, including Wexford.

Wexford has been left behind by the IDA. A part of the community feels this is because a significant cohort of students do not stay in the area to work after completing their education. On behalf of the people of Wexford and the south east, I look forward to having a new TUSEI campus in Wexford in order that we can keep students in the area and in employment after their education and encourage the IDA to bring new facilities. I thank the Minister.

Deputy Simon Harris: I thank the Deputy. She does not need me to tell her about the success of the Wexford campus because she herself has been a beneficiary. I very much believe this technological university for the south east will be transformational, not just regarding access to education, although that will be the case, but also regarding the foreign direct investment potential the Deputy referred to. I have met the IDA on this. It, too, has signalled to me that a university for the south east could be very important. I encourage the community, including the business community, and all the people of Wexford and the rest of the south east to prepare for this new university and determine how they can harness its full potential. I encourage the local authority to work very closely with IT Carlow on considering the use of all its powers to make sure we, together as a State, secure the new site. I have approved a proposal. I have earmarked funding within my Department. The Minister for Public Expenditure and Reform has approved it, as has the HEA board. We stand ready to do what I have described but it has to be within the parameters set out in terms of value for money.

Third Level Education

3. **Deputy Rose Conway-Walsh** asked the Minister for Further and Higher Education, Research, Innovation and Science when the independent economic report on the Cassells report will be published; and if he will make a statement on the matter. [37069/21]

Deputy Rose Conway-Walsh: When will the independent economic report on the Cassells report be published? It is widely accepted the higher education sector has been chronically underfunded since Fine Gael came to power in 2011. In the words of the Irish Universities Association, the State embarked on a sustained period of disinvestment in higher education. The European University Association's Public Funding Observatory report on 32 higher education systems refers to Ireland as an extreme case "where universities were confronted with strong student growth while experiencing grave funding cuts".

Deputy Simon Harris: I thank the Deputy. I would not agree that the underfunding started when my party came into government. Unfortunately, the underfunding of higher education is an intergenerational issue that needs to be rectified. I accept, however, the point on the need for a sustainable model of funding for higher education. My Department's statement of strategy, which I published on 8 March, contains a commitment to put in place that sustainable funding model for higher education. This is essential in ensuring our higher education institutions can effectively meet high standards of quality and performance and achieve critical outcomes for society and the economy.

The report referred to in the Deputy's question was commissioned by the European Commission's structural reform support programme in November 2019. The independent consul-

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tants appointed by the Commission, Indecon and LE Europe, were required under the terms of reference to undertake a detailed review of three specific funding options contained in what we commonly know as the Cassells report. The consultants were also tasked by the Commission with examining the steps necessary to adapt higher education and further education and training provision in Ireland to ensure alignment between graduate output and qualifications and the current and expected future skills needs of the Irish labour market to provide the country with the right set of skills to ensure inclusive, smart and sustainable growth. The terms of reference agreed by the Commission also required the consultants to identify options for putting in place a new funding system for the higher education system in Ireland that would provide equity in access, efficiency in the investment of public resources, and sustainability in the face of strong demographic growth.

The final deliverable arising from the project has been submitted by the European Commission recently. Following its completion, my Department has now commenced its examination of the analysis, findings, conclusions and recommendations to develop proposals for the Government to seek to meet the commitment contained in the statement of strategy. Once the examination is concluded, the report will be submitted by me to the Government for consideration. It will then be published.

That is the long answer. The short answer is I expect to be in a position to publish the report in the autumn. I want to receive the advice from my officials on the analysis, prepare proposals for Government and then publish the report. Then I expect a robust and comprehensive debate in these Houses.

Deputy Rose Conway-Walsh: I am glad it has come back to the Minister. Maybe he will confirm when it came back to his Department.

A major part of the State divestment was based on passing the costs on to students and families, as is evident from the fact we now have the highest fees in the European Union. We need a sustainable funding model, as the Minister said. The Cassells report made this clear in 2016, yet we are still waiting for the report five years later. It is urgent. The Minister told me in September last year the report would be completed by the end of 2020. When I asked about it again this year, he told me it would be in March. Today he is telling me it will be in the autumn. He will forgive me if I am a little sceptical. It has to be produced. The Minister knows that unless the new legislation we are now scrutinising is underpinned with serious investment, we will not do the job that needs to be done. After years of reports, including evaluation reports, it is beginning to look like there are delay tactics. The work really needs to be done now.

Deputy Simon Harris: The Deputy knows that every time she says we have the highest fees in the European Union, I am going to point out this is only because Northern Ireland left the European Union, sadly, as part of Brexit. The fees for students in the North, where the Deputy's party is in government, are a hell of a lot higher.

The timeline is a matter for the European Commission. In fairness to it, I believe it would say Covid has had an impact. The report is now with my Department. There are several parts to it. What I will not do is build a shelf to stick it on and let it gather a load of dust. What I am preparing over the summer months is a plan to bring to the Cabinet. This is a report whose recommendations must be implemented.

As I have said before in this House, I do not believe in student loans. I believe they are a

barrier to access. Many say they work on paper but I am yet to see where they work in practice. I do not accept the analysis that nothing has happened since the Cassells report. Since then, expenditure allocated to higher education has increased by more than €500 million, which is an increase of approximately 40%. In 2021, total planned current expenditure funding of the higher education sector, exclusive of research provision, is in the order of €1.98 billion.

Deputy Rose Conway-Walsh: The Minister knows that the higher education institutions are carrying a debt of almost €1 billion as it is, and he knows what needs to be done in human capital and everything else that is needed. Related to that, how many labs have been put in since last year? The infrastructure was proving a problem in meeting the demands of higher numbers. The London Economics review of the Augar review, which is an appraisal of the English further and higher education systems, argued for a less market-orientated approach to third level education in England. The Minister referred to the North but he knows there is a block grant situation there. As the Tánaiste said, the solution to that is an all-island education system and we have to work towards that. I was pleased when the education committee recently appointed me as rapporteur on a report examining the barriers to all-island education. I agree with the Minister that there should not be fees in the North or the South.

An Leas-Cheann Comhairle: Thank you, Deputy. Táimid thar am.

Deputy Simon Harris: I genuinely welcome the work that the Deputy is going to undertake. I was pleased that I could announce with the Taoiseach €40 million from the shared island unit for all-island research which will make a real difference, not only in investing in research but also in building the links and personal relationships between individual researchers and the institutions North and South. I look forward to that work.

I accept there is underfunding in higher education and that we need a sustainable funding model but I want to be clear that there will not just be new money for old rope. I know Deputy Conway-Walsh will agree on that. Deputy Verona Murphy spoke of her ability to obtain a law degree at night, presumably part-time, in Wexford. If we are to fund higher education sustainably and properly, it has to work for the citizens, not just for institutions, structures or university presidents. Alongside the list of funding requirements needed, the State will also have a list of asks as to how our higher education system could be more integrated with further education, less elitist and more agile and flexible. I know the Deputy will agree with that.

Apprenticeship Programmes

4. **Deputy Danny Healy-Rae** asked the Minister for Further and Higher Education, Research, Innovation and Science if he will ensure that sufficient funding is put in place to provide for additional apprenticeships for students given that all courses are now oversubscribed as there is significant demand for apprenticeships and this demand needs to be addressed and in view of the fact that employers need to be subsidised adequately to ensure they will accommodate such students in the workplace. [37067/21]

Deputy Danny Healy-Rae: Will the Minister ensure that sufficient funding is put in place to provide for additional apprenticeships for students given that all courses are now oversubscribed as there is significant demand for apprenticeships and this demand needs to be addressed and in view of the fact that employers need to be subsidised adequately to ensure they will accommodate such students in the workplace?

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Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Niall Collins): A key strength of the apprenticeship model, as highlighted in the recent action plan for apprenticeship, is that it is a demand-led approach to meeting workforce and skill requirements in our economy. In the case of craft apprenticeship, for example, the number of places is determined by employers, with off-the-job training provided to all registered apprentices. Apprenticeships established since 2016 have one or more intakes per annum with the take-up determined by employer engagement and available apprentice jobs provided by employers.

The detailed and comprehensive Action Plan for Apprenticeship 2021-2025, which was launched on 19 April last, sets out new ways of structuring, funding and promoting apprenticeships to make apprenticeship accessible to employers and learners. The actions set out in the plan seek to deliver on a target of 10,000 apprenticeship registrations per annum by 2025.

The Government is committed under the action plan to working with employers to promote, enable and support the recruitment of apprentices. Measures to support employer engagement in apprenticeship, particularly within the SME sector, will be integral to the delivery of the target of 10,000 new apprentice registrations per annum by 2025. These financial and non-financial measures will include an annual grant for employers not benefiting from the existing mechanism of State-funded craft apprentice training allowances for off-the-job training. This employer grant will be administered by the new national apprenticeship office and the level of grant will be announced by the end of the year.

There is a very substantial allocation of resources to apprenticeships drawing on the resources provided by employers through the training levy into the national training fund. The 2021 budget allocation for apprenticeship is €198.4 million which is a 7% increase on the 2020 allocation.

Deputy Danny Healy-Rae: I thank the Minister of State for the reply. I wish to thank the Minister for incorporating apprenticeship into third level as it is very important provision. However, there is a severe lack of electricians, plumbers, carpenters, blocklayers, plasters and mechanics in all the trades. There are severe shortages of skilled drivers for machinery excavators, bulldozers, dumpers and lorries. School bus drivers are hardly to be got at all. I am appealing for the Government to go harder at this because we need a skilled, trained workforce in all areas including building houses or commercial premises. We need more young people coming into this. There is €3,000 for employers until December but it is not adequate. We need that to continue further into the future.

Deputy Niall Collins: About 60 different apprenticeship schemes are available and a further 18 schemes are in development across a range of areas, including some that the Deputy mentioned. I take the Deputy's example about school bus drivers. This is something that I have raised with the Minister for Education, Deputy Foley. That is an acute issue because drivers are prohibited from doing this work on reaching 70 years, although that is a separate issue that should be dealt with.

As I said, some €198.4 million is available through the national training fund, which includes the cost of the apprenticeship incentivisation scheme that the Deputy alluded to. In 2021, some €12 million in Covid-related costs for additional classes was provided, compared to an allocation of €169 million the previous year.

Deputy Danny Healy-Rae: I thank the Minister of State for his understanding of the rule that applies to people at the age of 70. It is very severe and many good drivers are left behind. We need to have more young people coming into all areas. I believe SOLAS should be resourced to manage the registration for employers. Its key focus should be to link employers and apprenticeships and to develop relationships around them. Career guidance teachers need to do more to advise and encourage youngsters at second level to take up the trades and go into these areas, and advise them how to become involved in the prosperity of our country into the future. We need young people to get involved in all these areas of construction, etc., to help our country to grow.

Deputy Niall Collins: The Deputy is 100% right. Along with the Minister, Deputy Harris, and our Government colleagues, I have set out to bring apprenticeships into the mainstream - into the middle of our further and higher education offerings. The Deputy mentioned guidance counsellors. We are in discussions with the CAO, which will also bring guidance counsellors into the equation, to give people the opportunity to apply for an apprenticeship through the CAO. Part of the apprenticeship action plan, to which I alluded earlier, is the establishment of a national apprenticeship office. It will oversee all of the apprenticeships, including the pre-2016 apprenticeships for the craftspeople, bricklayers, plasterers and electricians to which the Deputy referred, and the new ones that have been developed since then. They will have an oversight role and a liaison role in respect of SOLAS, the Higher Education Authority, HEA and all the stakeholders in the apprenticeship space. They will co-ordinate all of that, as requested by the Deputy

Third Level Education

5. **Deputy Rose Conway-Walsh** asked the Minister for Further and Higher Education, Research, Innovation and Science the amount of time students can expect to have on campus when they return in September 2021; and if he will make a statement on the matter. [37166/21]

Deputy Rose Conway-Walsh: Will the Minister set out the amount of time students can expect to spend on campus when they return in September? It is certainly welcome that third level students will be back on campus, but so far little detail has been provided. As the Minister is aware, representatives from the Irish Universities Association, the Technological Higher Education Authority and Education and Training Boards Ireland are appearing before the Oireachtas Joint Committee on Education, Further and Higher Education, Research, Innovation and Science today when I will have the chance to get greater detail. Will the Minister provide details on the associated funding to help the institutions to return safely? The HEAs are taking on a huge responsibility in the reopening and the safe return to campus. What funding can they expect?

Deputy Simon Harris: We have been discussing the required funding for the safe return to college, not just for the institutions but also for the students, and the great work that has been done by the student well-being engagement group that I asked the Union of Students in Ireland to chair. The short answer to the Deputy's question is that I expect to receive approval for additional funding from Cabinet on 19 July. We will have clarity on that then. My officials are engaging with the Department of Public Expenditure and Reform, as we speak, on that matter.

I thank the Deputy for her support on this issue and for attending the webinar we hosted when we invited Opposition spokespersons, students' unions, university presidents and staff

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representatives to attend to be briefed on our document entitled A Safe Return: Plan for a safe return to on-site Further and Higher Education and Research in 2021/22, which has been endorsed with the Chief Medical Officer and is in line with public health guidance. Our students and staff are going back to campuses, but it has to be done in a safe way.

The plan reflects the essential nature of higher and further education and training and research activities, and in that context it provides for comprehensive on-site activity for the next academic year, with almost full scale on-site activities. Institutions and providers in the sector have committed to ensuring all learners across all areas have significant scheduled on-site learning in the forthcoming year. Indeed, Government has now deemed on-site education to be essential.

Under the plan, larger scale lectures will take place on site if the public health situation allows. To be honest, that is the outstanding question and we said we would return to Cabinet, probably on 19 July, to make a determination on larger scale lectures. Obviously, if they do go ahead, safety measures will need to be in place, including rules around social distancing, face masks and ventilation, in accordance with prevailing public health advice.

Contingency planning in the event of a more restrictive public health environment is also being prepared by the sector. I know we have been through this in other forums, but we are saying that, at a minimum, a student can expect to come back to campus for everything other than large-scale lectures. At a maximum, we will manage to bring back such lectures. We are telling our students that, a minimum, no matter what happens with Covid-19, we are getting them back to campus for certain activities. That is the difference between this year and last year. We are able to do it on the basis of the success of our vaccination programme and the advice of the Chief Medical Officer.

Deputy Rose Conway-Walsh: I thank the Minister for his response and for the briefing he mentioned. I refer to my previous question in respect of extra lab places and being able to facilitate social distancing or whatever needs to be done there. We will all be looking forward to 19 July for this funding and otherwise. However, as the Minister is aware, funding is also very important to ensure support for well-being and mental health is provided on campus.

If a student is a close contact, will he or she have to isolate even if that student is fully vaccinated? I know there is talk in Britain at the moment that perhaps students in such cases will not be classed as close contacts. Has provision been made for those who are medically vulnerable or who have to isolate? Will lectures be part-delivered online and part-delivered in person for those who can attend the lecture theatres? I ask for some clarity and reassurance around that issue. Students have many questions regarding what it will be like in practice for them when they return to college.

Deputy Simon Harris: The short answer to any questions about what students or staff members will have to do is we will follow the prevailing public health advice at the time. The way I think of it is that if we look on colleges as small towns, in effect, or indeed not so small towns in many ways, the rules that would apply in any town should apply there as well. For example, if a restaurant can be open in a certain scenario outside the gates of the college campus, then the college canteen can open on the same basis. If the pub down the road can be open, then the college bar can open. If sports activities can take place in the local town, then sports activities can happen according to the same rules. That is basically what we are trying to do. We have seen the success of how we safely reopen and manage Covid-19 in a town or a village

and we are trying to apply that model to campuses. Therefore, anything to do with rules around social distancing, ventilation, close contacts and how vaccinated people will be treated will all be based on the prevailing public health advice.

There is significant optimism from our Chief Medical Officer, to whom I have spoken directly on the matter. We should remember we are living in a country where we expect to have all adults who wish to be vaccinated fully vaccinated by the end of August, weeks before colleges start back.

Deputy Rose Conway-Walsh: I thank the Minister for his response. I completely understand we cannot make predictions, particularly in respect of the Delta variant and the impact it might have. However, in respect of people making plans for accommodation, and I know we have improved it somewhat during the year, I ask that we provide as much certainty as possible, notwithstanding that there will be variables.

I must return to the issue of the number of extra lab places and physical infrastructure that will be put in place for students. I know money was allocated last year. What was that capital spent on? What were the outcomes of that? How many more students will it facilitate? How many more new students are we facilitating this year? Are the lecturers in place for that? Have additional lecturers been recruited across the board? I need reassurance that we have the capacity to address what we are trying to do so that we do not run into a bottleneck of problems come September or October.

Deputy Simon Harris: There will be statements on this issue next week in the Dáil. I do not have the figure for lab places to hand. We give devolved capital grants to each institution. I would have to approach the institutions through the HEA to obtain that information. I can certainly do that for the Deputy.

The Deputy referenced recorded lectures. I accidentally overlooked that. It is something I would like to see happen. I have heard staff representatives say that they are not against it, but, understandably, they wish to and have every right to engage on it. I would like to see that happen with the institutions. There are definitely benefits to recorded lectures for students who are medically vulnerable. There are also possible benefits for any student who can benefit from both attending the lecture and being able to look back over the recording later.

The other issue we have not touched upon yet is that of rapid testing. While many people are talking about or considering doing rapid testing, we are doing it. There is a programme under way in four institutions, where up to 8,000 staff and students are being tested twice a week with at least two different tests. They are also reaching out to more institutions. We will see the benefits of that quite quickly. By the autumn, and certainly before college resumes, we will be able to make a decision on whether there is a need for a broader roll-out of that programme. It is an extra tool we could have in our toolbox. I will provide the Deputy with the information she requested.

Ceisteanna Eile - Other Questions

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Third Level Fees

6. **Deputy Verona Murphy** asked the Minister for Further and Higher Education, Research, Innovation and Science the proactive steps his Department is taking to address university fees, which are the highest in the EU; and if he will make a statement on the matter. [36821/21]

Deputy Verona Murphy: I understand there might be slight duplication on this. Based on the figures that are available to me, it seems that since the UK, including Northern Ireland, as the Minister pointed out, left the EU, Ireland has taken over the title of having the highest university fees in the EU. What proactive steps is the Minister's Department taking to address university fees, which are the highest in Europe currently?

Deputy Simon Harris: I thank the Deputy for the question. First, I would like to see our registration fees reduced. We need to do it in a way that is sustainable. I often think that when we talk about our registration fee, we sometimes ignore our reality, which is that not far off 50% - I think it is around 48% - of students have their registration fee paid in full or in part by the State through the SUSI grant scheme. I say that because if there is a student watching this debate, he or she might think that his or her family would not be in the position to pay the €3,000 fee. I want that student to know that for almost one in two students, the SUSI support scheme covers the cost of registration in full or in part.

In respect of what I am doing proactively about the issue, there are two things. First, a review of SUSI is being completed. We have completed the consultation on it. I am due to receive the interim report very shortly, probably during the parliamentary recess, and the full report around September. It will look at how we can further improve the SUSI scheme. We have had many discussions in this House about how to treat part-time students, income thresholds and people who live far away. The costs of those who can commute to college every day are significantly different from those who have to rent accommodation. The SUSI review and how we can improve the system is part of the proactive steps we are taking. We have already taken some measures this year in terms of increasing the level of grants for postgraduate students.

The second part of it is how all of this knits together with the sustainable funding model for higher education, and how we make sure as part of that that we address the issues of access and inclusion. Both the SUSI review and the sustainable funding model will come to the fore very much in the autumn. I hope we can make progress on both fronts.

Deputy Verona Murphy: I believe we have the right system in place here in Ireland. However, I also believe we can take steps to ensure the State pays the majority of fees while reducing the student contribution. I appeal to the Minister to continue to examine ways in which that student contribution can be reduced. Deputy Harris is the first Minister I have heard speak about value for money in this Chamber. I am a big believer in the taxpayer getting value for money, so I appreciate that. Investment in education yields a massive return through creating a highly skilled workforce and helping to drive innovation and research. With this in mind, I hope the Minister's Department can take these points on board and bring about some reforms in that regard.

Deputy Simon Harris: Absolutely. Let me be really clear. While I am proud of the SUSI support scheme, which supports tens of thousands of students who may not otherwise be able to access higher education, that is not to say that I believe the current system is satisfactory, because I do not. A key commitment in the programme for Government was to carry out a com-

prehensive review of SUSI and how it operates. That is now coming to fruition. It is interesting to note that we had over 9,000 responses to that survey, mainly from students. There were also 250 written submissions from groups ranging from the Society of St. Vincent de Paul to IBEC. All of them gave their views on establishing a student grant support scheme that would be fit for purpose. With that report landing alongside the sustainable funding model in the autumn, I believe we will be able to get to the point the Deputy has spoken about. I often make the point to Cabinet colleagues and to anyone else who will listen that while we spend a lot of money on education, it is an investment. It is an investment not just in our people and our citizens, but in our future economic well-being. The battle for the future well-being of this country will rely on human capital and investing in people. I know the Deputy and I share that view.

Deputy Verona Murphy: In the interest of not repeating my points further, I will address the Minister and the Minister of State regarding the Minister of State's remarks on sectoral requirements. There are massive sectoral requirements, particularly for skills based in rural Ireland such as fishing, farming and haulage. We have to look at approaches other than the apprenticeship model. I do not wish to labour the point but, when I was president of the Irish Road Haulage Association, we brought an apprenticeship programme to SOLAS but it never got off the ground. The education and training board subsequently took it up. It is a very successful programme which is oversubscribed. In light of the skills shortage in that sector, I appeal to the Minister to look at the European model which involves lowering the minimum age to apply for a licence to drive heavy goods vehicles, HGVs, and commercial vehicles to 16. One can attain a licence to drive an agricultural tractor at that age. When one is driving a tractor, one is virtually driving a computer. They are massive machines. I cannot see the difference. We have to look at this matter. These jobs are set out as eligible for critical skills permits. It is much better to have home-grown workers. It would be much better to entertain the CAO process, to lower the figures and to look after our own, particularly given the current high unemployment rate.

Deputy Niall Collins: I will address the Deputy's remarks. She is right with regard to regional skills needs. One of the functions of the new national apprenticeships office will be to identify such needs and to liaise with all relevant stakeholders. The Deputy cited the road haulage industry in that regard. We have seen that the new sector-specific apprenticeships we have developed, led by consortia, are often specific to particular parts of the country. The education and training boards in these parts of the country take on the challenge following demand from the sector within those geographical regions. It is something of which we are very aware and conscious. I note the Deputy's remarks with regard to lowering the age at which one can drive HGVs. That is a big undertaking but it is something we can flag to SOLAS. Other agencies would also be involved, such as the Road Safety Authority. It would require a lot of work but it is certainly something at which SOLAS could look because everything should be reviewed constantly.

An Leas-Cheann Comhairle: We are over time. I am going to move on. The Minister of State might get a chance to come back in.

Third Level Staff

7. **Deputy Rose Conway-Walsh** asked the Minister for Further and Higher Education, Research, Innovation and Science if he has engaged with the Minister for Public Expenditure and Reform on the employment control framework and the increase of precarious work in higher

education; and if he will make a statement on the matter. [36804/21]

Deputy Rose Conway-Walsh: Has the Minister engaged with the Minister for Public Expenditure and Reform on the employment control framework and the increase in precarious work in higher education? I know he recently called for a halt to precarious part-time employment in higher education but this implies that the blame lies with the colleges. In the past, most of my questions to the Minister have been dismissed on the grounds that employment is an issue for the institutions themselves rather than for the Department but the institutions have no option but to hire staff under casual or temporary contracts in order to meet student demand, given the restrictions on them.

Deputy Simon Harris: I hope that I have never dismissed the Deputy's questions. I have been engaging with the Department of Public Expenditure and Reform. The issue of the contractual arrangements of those working in the higher education sector is very important. I have raised it with the HEA and with those who fund research, such as the Irish Research Council and Science Foundation Ireland, because they also have a role to play. I have also discussed the issue with staff representatives and other bodies within the sector. There are many different factors giving rise to non-permanent staffing arrangements. I understand that these are a feature of many higher education and research systems. I have sought to ensure the necessary information is examined to see how the issue can best be addressed and to ensure that Ireland is best in class in this regard and certainly not an outlier when compared with other educational systems. The HEA is undertaking analysis to establish the scale of precarious employment in higher education over time, the reasons behind it and any impacts it is having on the sector. It will also make any necessary recommendations. Detailed engagement between the HEA and the employers in the sector will be critical in assessing the situation and addressing underlying issues.

With specific regard to work undertaken by PhD students, as advised in previous replies to parliamentary questions, my Department has engaged with the HEA, research funders, the Irish Universities Association, the Technological Higher Education Association and other representatives and relevant information has been compiled and examined. We have established a subgroup of the national advisory forum for Ireland's framework for doctoral education. This subgroup is now considering the matters further, including at a very recent meeting held in the last few days. The matters under consideration include existing practices and examples of national and international best practice.

In parallel, and in direct response to the question, my Department is engaged with the Department of Public Expenditure and Reform and the HEA with a view to finalising a new higher education staffing agreement. This will update the current employment control framework and give particular consideration to the different categories of staff covered, alignment with new funding streams and contractual commitments in the sector and the need for staffing decisions taken in higher education to be affordable and sustainable from the perspectives of higher education, the Exchequer and wider public service staffing and pensions. My Department will continue to interact with the sector, the HEA and the Department of Public Expenditure and Reform on these work streams to make progress in light of the employment data across the sector.

Deputy Rose Conway-Walsh: Gabhaim buíochas leis an Aire. I am glad that something appears to have been done. I know the Minister will accept that until the issue is addressed, the problem will continue. Under the employment control framework introduced in 2011, universities are prevented from hiring full-time staff over and above the existing numbers in most cases. One provision in the employment control framework means that posts funded by sources other

than the Exchequer are only to be filled on a fixed-term basis. The culture report published five years ago recommended that this be deleted. Sinn Féin has no objection to the use of fixed-term contracts where there is a legitimate requirement for their use. However, we do have a concern that fixed-term contracts are being used to fill positions that should be permanent. Staffing embargoes and underfunding mean that the student-academic staff ratio is currently 20.6:1. The student-staff ratio at third level in Ireland is the fourth highest in the OECD, where the average is 16:1.

Deputy Simon Harris: I thank the Deputy. There are really three things to say. The first thing is that, as I have said, we are engaging with the Department of Public Expenditure and Reform and the HEA with regard to that employment control framework. Of course, employment controls are needed. We all know that. There is no publicly funded agency that can hire without reference to the impact on the public sector pay bill, pensions and so on. The Deputy is not suggesting there should be. I would not be engaging if I did not accept that we need to see changes with regard to a new staffing agreement. That is the prize we are trying to obtain for the sector. That is crucial. That is one thing.

The second thing, about which the HEA was asked at a meeting of the Committee of Public Accounts on 1 July, relates to the issue of precarious employment and casualisation. Following on from that engagement between the HEA and the committee, my Department will be engaging further with the HEA to request and to undertake an analysis, including of data already to hand, and to reach definitive conclusions - which is important because there is a lot of data - regarding the overall position.

With regard to the third thing, with the indulgence of the Leas-Cheann Comhairle, I will again make reference to the subgroup of the national advisory forum for Ireland's framework for doctoral education. It is now looking at what we can do for PhD students.

Deputy Rose Conway-Walsh: I thank the Minister. I welcome that but this is something to which we need to return every time we engage in here because, until such time as this is fixed, it will have an impact, and not only on lecturers. The Minister referred to PhD students, who are really and truly exploited across the board because of the way the system is set up. We have to change the system. Will the Minister provide a timeline whereby we can see the impact of the work being done to change this? It is not acceptable that students are working and being taught in an environment where this exploitation is happening. Moreover, on an individual level, people cannot get security in regard to family, mortgages, credit and so on because of their precarious circumstances. It is not right and it needs to be fixed.

Deputy Simon Harris: I very much welcome an ongoing focus on this, as I know the Deputy will ensure there is. I will too, which is why I want the three work streams I have outlined, namely, the new staffing agreement with the Department of Public Expenditure and Reform; the work we have asked the HEA to do in regard to precarious employment and its prevalence and impact on our higher education system; and, crucially, to return to the issue of PhD students, our engagement with the HEA, the IUA and THEA to gather further detail on practices in the sector, particularly in regard to how this affects PhD students.

This information has been received and collated and, as I said, the subgroup of the national advisory forum for Ireland's framework for doctoral education has been established to consider the matters further, examine best practice in regard to PhD students and identify good practice in Ireland that could be more widely deployed throughout the sector. The group met on 3 March

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and briefly updated the overall national advisory forum on 24 June. The next steps are being considered by the group and the Department and I will be happy to keep the Deputy informed.

Cross-Border Co-operation

8. **Deputy Brendan Smith** asked the Minister for Further and Higher Education, Research, Innovation and Science the measures that will be implemented to intensify co-operation on a North-South basis in the areas of further education and higher education; and if he will make a statement on the matter. [36830/21]

Deputy Brendan Smith: As we know, the Good Friday Agreement established a number of all-Ireland implementation bodies, including the promotion of tourism on an all-Ireland basis and the management of rail and waterways. At that time, a number of areas were identified for further collaboration and co-operation on an all-Ireland basis, including education. Unfortunately, that has not been given the priority in the meantime, North or South, that it needs. There is an opportunity, particularly with the shared island initiative, to drive forward teaching, learning and research on a cross-Border and all-Ireland basis. Will the Minister outline the specific measures he will implement to drive that agenda?

Deputy Simon Harris: I thank the Deputy for the question and recognise his obvious interest and commitment to this issue as a Border Deputy and a long-serving Member of the House. I strongly believe, as does the Government, that there is significant potential for enhanced North-South collaboration throughout the further and higher education and research system. This is an issue to which I have attached high priority. I have had many meetings about it with counterparts in Northern Ireland, the Social and Democratic Labour Party, SDLP, Deputy Conway-Walsh and the British ambassador. It is an issue on which we need to make much progress because such co-operation can help us better understand people and communities, as well as resulting in benefits to education and research.

This week, the Taoiseach and I launched a dedicated North-South research programme, which will provide a €40 million fund for research collaboration as part of the shared island initiative. I sincerely thank the Taoiseach for this work, which is funded through the shared island unit in his Department, and for his personal commitment to this. The initiative will be managed by the Higher Education Authority on behalf of my Department and will support collaboration among individual researchers, research teams and institutions North and South. The requirement for taking part is that involves somebody in the North and somebody in the Republic. This will no doubt help research but will also help build those relationships.

My Department is also committed to working collaboratively to ensure the delivery of the commitments made in New Decade, New Approach. This includes supporting the development of all-island research hubs, as well as facilitating close collaboration between education providers, including potential capital investment in Magee College, a matter I might return to in my follow-up reply. We need concrete proposals because the Irish and British Governments both gave solemn commitments under New Decade, New Approach to the development of Magee College and I want to deliver on that.

Officials from my Department are also working closely with colleagues in the Department for the Economy in the North on the development of a cross-Border skills initiative. For the first time, Ireland has included a skills initiative on a cross-Border basis in the forthcoming

PEACE PLUS programme, which will offer further opportunities in both the further and the higher education spaces.

Deputy Brendan Smith: I thank the Minister for his positive response and for his determination to make progress in this area. I represent a constituency where, fortunately, there are two good colleges of further education, in Cavan and Monaghan. The Minister may recall that at our virtual meeting at Cavan Institute, we spoke again about the potential for co-operation. In our neighbouring counties, there are institutes of further education in Enniskillen and Omagh, which are long established and teach to a high standard. There is potential to co-operate on that cross-Border, all-Ireland basis.

As we know, further education is of great importance, particularly to less advantaged communities. Some communities in Northern Ireland believe they have not benefited from the Good Friday Agreement and, unfortunately, many people have not got the educational attainment or the skills they need. I have seen through my constituency work the value there is, perhaps for people who did not complete second level education, in getting a second chance, going on to further education and, sometimes, getting a pathway to higher education and good employment. We must drive that agenda North and South.

Deputy Simon Harris: Absolutely. I very much believe that the PEACE PLUS initiative and the cross-Border skills programme will possibly be the first time we have had to do that at scale and with a degree of intensity that has perhaps been lacking in the past. I am very much looking forward to that and the programme will be finalised this year. It will give opportunity, not just in the higher education space but also in that of skills. For many people living in counties on both sides of the Border, there will be a considerable need for upskilling, reskilling and preparing for new jobs and for the disruption coming to the economy. I intend to seek a meeting with the new Minister for the Economy in the North, whom I congratulate on his appointment this week, to examine how we can work together to advance some of those commitments.

I knew the Deputy would mention Cavan Institute because it is very important to him. I was delighted we had that virtual meeting and I look forward to making progress together on the capital commitments for Cavan, which I will visit with the Deputy soon. My colleague the Minister of State, Deputy Niall Collins, will lead on our apprenticeship action plan, which also has commitments in regard to all-island apprenticeships for the first time ever. Let us keep in touch on this agenda. There is a great opportunity to make progress in this space.

Deputy Brendan Smith: I acknowledge that my colleague the Minister of State, Deputy Collins, is working on apprenticeships and I welcome that. I welcome also the Minister's commitment in regard to Magee College and the great co-operation between Letterkenny Institute and Magee College. Having listened to the director of the former and the president of the latter, the level of co-operation taking place in the north west is heartening. In the north east, similarly, there has been very good co-operation between Dundalk Institute of Technology, Queen's University and Ulster University, which have undertaken research projects. Dundalk Institute of Technology and Ulster University carried out a large project on renewable energy, while Queen's University and Dundalk Institute of Technology conducted a project on chronic obstructive pulmonary disease, COPD. What is already in place can be built on.

One interesting project that Dundalk Institute of Technology carried out, and it might be one to which the Department could give some consideration, sought to improve pathways from further education to higher education, including on a cross-Border basis. I was the chairman of

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the first board of the then Cavan College of Further Studies, and it gives me great pleasure and a sense of attainment when I see the numbers going through that college and the people getting a pathway to higher education or to good work. We need to maximise the potential of further education.

Deputy Simon Harris: On the pathways point, the Deputy and I met a guy called Jack, whose story I tell everywhere I go. He got his first choice on the CAO and started his course, which, as is the case for many people, was not for him. He decided to leave that, returned to Cavan Institute and completed one year of pre-law there. He got a great grounding in law, decided it was for him and now he will start at Maynooth University in September studying for a law degree. That is what colleges of further education, such as that in Cavan, can do. We have to get them to parity and equity in terms of recognising their ability to transform lives.

On research, I fully agree with the Deputy. What the Taoiseach has done this week with the €40 million allocation will be potentially transformational. The scale of that funding will enable us to do much more on research on a North-South basis. The Deputy is correct; we are not starting from scratch. This can be a precursor to the delivery of all-island research centres, a key commitment of the Government. In regard to Magee College, we remain fully committed. We need clear proposals we can fund and we need to get on with funding it. I have had a number of meetings with Magee College in that regard.

EU Directives

9. **Deputy John Lahart** asked the Minister for Further and Higher Education, Research, Innovation and Science the status of arrangements under the third country researchers directive; and if he will make a statement on the matter. [36847/21]

Deputy John Lahart: In the context of the EU third country researchers directive and how might it be impacted by Covid developments, will the Minister make a statement on its status and how foresees it going from September?

Deputy Simon Harris: Openness and international collaboration are essential components of a globally relevant research system. Under the third country researchers directive, Ireland offers a fast-track work permit, or hosting agreement, for third country researchers from countries outside the European Economic Area, EEA. The third country researchers directive allows researchers to carry out research projects with a recognised research organisation in Ireland using a permit that can last for anything from three months to five years.

10 o'clock

Under this permit, entitled the hosting agreement scheme, non-EEA researchers do not need a separate work permit. Researchers or their host institution can still apply for the critical skills employment permit or other work permits if they wish to do so.

My Department manages the accreditation of these research organisations. There are currently 85 accredited research organisations under this scheme in Ireland. Euraxess Ireland manages the operation of the hosting agreements under the auspices of the Irish Universities Association and on behalf of my Department. This key service is of great benefit to non-EEA researchers on contracts, and for their employers. By availing of a hosting agreement, entry

visas are fast-tracked and researchers can work in Ireland without recourse to the usual work permit. Euraxess Ireland keeps a database of all hosting agreements issued by the research organisations, which is directly linked to the Garda National Immigration Bureau. The Euraxess office issued a total of 761 hosting agreements in 2020. This comprised of 576 new agreements and 185 renewed or extended agreements. Researchers on hosting agreements contracts working in Ireland in 2020 currently represent 62 different nationalities. This is, therefore, quite large scale. The hosting agreement scheme is one of the many ways my Departments wishes to foster an environment where excellent research is promoted and encouraged in this country.

Deputy John Lahart: The Minister has already answered one of my supplementary questions. He will know that there is simply no question that investment in knowledge has been our hallmark and one of our greatest enablers over the decades. He has referred to this in previous answers. Similarly, in looking to the future, he will agree with me that investment in research will be a critical driver of innovation and provide the foundation for Ireland's future economic growth and societal well-being.

I am grateful to the Minister for answering my first question. What measures are in place to develop our research infrastructure further to be sustainable and to best meet evolving needs? Does he see particular challenges in terms of the inward travel of those students from next semester onwards?

Deputy Simon Harris: In relation to the future benefits, I refer to two important pieces of work that we are undertaking this year. One is our new national research and innovation strategy for Ireland in which we will specifically map out the actions we intend to take. Being honest, one of the things we will have to do, if we are serious about research, is to ensure that we fund it at a level that is, at least, the European average. We are not where we need to be. This is one of the reasons the Taoiseach established this relatively new Department and that he is making sure that we increase the level of funding in research. The second piece of work is a proposal that I will bring to Cabinet, probably as soon as Tuesday, to develop a new international education research strategy for Ireland. That will provide an opportunity to engage with the research community, and to engage abroad, in relation to the role Ireland can play from a research point of view.

I refer to Deputy Lahart's question about the impact of Covid. There was a lower number of new hosting agreements in 2020 than 2019, which is probably not a surprise. In 2019, there were 853 new agreements and that dipped to 761 in 2020. This, perhaps, gives us some indication of the impact of Covid, although my colleagues tell me that it is still too early to fully judge this.

In relation to people coming into the country, normal travel rules will apply. If a person comes from a country that is not on the red list, he or she can come to our country and get on with it like anybody else. If a person comes from a country that is on the red list, mandatory hotel quarantine will apply.

Deputy John Lahart: I thank Minister for answering my questions. I wonder whether he can indulge me in terms of a contraflow question relating to Irish researchers or postgraduate students. I want to bring this matter to his attention, but I am sure it has come across his desk. I spoke to a number of his colleagues during the voting block last night and they have experience of receiving the same query. It relates to Irish students who have attained positions in American universities. They have to do an interview with the American Embassy to secure their visa

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- that is why I referred to “contraflow” - but the dates given are sometimes many weeks into the semester and beyond the date by which they must commit to or travel to the USA. I do not expect a full and comprehensive answer from the Minister, but I want to put it on his radar as it seems to be a growing and emerging issue.

Deputy Simon Harris: Deputy Lahart is entirely correct and this is an issue that has come across my desk as both the Minister and a Deputy. It is a cause of concern for many of our students. I have been engaging with the United States Embassy here and I have engaged with my colleague, the Minister for Foreign Affairs and asked that he politically escalate the matter. I welcome the fact that President Biden has appointed a new ambassador to Ireland - one of his first ambassadorial appointments - and I expect she will take up office shortly. I hope this will ensure that we have greater engagement on this. I am very conscious of the time sensitivities around this. I am liaising closely with the Department of Foreign Affairs to see if we can make progress and I will keep the Deputy informed.

Deputy John Lahart: Can the Minister provide a statement on this?

Deputy Simon Harris: Yes, absolutely. The Minister for Foreign Affairs or I will try to provide a statement on this shortly.

Apprenticeship Programmes

10. **Deputy Rose Conway-Walsh** asked the Minister for Further and Higher Education, Research, Innovation and Science the status of the apprenticeship waiting lists; the number of apprentices who are waiting for off-the-job training; and the number who have been waiting for over a year. [36803/21]

Deputy Rose Conway-Walsh: I wish to inquire as to the status of the apprenticeship waiting list as they are now. What is the number of apprentices who are waiting for off-the-job training and the number of apprentices who have been waiting for more than a year? In March of this year, after the beginning of the pandemic there were 6,928 apprentices on a waiting list to access off-the-job training. By May, that figure had increased to more than 9,000. Some of the apprentices I have spoken to feel abandoned and that apprenticeships are being talked about into the future, but this is happening to them right here right now.

Deputy Niall Collins: I thank Deputy Conway-Walsh for her question. I assure the Deputy and apprentices that apprentices are not being abandoned and that it is a matter that we are acutely aware of. Craft apprenticeships account for 25 of the 61 existing available apprenticeship programmes. Off-the-job training for these programmes is delivered in training centres or institutes of technology and technological universities. These were the programmes most impacted by the shutdown of on-site learning activity in 2020 and 2021. Given the practical nature of apprenticeships, training centres and workshops were closed for the nine out of the last 12 months. Figures from the end of May indicate that more than 10,000 apprentices were waiting for access to phases 2, 4 and 6 of off-the-job training. Of these, 3,500 craft apprentices have been waiting for more than 12 months. Craft apprentices were prioritised for a return to on-site learning on 8 March 2021. Delivery of off-the-job phases is proceeding and will continue over the summer, subject to public health advice, with restricted numbers. This approach will assist institutions and providers in preparing and organising the safe return of larger numbers in the autumn. The Government has committed to a significant increase in on-site attendance in the

tertiary education sector in the next academic year following consultations with the sectoral stakeholders.

Following the Government's approval, we published a safe return plan to on-site further and higher education for 2021 and 2022. The plan reflects the essential nature of further and higher education and training, including apprenticeships. It provides for comprehensive on-site activity for the next academic year with almost full-scale activities on site. To support the plan, the sector has developed a pack of actions and commitments to ensure a return is safe, with the specific reference made to the backlogs. Under this pack, institutions and providers have committed to addressing backlogs and deferring learning outcomes. Similarly, stakeholder bodies have committed to engaging with institutes and providers to achieve significant increases to on-site teaching and learning and assessment.

Deputy Rose Conway-Walsh: Is the Minister of State really telling me that the situation is worse than it was in May? We are now at the level of 10,000 apprentices waiting for phases 2, 4 and 6. I am quite shocked at that. I understand the Minister of State said that things will be fixed in the autumn, but this is like saying we will all have jam tomorrow. While I know there is not enough time here today, I would like to see a very detailed plan for the autumn in that regard. This has serious implications for their education and income. Through no fault of their own, many apprentices will be trapped on apprentice wages for years longer than they should be, despite the amazing efforts of administrators and teaching staff across the country. Apprentices are being let down and we need to address this. I am quite shocked at those figures. I have been in contact with numerous apprentices who have been unable to access the off-the-job training to complete and advance their apprenticeships. It is quite shocking that the here and now is not being dealt with.

Deputy Niall Collins: I reiterate that nobody is being abandoned. What is being done to rectify the issue? To date, €2 million has been allocated in capital expenditure to SOLAS and the Higher Education Authority to facilitate 4,000 additional craft apprenticeship places across the system. This is in addition to €12 million already allocated to support additional classes and teaching capacity to ameliorate the Covid-19 measures. Spaces arising from these measures will begin to come on stream in the second half of this year. There will be provisions for on-site presence for apprentices during the summer months. Appropriate protective measures will be put in place and numbers on site will be controlled. An oversight group is now in place, comprising SOLAS, the ETBs and SIPTU representatives. The group is overseeing the development of an emergency approach to training for the three programmes with the longest waiting lists, which are electrical, plumbing-----

An Leas-Cheann Comhairle: I thank the Minister of State. He will get a chance to come back in.

Deputy Rose Conway-Walsh: What are the targets for September in terms of what will be done over the summer? This week I was contacted by a young man from Mayo working as an apprentice plumber. He has not been able to access the phase 4 training in his apprenticeship. This means he will possibly be stuck on apprenticeship wages longer than the four years it should take. No other cohort of students are treated in this way and apprentices should not be undervalued. It gives completely the wrong message. We want to attract people to apprenticeships, to do all-Ireland apprenticeships, and to create equity and parity in apprenticeships, and the way we are dealing with this is not good enough. What are the Department's targets for September? What will that 10,000 look like then? What will it look like in October? Ap-

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prentices need assurance here and now. They need to get on with their lives, learning, training and earning. We need to facilitate them in that with equity and fairness.

Deputy Niall Collins: I was alluding to the oversight group which comprised SOLAS, ETBs and SIPTU. Revised emergency curriculum and assessments, which will be 18 months long rather than the existing 12-week programme, will be delivered in a blended approach. Three technical teams are being put in place to devise an emergency curriculum over the coming weeks, and it is intended to pilot elements of the approach in August for full roll-out in September and across 2022. The objective is to train an additional 50% of apprentices in the three largest programmes annually.

The Deputy mentioned phases 4 and 6, which are our institutes of technology and technological universities. A substantial portion of the initial additional capacity being developed for those phases will come on stream in September. Subject to final confirmation, it is intended to facilitate all phase 6 electrical and plumbing apprentices delayed by nine months or more for training in September. In addition, it is expected the vast majority of the equivalent phase 4 apprentices waiting nine months-plus will be scheduled at that point. We will send the Deputy the remainder of the reply to give her the update on that.

Questions Nos. 11 and 12 replied to with Written Answers.

Third Level Education

13. **Deputy Niamh Smyth** asked the Minister for Further and Higher Education, Research, Innovation and Science the progress regarding implementation of the Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions; and if he will make a statement on the matter. [36845/21]

Deputy Jennifer Murnane O'Connor: This question asks the Minister to outline progress regarding implementation of the Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions, and if he will make a statement on the matter.

Deputy Simon Harris: Our higher education institutions have a duty of care to their students and staff and a responsibility to foster a campus culture that is clear in the condemnation of unwarranted, unwanted and unacceptable behaviours, which act as barriers to their safety and active participation in college life.

In April 2019, the framework for consent in higher education institutions, called Safe, Respectful, Supportive and Positive — Ending Sexual Violence and Harassment in Irish Higher Education Institutions, was launched by the then Minister of State, Mary Mitchell O'Connor. To assist institutions with implementation of the framework, funding of more than €400,000 has been allocated to a number of initiatives. In addition, the Higher Education Authority has allocated funding of in excess of €500,000 to such areas as consent workshops, the development of the anonymous report and support tool, and the UCC bystander intervention programme. Prior to and since the launch of the framework, institutions would have undertaken activities in this area as part of their student services remit within their overall funding allocations.

In August 2020, in my first letter to presidents of higher education institutions, I asked them to strengthen institutional action in this area. It is not enough to have a national framework. We need to know what is being done in each college to have a zero tolerance approach to sexual harassment and violence. I have asked each of them to put in place an action plan on tackling sexual violence and harassment. I am pleased to say the action plans have been received by the HEA. Institutions must, for the first time, report annually to the HEA on their progress in implementing these frameworks.

In April of this year, I launched the first ever surveys into staff and student experiences of sexual violence and sexual harassment in our higher education institutions. The surveys were conducted by the HEA and sent to all staff and students by the higher education institutions. A report on these surveys should be available to my Department in a number of months.

I want to see our higher education institutions embed the framework for consent into all their policies and procedures. I also want to see the domestic violence leave policy that NUI Galway has introduced come into all our institutions. I have written to all presidents of publicly funded higher education institutions suggesting this.

Deputy Jennifer Murnane O'Connor: It is important we have inclusive education where people feel safe at work and when they are studying. In autumn, I read that less than half of the sexual assault and harassment concerns reported by students in the academic year 2018-19 were investigated by colleges. I am aware that considerable supports have been allocated to a number of initiatives in the area. If reported cases have been increasing over the years, investigations by universities and colleges must also be increased. The voices need to be heard. I ask the Minister to address that. I welcome the funding. This is important. It is all about communication and funding is the key.

Deputy Simon Harris: I agree with the Deputy. What extra benefit do we expect to see from the action plans as opposed to just having a national framework? The big change is that, for the first time, the higher education institutions cannot just produce a plan. They also have to report against the delivery of the plan to the Higher Education Authority, just as they would report against budgetary matters and the like. That is important. It is us as a State saying we believe this is such an important issue that we want institutions to report their progress annually to the HEA. The action plans must be published and available for all staff and students. Institutions cannot hide behind or under a national framework but must say what is being done in the individual institution.

The plans will vary somewhat from college to college because they need to take ownership of them, but they have a number of common features. These will include consent classes for students, which is important, and development of an anonymous reporting tool so it is even easier for people to report sexual harassment and violence. That will help create that culture of zero tolerance. Sexual harassment is a real epidemic in society. It is not unique to third level but I want to see third level lead in how we solve this issue and adopt a zero tolerance approach.

Deputy Jennifer Murnane O'Connor: I welcome the action plan that will be in colleges and the Minister's commitment to foster a culture in higher education where it is clear that unwanted behaviours are not acceptable. That is so important. It is crucial that meaningful participation is supported to allow the voices, needs, views and experiences of those most impacted by issues to be heard and for future supports to be targeted to meet their needs around safety, reporting and access to supports.

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The recent survey on this issue in our higher education institutions is welcome but I understand the response from students and staff has been low. That is a real concern. Do we need to look at changing measures? What are we doing to enable adequate stakeholder consultation? What about the timeline? There is concern, given the low uptake from students and staff. Will the Minister come back to me on that?

Deputy Simon Harris: I will, indeed. I do not have the exact numbers but the report on the survey is being prepared and will be available to me in October. Many thousands of people have applied but I am not sure what the percentage uptake is. I will find that out for the Deputy.

Our students unions and individual institutions have shown leadership on this, whether it is the active consent programme in NUI Galway or the bystander initiative in UCC and the work being done by Louise Crowley there. I attended a meeting of the national advisory committee within weeks of being appointed to office and was encouraged by the work being done by the National Women's Council of Ireland, which chairs it, the Union of Students in Ireland and staff representatives. They have taken ownership of it. While there is a lot more to do and I was not satisfied enough was being done, I would not want that to be misinterpreted as dismissing the leadership being done by many students and staff in saying they want to adopt a zero tolerance approach. The Department will support them in advancing that urgent agenda.

Deputy Jennifer Murnane O'Connor: I compliment staff and students for what they are doing because this is so important-----

An Leas-Cheann Comhairle: The Deputy has used up her time.

Deputy Jennifer Murnane O'Connor: Do I not have one more minute?

An Leas-Cheann Comhairle: No. We are moving on.

Deputy Simon Harris: Good try, though.

Question No. 14 replied to with Written Answers.

Student Accommodation

15. **Deputy Aindrias Moynihan** asked the Minister for Further and Higher Education, Research, Innovation and Science the engagement he has had with third level institutions to ensure that 2020-21 first year students who did not attend their courses due to distance learning will have the necessary supports in place to transition to on-campus learning for the 2021-22 academic year; and if he will make a statement on the matter. [36800/21]

Deputy Aindrias Moynihan: People who were in first year of college have had an unusual experience and are not facing into a normal second year. That needs to be considered. What engagement has the Minister had with the colleges to ensure they are not falling off a cliff? They have a different experience of learning, accommodation, being on campus, engagement with friends and so on. It is important that this is taken into consideration and that they get the necessary supports.

Deputy Simon Harris: I thank the Deputy for this important and timely question. The Government has committed to planning for a significant increase in on-site attendance in the

tertiary education sector in the next academic year. Following intensive consultation with sectoral stakeholders, staff, student representatives and university management, I published *A Safe Return: Plan for a Safe Return to on-site Further and Higher Education and Research in 2021/22*, the central tenets of which are the protection of and provision of supports to students and learners. The plan was written by students and staff. Its purpose, among other things, is to enable maximum on-site provision of activities, to support the ongoing public health requirements and crucially, to address the core of the Deputy's question, to support the ongoing needs of students and learners.

Institutions and providers are currently progressing their own detailed plans and work. This will include planning for orientation and for reorientation, which I think is the Deputy's point, and transition programmes to assist students in familiarising themselves or refamiliarising themselves with the on-site environment and learning. The approach to providing support for students returning to campus and the need for resources to support these students has been examined by a group I established called the student and learning well-being and engagement group, which was chaired by the Union of Students in Ireland, USI, and supported by my Department.

My Department is finalising the funding that we will require for that safe return with the Department of Public Expenditure and Reform. As part of that, we will look at some additional measures that we can take to support students returning to college after a year of Zoom and to support students setting foot in college for the first time who may have left a structured education environment in March 2020, when sixth year moved online. This funding will provide additional supports for students and will help with the plans that individual institutions have for orientation and reorientation to help students to refamiliarise themselves. I expect it will include additional funding for student mental health because, while people are excited to return to campus, I am conscious that it is an anxious time for many and that additional supports will be required. I hope to have clarity about that in the week of 19 July.

Deputy Aindrias Moynihan: I thank the Minister for the overview. It will be a different experience for people returning to college. We know from the USI's mental health survey before the pandemic that 38% of students were already anxious, with 29% experiencing depression and one third having a formal diagnosis of mental health difficulties. That was before the pandemic. When the pandemic, the remote experience and the return to college are laid on top of that, an additional mental health challenge is placed ahead of colleges, students and their families. It is important that support is provided and is there from the beginning. It probably needs to have been started already rather than waiting for people to return to campus. People need a clear message about when they will be returning to campus and whether it will be blended learning. Accommodation is a significant issue. We need to look at how accommodation is prioritised for first years. The people who are now going into second year will be at a loose end.

Deputy Simon Harris: I do not disagree with anything that the Deputy has said. I have asked institutions to continue doing what many of them already do, which is to set aside a certain amount of on-campus accommodation for first year students. They did that last year and it was helpful. We recently passed legislation which has done two things to help students with student accommodation. It was largely based on the USI Bill. It makes sure that students can no longer be asked for months of rent upfront, which was a real barrier. It changes the notice period so that if a person starts a course and cannot continue, he or she only has to give 28 days of notice in student accommodation rather than being out of pocket for many months. We have significantly increased mental health funding, with an additional €5 million for student mental

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health supports. I take the point the Deputy makes. We want students to know about this and about what will be in place for them long before having to go back to college. I genuinely believe that the Cabinet meeting on 19 July will help to provide further clarity. The outstanding issue is about whether it will be possible to have large-scale lectures. Other than that, we have said that almost everything else will be able to come back. I will do everything I can to expedite the provision of the funding so that we can provide it early.

Deputy Aindrias Moynihan: There is already a shortage of accommodation for students. I acknowledge the efforts that are being made with legislation. Prioritising accommodation for first years recognises the change for them coming into college. People who are going into second year this year have not had the opportunity to live away from home, make friends, get a network, book accommodation and so on. They are facing a situation that will be different from previous years. Reserving accommodation for first years does not acknowledge that. People facing into second year need support with accommodation too. That needs to be recognised in advance. Those bookings need to be made already. Second years often book their accommodation in March, April and May because they know where it is, how much it will cost and who their friends will be. That option has not been available to these people. They should be recognised and prioritised.

Deputy Simon Harris: The Deputy makes a fair point. It is up to each institution to consider reserving some accommodation for first year students. The rationale for that is that they will not know what college they are going to or what course they will be doing until well after second, third and fourth years know what they are returning to because of the delay with leaving certificate results. This year, we have tried to provide as much certainty and clarity as we can much earlier than we were able to last year. Last year, these matters were still being discussed in August and maybe even in early September. The Government has published its plan for the safe return to on-site campus activity. We have said what people can expect to happen on site at a minimum. We have also said that we will provide clarity about large-scale lectures on 19 July. I agree about the need to increase purpose-built student accommodation. We have been too reliant on the market and therefore pitted students against, for example, families trying to rent the same houses. I hope, as part of our housing for all plan, to be able to accelerate the delivery of college-owned student accommodation.

Question No. 16 replied to with Written Answers.

Further and Higher Education

17. **Deputy Ruairí Ó Murchú** asked the Minister for Further and Higher Education, Research, Innovation and Science if he will provide greater clarity on the opening of further and higher education campuses in September 2021; and if he will make a statement on the matter. [36775/21]

Deputy Ruairí Ó Murchú: We are looking for clarity about the opening up. There has been a change with the vaccine roll-out. We have the worries about the Delta variant and such. What plans are in place for the necessary due diligence to ensure we have the opening that students deserve following the difficulties they have had?

Deputy Simon Harris: I thank the Deputy for this important question. The Government has worked intensively with representatives of staff, students and the management of institu-

tions, as well as the Chief Medical Officer, to devise and publish a plan that shows how we will get our students safely back to college campuses, whether in further or higher education. We have said what people can expect at a minimum. I outlined to the Deputy's colleague, Deputy Conway-Walsh, the concept of treating a college in the same way a town or village would be treated. What is safe to do in a town or village needs to be safe to do on a college campus. We have also said that a maximum, we will get the large-scale lectures back, and that we will make a call on that based on the prevailing public health situation in a couple of weeks.

The Deputy referred to vaccination and that is the key. We believe in and know that the vaccines work. Our Chief Medical Officer has said that when people are vaccinated, they should be able to get on with their lives. We are planning to have all adults vaccinated by the end of August, according to the CEO of the HSE. That should provide great assistance in ensuring additional safety. The Deputy will be aware that while some people are debating, talking about and thinking about rolling out rapid testing, we have got on and done it in the higher education sector. We are rolling out an extensive pilot with thousands of students and staff being invited to take part every week. This may be an additional tool. I do not want to pre-empt the outcome of it but it makes sense to look into it. Towards the end of summer, we will be able to decide if we can roll it out further. I will report to the Cabinet with an update on 19 July. That will hopefully provide the further clarity that the institutions will need to get on with the process of issuing individual timetables for students. I am sure the Deputy is looking forward to Dundalk Institute of Technology and such colleges seeing students back on campus.

Deputy Ruairí Ó Murchú: A number of students have contacted me about that. We all accept the difficulties that everybody has been through. To put it mildly, this period has been a surreal experience for anybody in third level education. I welcome that we will probably be looking at clarity regarding this situation on 19 July.

I also welcome the work being done to roll out antigen testing and the pilot project. Can the Minister outline any detail regarding the timeline for that pilot, the numbers involved and how the project stands now? I ask that because antigen testing is something we see as a tool for potential use across wider society. It should probably have been instigated earlier, if only from the perspective of providing the Chief Medical Officer, CMO, with the documentary evidence he says does not exist now.

Deputy Simon Harris: I fully agree that there has been far too much faffing around regarding antigen testing. As the Minister with responsibility for research and science, I would say that. We need to try everything possible to get people's lives back on track. Roughly speaking, and going on my memory, four institutions - Trinity College Dublin, University College Dublin, National University of Ireland Galway and University College Cork - are leading on this pilot project. An opportunity to partake will be given to 8,000 staff and students who have been good enough to do so. Some of those involved will be tested randomly, while many will be tested twice a week in a structured way with at least two different tests.

As we come towards the end of the summer, that will then give us an indication of what it may be possible to learn from that project. We can then offer that information to broader society and to other sectors. I welcome the work being done by my colleague, the Minister for Health in respect of his expert group yesterday. If there is found to be a benefit, I will examine rolling out antigen testing more widely across the sector. I thank Dr. Breda Smyth, Professor Paddy Mallon, Professor Kingston Mills, Dr. Mary Horgan and many others who have been leading this project for us. It is well under way now.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

An Garda Síochána

84. **Deputy Martin Kenny** asked the Minister for Justice if a full independent investigation will be carried out into issues of 999 calls not being responded to by members of An Garda Síochána; and if she will make a statement on the matter. [37159/21]

Deputy Martin Kenny: This issue regarding the 999 calls is only beginning. A consensus seems to be emerging between the Minister's Department and senior Garda officers that somehow or other the Garda should investigate itself in respect of this matter. That is wholly inappropriate. A full independent investigation must be carried out as quickly as possible into this entire debacle. It is only beginning. Thousands of calls have yet to be examined that involved serious issues, including burglaries, assaults, etc., where people did not get an adequate response from An Garda Síochána. A full investigation must be undertaken as quickly as possible.

Minister for Justice (Deputy Heather Humphreys): Any inappropriate cancellation of 999 calls is a serious issue. This falls significantly below the high standards that the public expect from the Garda and the high standards that An Garda Síochána sets for itself. I am particularly concerned that anyone experiencing domestic abuse, and, indeed, anyone in a vulnerable position who summoned the courage to seek assistance may not have received it. I welcome the apology made by the Garda Commissioner and the Commissioner has assured me that when people call 999 now, they can expect and trust that An Garda Síochána will help and that should always be the case.

As the Deputy will be aware, the Policing Authority was asked by the former Minister, Deputy McEntee, to oversee the review being carried by An Garda Síochána into this matter, and there have been several engagements between members of the Policing Authority and An Garda Síochána since March this year. This is in keeping with the role of the authority in providing independent oversight of policing services and reporting on and advising the Minister of the day. As the Deputy will be aware, the Commissioner met with the Policing Authority in public last month, where he gave a detailed account of these serious shortcomings and outlined what steps have been taken by Garda management to ensure it does not happen again. I understand he will meet the authority again later this month.

It is vital that the best interests of victims, and anyone whose calls were cancelled inappropriately, are the priority and focus throughout this process. The Commissioner has informed me that the Garda is contacting people whose 999 calls were cancelled to apologise and to ask if they require help from An Garda Síochána. He has briefed me several times on the matter and assured me that this work will be completed quickly, and that once that process is complete, he will give a full account to the Policing Authority. When the authority has completed its work and reported to me, I will examine its conclusions and take any action warranted on foot of its report.

Deputy Martin Kenny: I thank the Minister for her reply. It was similar to responses to parliamentary questions tabled earlier this week. Returning to the beginning, the issue is that

the Garda only reported this matter to the Policing Authority when it was clear that a journalist was going to publish a story about what had happened. When it was clear that a story about this issue was going to be published and put into the public domain, then the Garda contacted the Policing Authority. Listening to the recent meeting between representatives of the authority and the Garda Commissioner, it was clear that they were frustrated because they were told in the beginning that this was a technical issue and that there was nothing to look at in this regard.

From the beginning, therefore, senior Garda officers were covering this issue up and trying to make little of it. This is the point. We cannot trust An Garda Síochána to investigate itself in respect of these matters. I state that not just regarding this situation. It is an historical problem regarding An Garda Síochána. Every time there is corruption and malpractice, the first port of call is cover-up, which is more malpractice. There is then a cover up of the cover-up. GSOC is then called in to cover up that cover-up, and that is the issue which must be dealt with. Until there is a Minister of Justice who will stand against this culture of cover-up-----

Acting Chairman (Deputy John Lahart): I thank the Deputy, but his time is up. I call the Minister to reply.

Deputy Heather Humphreys: I will outline a few facts for the Deputy. In February, the then Minister, Deputy McEntee, asked the Policing Authority to examine these issues, to oversee the Garda review and then to report back to her. It is welcome that this issue is being examined by the independent Policing Authority. The work being done by that body consistently, every month, is exactly why we have robust, independent oversight structures in our system. It is also proper for An Garda Síochána itself to undertake the review and contact with victims. This is being undertaken as a priority and that is the way it should be. As the Deputy will be aware, at the recent public meeting between the Policing Authority and the Garda Commissioner, the chair of the authority, Mr. Bob Collins, emphasised the need for an external review of the work being undertaken by the Garda regarding the cancelled 999 calls. The Garda Commissioner welcomed this approach, which will serve to provide assurance to everyone, especially the victims of crime.

Deputy Martin Kenny: The issue is that it is not appropriate for the Garda to carry out this investigation. That is clearly the situation. Until the Minister stands up to the culture of cover-up that exists in An Garda Síochána, we are going to continue with this problem and continue to have these levels of malpractice. My understanding is that in one instance thousands of calls were cancelled by one individual. How was that person able to continue doing that?

It was only when this issue was going to come into the public domain through the publication of a story in *The Sunday Times* that the Garda contacted the Policing Authority. This is wrong and it stinks to the high heaven. I think the Minister knows that, and it would be prudent of her now to appoint an independent investigator to investigate this practice and to ensure that not only do we have an apology and assurance that it is going to stop, but that somebody is held to account for it. The problem in this country is that nobody is ever held to account.

Deputy Heather Humphreys: I can understand the Deputy's frustration regarding the cancellation of the 999 calls, but I do not agree with some of the statements he has made. He will be aware that this issue was initially identified within An Garda Síochána last October as part of its internal processes. An Garda Síochána wrote to the Secretary General of my Department, on 4 December 2020, to inform the Department for the first time that a number of 999 calls had been cancelled on the An Garda Síochána computer-aided dispatch system and that An Garda

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Síochána was carrying out a review of the reasons behind this. An Garda Síochána also notified the Policing Authority of this issue in October as part of the appropriate oversight role of the authority.

An Garda Síochána

85. **Deputy Bríd Smith** asked the Minister for Justice if she will commission a review into the workings of the Garda Síochána Ombudsman Commission, GSOC and its limitations compared to a full commission of investigations in view of recent cases (details supplied) involving GSOC investigations and questions regarding the speed and outcome of these; and if she will make a statement on the matter. [36697/21]

Deputy Bríd Smith: I ask the Minister about a review into the workings of GSOC and the limitations in that regard compared to a full investigation in view of recent cases, especially involving the killing of Mr. George Nkencho, but also concerning previous investigations completed that body. I refer to the cases of Mr. Shane O'Farrell and Mr. Terrance Wheelock. Senior officers in GSOC have complained about a lack of staff. A report in *The Irish Times* yesterday referred to senior Garda officers refusing to carry out investigations on behalf of GSOC as part of an industrial relations action.

Deputy Heather Humphreys: I thank the Deputy for raising this matter. GSOC is the body specifically established, designed and equipped to investigate complaints of alleged criminality or misconduct by members of An Garda Síochána. I assure the Deputy that GSOC has extensive powers under the provisions of the Garda Síochána Act 2005 to perform this function. If GSOC believes a suspected criminal offence may have been committed by any member of An Garda Síochána, it is obliged to conduct a full criminal investigation. GSOC's designated officers have all the powers, privileges and immunities in the course of their duty as those that apply to a member of An Garda Síochána. GSOC also has the power to refer a case to the Director of Public Prosecutions following the outcome of its investigations, where this is deemed the appropriate course of action. Clearly these are powers that are not available to other forms of independent statutory inquiry, such as a commission of investigation or a tribunal of inquiry.

With regard to the specific cases the Deputy has raised, I hope she will understand I cannot comment on any ongoing investigation by GSOC or on the outcome of any previous investigations. As Minister for Justice, I have no role in any such decisions. They are matters strictly for GSOC, whose independence is a crucial part of its oversight role. It is not the case, for the reasons I have mentioned, that the investigation of these or other serious matters would have been more effectively or expeditiously achieved by means of a commission of investigation or other form of inquiry. I assure the Deputy, however, that there is ongoing engagement by my Department and GSOC to ensure its powers and facilities are commensurate with its important role, most recently in the context of implementing the recommendations of the Commission on the Future of Policing in Ireland.

Deputy Bríd Smith: I understand the Minister cannot comment on the George Nkencho case because it is ongoing. It is worth noting, however, that the inquest into the death of this 27-year-old man with mental health problems recently opened and evidence was given by the coroner that he was shot five times in the back by armed gardaí. Key witnesses were not questioned by GSOC for up to eight days after that event. The Minister keeps repeating that GSOC is robust and independent and has full oversight, but there is evidence, even in the heads of

the Bill that have been published, that a review into the role of GSOC and its robustness and independence is needed. For example, there have been historic failures in the cases of Shane O'Farrell and Terence Wheelock. We need to know what is going to be done to address these historic failures because they are now many years old. The heads of the Bill call for stronger powers to be given to GSOC, such as to make unannounced visits to Garda stations, which indicates it does not currently have that power. It is a bit like the Health and Safety Authority, HSA, not having the power to make unannounced visits to meat factories.

Deputy Heather Humphreys: The Deputy mentioned the proposed policing, security and community safety Bill, which will be subject to further consideration by the Oireachtas. It will strengthen and reform the oversight and accountability of An Garda Síochána. Some of the proposed reforms include moving to a single ombudsman model; granting a separate Vote for the ombudsman; having an expanded remit to include Garda staff; requiring all complaints other than minor service level ones to be investigated by the ombudsman; and introducing a new streamlined and simplified approach to investigating, while ensuring appropriate safeguards are in place to protect the individual's right to fair procedures and natural justice. These are just some of the reforms proposed by the recently published general scheme of the Bill. I look forward to working with the Oireachtas as it considers the Bill to strengthen policing and oversight of policing in Ireland further.

Deputy Bríd Smith: Repeating that GSOC is independent and robust just does not cut the mustard. Even the chairperson of GSOC has said it is understaffed and needs reform. According to a report, 42% of all cases initiated by GSOC have been referred back to Garda inspectors. The work it is refusing to do increased hugely during 2020. There has also been a substantial increase in the very serious cases being investigated by GSOC. My point is there have been historic failures and the Minister is not really addressing that point. There have been historic complaints and we have debated them often here in the Dáil. There will be an increase in the campaigning to have them addressed, particularly in the cases of Shane O'Farrell and Terence Wheelock. The Minister is not answering the question of what can be done about the historic failures of GSOC. If there were not failures or weaknesses, there would not be a requirement for a review, and we would not have a situation where the commissioners themselves are complaining about the lack of staffing in GSOC.

Deputy Heather Humphreys: I said in my initial answer that GSOC has the power to bring criminal charges against members of An Garda Síochána following the outcome of its investigations, where GSOC deems this to be the appropriate course of action. These are powers that are not available to other forms of independent statutory inquiries such as a commission of investigation or a tribunal of inquiry. With regard to the recent report in the newspapers about the pay claim of superintendents and chief superintendents, the Workplace Relations Commission is hosting conciliation talks on this issue between the Garda associations. Efforts are ongoing to arrive at a solution that will be agreeable to all the parties involved, including Garda management and officials from both my Department and the Department of Public Expenditure and Reform. As the Deputy will be aware, the Garda Commissioner is responsible, under section 26 of the Garda Síochána Act 2005, for the administration and management of Garda business.

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An Garda Síochána

86. **Deputy Martin Kenny** asked the Minister for Justice the status of the proposed new Garda station for Sligo town; and if she will make a statement on the matter. [37160/21]

Deputy Martin Kenny: I raise the matter of the Garda station in Sligo town. A new Garda station has been promised for the past few decades. The station is located on a narrow street opposite the courthouse and in an old building that has been there for the past 100 or 150 years. It is one of those places that has had extensions and bits added on to it, and to go from one end of it to the other people have to go upstairs and downstairs. It is probably the most higgledy-piggledy, inappropriate Garda station in the country. Sligo needs a new Garda station as quickly as possible.

Deputy Heather Humphreys: I thank the Deputy for raising this issue. As he will appreciate, the Garda Commissioner is responsible for the management and administration of An Garda Síochána, including the Garda estate. As Minister for Justice, I have no direct role in these matters. The Deputy will also be aware the Office of Public Works, OPW, has responsibility for the provision and maintenance of Garda accommodation. Works on Garda accommodation are progressed by the Garda authorities, working in close co-operation with the OPW. The determination of the need for the development of a new Garda station in any location is considered by the Garda Commissioner in the context of the overall accommodation requirements arising from the ongoing expansion of the Garda workforce and the availability of capital funding as well as the implementation of the recommendations of the Commission on the Future of Policing in Ireland.

One of the key recommendations of the commission was the introduction of a new Garda operating model, which was announced by the Commissioner in 2019. As part of this reform, the Commissioner decided not to progress a new build for Sligo Garda station, taking account of a range of factors, the most pertinent of which was the decision to create a new three-county division of Donegal, Sligo and Leitrim, with the divisional headquarters based in Letterkenny. An Garda Síochána has invested, and continues to invest, significant funding in refurbishing the current Garda station in Sligo. This includes the provision of new locker facilities and the complete upgrade of the three floors in the building, including the public office. I understand further upgrade works are under way, including the provision of a new cell block to allow for additional capacity and improved custody management facilities. The planned works also include accommodation for the scenes of crime unit. An Garda Síochána is committed to providing suitable accommodation for all its operations, including those in Sligo, and is working in conjunction with the OPW to achieve this.

Deputy Martin Kenny: We are well aware of the changes that have happened, that a new Garda division has been set up and there is a new headquarters in Letterkenny. That does not change the fact the building in Sligo is not fit for purpose. That has long been the case. The Minister spoke of refurbishments being carried out. It is simply a squandering of taxpayers' money to do work continually on a building that is not fit for purpose. This kind of thing goes on in many Departments, not just the Department of Justice. The cleanest and simplest thing to do is to get a site on the edge of the town and build a proper Garda station. That is what should have happened in the very beginning and it is still not too late to do that. While I appreciate that the Minister can say it is an issue for the Garda Commissioner, the fact of the matter is the Government has control of how much funding will be provided for the building of new Garda

stations around the country. The Minister needs to provide the money to ensure that a proper Garda station is put in place to service the people of Sligo and the wider region.

Deputy Heather Humphreys: The Deputy knows the history of the site. As I said, An Garda Síochána has invested and continues to invest significant funding in refurbishing the Garda station in Sligo. This includes the provision of new locker facilities and the complete upgrade of the three floors in the building, including the public office. Further upgrade works are under way, including the provision of a new cell block to allow for additional capacity and improved custody management facilities. The planned works include accommodation for the scenes of crime unit.

On Garda numbers, as of 31 May, there were 302 gardaí and 45 Garda staff assigned to the Sligo-Leitrim division. This represents an increase since December 2015, when 294 gardaí and 27 Garda staff were assigned to the division.

Work has taken place on the building. A site was initially bought and that transfer did not happen.

Deputy Martin Kenny: Sometimes I think the Minister must be a civil servant's dream. She comes in here and reads out the answer and then when I ask her the next question, she reads out the same thing again. That is not answering the question. Is the Government prepared to put the funding in place to provide an adequate Garda station in Sligo town for the people of that region? It has long been said that the Garda station that is there is not fit for purpose.

The Minister mentioned that a site was purchased. There was a site purchased and there was a plan to build a Garda station. That plan needs to be reactivated by the Minister. I ask her not to come back to me reading out the same stuff she told me in the beginning. The fact is that we need to get a proper Garda station put in place in Sligo town for the people of that region and for the gardaí who work out of that station because the facilities they have are totally inappropriate. That is the reality and the Minister knows it. Rather than continuing with a rehash of the same stuff over and over, we need to get down to brass tacks and provide for people's needs.

Deputy Heather Humphreys: The Deputy should listen to the answer when I am giving it to him but he is not listening to me.

Deputy Martin Kenny: It is not an answer.

Deputy Heather Humphreys: The fact is that the Garda Commissioner has responsibility for Garda accommodation. We provide the budget of almost €2 billion to An Garda Síochána and it is up to the Commissioner to decide the various investments and priorities across the country.

On this Garda station, a site was bought and it was decided not to move there. Instead, the existing building is being renovated and I understand that works are proposed to develop the remainder of the station. These works are being assessed between Garda estate management, local management and the Office of Public Works. As the scope of this work has not yet been finalised, we are not in a position to provide timelines or costs but there is continuous and ongoing improvement of the building.

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Data Protection

87. **Deputy Matt Shanahan** asked the Minister for Justice the data that was contained on a memory device (details supplied); if there was video imagery contained therein; the steps that have been taken to recover the lost information; if the original information is still safely protected within her Department's hard drives; and if she will make a statement on the matter. [36835/21]

Deputy Matt Shanahan: My question relates to a universal serial bus, USB, data device that was lost by an official in the Department of Justice. It relates to the Kenneally abuse case in Waterford. Was there video imagery on that device? Does the Minister of State know what personal data was on it? What efforts have been made to recover it? Is the original information still safely stored within the Department?

Minister of State at the Department of Justice(Deputy Hildegard Naughton): As the Deputy will be aware, the commission of investigation, which is investigating the extent to which organisations, including State bodies and individuals, were aware of the child sexual abuse committed by an individual during the 1980s, is an independent body. The Minister and I do not have any role in the conduct of its investigation. I understand that, for its convenience, the commission is supported by the IT unit in my Department. I am informed that in May 2019, having been made aware of the loss of a USB stick containing personal data relating to the commission, my Department notified the Data Protection Commission, as required under the general data protection regulation, GDPR, and the Data Protection Act 2018.

I am further informed that, in keeping with the usual policy, my Department's data protection officer investigated the circumstances surrounding the missing USB stick, and the outcome of that investigation was subsequently notified to the Data Protection Commission. I understand the investigation found that despite a thorough search of both premises, the missing USB stick was not located. An Post indicated that no USB stick was identified in its recovery or reclaim unit.

The USB stick in question was an Integral Courier USB key with hardware encryption. The encryption used with this device is advanced encryption standard, AES, 256-bit, which is ISO 27001 compliant, a leading international standard for information security. The data contained on the USB stick had been uploaded to the commission's secure system prior to the stick being mislaid so the information itself was not lost. As the data contained on the USB stick continued to be available to the commission and the missing USB stick was fully encrypted to industry standard, the risk to individuals whose personal data was on the USB stick was evaluated, as required by data protection legislation, and found to be low.

Deputy Matt Shanahan: The country is still grappling with the effects of a cyberattack and, therefore, I do not know how it can be said that encryption on a stick is adequate. It is also regrettable that the Department did not liaise with the victims in the Kenneally case who had to read about this loss of data in the national press without having been consulted. That is an oversight that should not happen again. What engagement is going on? I understand that the work of the commission of investigation is possibly outside of the Minister of State's purview but the plaintiffs in this case have experienced a large degree of frustration at the lack of information they have been able to get from the Department. This echoes what they have received from An Garda Síochána and from others who were involved in this overall investigation.

Deputy Hildegarde Naughton: I regret the upset and anger caused by this breach. In particular, I regret that those concerned found out through the media, as the Deputy rightly outlined. To avoid this and as a courtesy, those concerned should have been notified of the loss at the time that it occurred. I understand that the then Minister, Deputy McEntee, met victims and their legal representatives in April of this year to apologise to them in person for the data breach and to acknowledge that those affected should have been notified at that time. She advised that the breach was extremely low risk. It is important to state that.

As the Deputy may know, Mr. Justice Barry Hickson has stepped down as the sole member of the commission, with effect from 30 June. Mr. Justice White became the sole member of the commission on 1 July. I am confident that work can progress on seeing justice done and that the work of the commission can progress as quickly as possible.

Deputy Matt Shanahan: I want to remind the House about the scale of this investigation. The Kenneally case will turn out to be one of the most prolific paedophile cases in the country. The convictions were secured on sample charges. Five individuals have come forward but I am sure many people who have been impacted have decided not to come forward. The State has a duty of care with respect to ensuring that as wide an investigation as can happen will happen. There are significant components to this investigation, not least the influence of a well-known political family, the potential influence of church seniors, the influence of gardaí and the robustness and effectiveness of the investigation that was taken in terms of search and seize.

I remind the Minister of State that this case came about in 2012 but the abuse goes back to the mid-1980s. The gentlemen involved, who are now grown men, want some vindication of their position. They want to ensure that nothing like this can recur. Unfortunately, we have seen with national swim coaches and boy scout organisations in recent weeks that this is an ongoing problem. It has to be rooted out and I ask that the Department make all efforts to ensure that the commission of investigation can get up and running with Mr. Justice White as quickly as possible.

Deputy Hildegarde Naughton: I understand the frustration with the delays to the commission, partly due to the Covid-19 crisis. These frustrations have been discussed previously with the former Minister, Deputy McEntee, and myself. The commission has undertaken considerable preparatory work and is endeavouring to advance its work in areas where separate criminal proceedings will not be jeopardised. The Deputy will be aware that the terms of reference were drafted with the probability of further criminal trials in mind and an awareness that this was likely to cause delay.

11 o'clock

However, it is important that all individuals who make claims of abuse get the opportunity for their case to be heard. I do not want to jeopardise other criminal proceedings. The working pattern of any commission of investigation is a matter for the commission itself and it would not be appropriate for me or the Minister to advise the commission as to how it should conduct its work. I fully understand how important this work is and that it is important it progresses. There are restrictions within which the commission operates. I can only continue to urge all victims and survivors to engage with the commission and, in particular, Mr. Justice White, who I know is committed to exploring all avenues to advance the work of this commission.

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Asylum Applications

88. **Deputy Thomas Pringle** asked the Minister for Justice the steps her Department is taking to improve processing times for applications for asylum, leave to remain and associated permissions; and if she will make a statement on the matter. [37158/21]

Deputy Thomas Pringle: This question relates to the delays that are inherent in the processing of applications from asylum seekers in the State. The situation was outlined perfectly by the Irish Refugee Council when it stated, “Four and half years since the commencement of the International Protection Act 2015 and the introduction of a single application procedure in 2017, the Irish system remains fraught with administrative delays and substantial backlog.”

Minister of State at the Department of Justice (Deputy James Browne): I thank the Deputy for raising this matter. For people in the international protection process, the Government’s objective is to have decisions made on their applications, including permission to remain, as soon as possible. This ensures that those who are found to be in need of our protection can receive it quickly and begin rebuilding their lives here in Ireland with a sense of safety and security.

I am conscious of the difficulties and trauma encountered by people who seek international protection and I am glad that, throughout the pandemic, my Department’s international protection office, IPO, has remained open to allow people the opportunity to do so in line with our international obligations. The provision of the facility to allow people claim international protection is considered an essential service at all times, including during Covid-19. Staff have worked both on-site and remotely since the pandemic began to ensure the protection process continues to operate and I am grateful to them for their dedication throughout this period. I visited the IPO last week to see first-hand the work that is being done and had an opportunity to speak with some staff and customers.

Physical attendance in the office has been strictly limited in line with public health guidance. Ensuring the safety of applicants, legal representatives and staff has resulted in additional logistical challenges that have limited the processing of applications and efforts to improve processing times, including the target set to make first-instance decisions in the vast majority of cases within nine months. Despite these challenges, 2,276 applications for international protection were processed to completion last year, which was just under 67% of the total achieved in 2019.

My Department’s main focus now is to get its processing system functioning as effectively and efficiently as possible, while adhering to all measures in place to combat the spread of Covid-19. My Department is committed to implementing the key recommendations in the expert advisory group report to reduce processing times of both first-instance decisions and appeals to six months, as outlined in the White Paper to end direct provision and establish a new international protection support service.

Deputy Thomas Pringle: What the Minister of State said sounds very good but, unfortunately, that is all it does. The Department has outlined that it wants to process applications within nine months. What the Minister of State failed to mention in his reply is that the median processing time for all cases processed to completion by the international protection office in quarter 1 2021 was 22.2 months. It took 16.1 months for prioritised cases. That means refugees who have to appeal an initial decision could be waiting for approximately three and a half

years from the date of application for protection until approval that they can reunify with their families. That is the reality of the situation.

Some 1,655 applicants were awaiting a decision on appeal as of February 2021. In March 2021, 2,646 individuals were waiting between 12 and 24 months for first-instance decisions and 1,345 were waiting more than 24 months. That is the reality. It is not all down to the pandemic, although it provides a convenient excuse.

Deputy James Browne: The Deputy is correct in the statistics he provides. There were significant delays even pre-Covid. Covid has exacerbated the situation in a period when there was an intention to reduce the time for processing applications. However, processes are being put in place to ensure that we can meet the requirements that are set out both in the White Paper and our internal requirements to process these applications as quickly as possible. I made a visit last week to the IPO to see exactly how the processes were working in the real world, if you like, in those offices. I have taken a hands-on approach to ensure we can get those timelines down as quickly as possible.

Deputy Thomas Pringle: Unfortunately, the real world is not in the IPO. The real world is that experienced by the asylum seekers who must live under the system in this State. That is appalling. For people to have to spend as long as they have spent trying to get their cases heard is wrong. It is important that we put the words of the people concerned on the record. One said, “I came to Ireland to seek to protection, my problems are not listen[ed to] for 22 months”. Another said, “I am so depressed and frustrated since I don’t have a legal stay here and have never had any interview since 2019 up to date.” That is the reality of the situation with which people are living under the system.

I urge the Minister of State to take on board the report launched yesterday by the Refugee Council, *Hanging on a Thread*. The report makes recommendations as to how the processing of applications can be improved. I ask him to take those recommendations on board and implement them to speed up and streamline the process because it needs it badly.

Deputy James Browne: I will give serious consideration to that report and how we can speed up the process. There is nothing in what the Deputy has said with which I can disagree. There have been long delays for a considerable time. We need to clear that backlog and get down to a quick, speedy and effective system for these people, many, if not all, of whom have been through serious traumatic experiences in their lives. The delays are unacceptable. The Department is putting processes in place to ensure that these decisions can be made as quickly as possible. We must get the timelines down to the clear, set targets. The Department will be held accountable for those targets and I intend to ensure those targets are met over the coming period.

Ceisteanna Eile - Other Questions

Cross-Border Co-operation

89. **Deputy Brendan Smith** asked the Minister for Justice the proposals there are for further co-operation with the authorities in Northern Ireland on the need to implement effective

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measures to deal with the scourge of illicit drugs on this island; and if she will make a statement on the matter. [36818/21]

Deputy Brendan Smith: The prevalence of drugs in our society is causing havoc and devastation for individuals, families and communities. Unfortunately, this destruction is happening in every community, urban and rural, and is not confined to any particular age cohort. I am aware that drugs are travelling North-South and South-North. That supply chain needs to be smashed. We need to cut off the supply and deal with the people who are wreaking havoc on many communities and individuals, and ensure their ill-gotten gains are seized.

Deputy Heather Humphreys: I thank the Deputy for raising this issue. Tackling serious crime, including drug trafficking and the supply of illicit drugs, are key priorities for the Government. As he will be aware, there is strong ongoing co-operation between An Garda Síochána and the Police Service of Northern Ireland, PSNI. The cross-Border joint agency task force, JATF, was established under the 2015 Fresh Start agreement to bring a concerted and enhanced effort to tackle cross-jurisdictional organised crime. The task force is led by senior officers from An Garda Síochána, Revenue, the PSNI and Her Majesty's Revenue and Customs. The Criminal Assets Bureau, CAB, and the National Crime Agency are also involved as needed in operational activity.

Tackling drug-related crime by disrupting criminal groups and targeting their money is among the top priorities for the JATF. At a recent virtual meeting with my Northern Ireland counterpart, justice minister Naomi Long, on 26 May, we were briefed by officers from An Garda Síochána and the PSNI who updated us on the work of the task force. They highlighted the practical value in the continuing high level of co-operation and operational activity between the agencies in tackling drug crime, as well as rural crime, financial crime, trafficking in human beings including children, excise fraud and organised immigration crime.

I can further inform the Deputy that on 10 June, the two police services announced a number of arrests and the seizure of significant quantities of controlled substances and cash, arising from the work of the JATF. It is also noteworthy that on 1 July An Garda Síochána initiated Operation Tara, an enhanced national anti-drugs operation with a strong focus on tackling street-level dealing in cities, towns and villages across the country based on intelligence and the latest crime trends.

Deputy Brendan Smith: I thank the Minister for her reply. I welcome the actions that are being taken. I know about cross-Border co-operation at a local level in my own constituency. The Minister referred to the task force. Prior to that task force being established, I proposed legislation in the Dáil some years ago, which went to committee level, regarding the establishment of a cross-Border crime agency, on a statutory basis, consisting of officials from the different statutory agencies mentioned by the Minister. At that time, the particular focus would have been on illicit trade in drugs, drink and tobacco products. At that time, we were well aware of the scourge of illicit fuel products being brought into the country. Now, the focus would need to be on the drugs issue.

Is the Minister confident that the task force has enough resources? Does it need any legislation to underpin its work? Could consideration be given to the proposal I brought forward that a cross-Border crime agency be established, on a statutory basis, to deal with these cross-Border crimes that cause havoc in every community throughout our island?

Deputy Heather Humphreys: A key aspect of co-operation is the joint agency task force, as I described. It is led by senior officers in the PSNI, An Garda Síochána and another key partner agencies. As I said, among the top priorities for the task force is drug-related crime.

As the Deputy knows, there is great cross-Border co-operation. An example of this between the two jurisdictions is an annual event called the cross-Border seminar on organised crime, which is organised by the two justice departments and the two police services and focuses on co-operation and best practice in countering organised crime that seeks to exploit the Border.

I am assured by the Garda authorities that the long-established and close working relationship with the PSNI remains central in An Garda Síochána's efforts to provide an effective policing service to the Border area and its communities.

Deputy Brendan Smith: As we are aware, paramilitary groups are still involved in drug dealing. I understand from some media reports that drugs are travelling from Dublin to east Belfast and drugs are coming from the North into our jurisdiction. Drug trafficking is not what it was ten years ago. The continuing development of new drug trafficking networks causes havoc and destruction and destroys the lives of good young people and people of all age groups. Of course, we have some biggest crime gangs in Europe in our country.

There needs to be a huge concerted and intensified effort to deal with these issues. At the most recent joint policing committee meeting we had in County Cavan, An Garda Síochána gave a very good report on the detection and seizure of drugs, which was very welcome. It shows the growing prevalence of these illicit products in our society, however.

I appeal that when the Estimates process begins, which I assume will be in the autumn, the Minister will give consideration to providing greater resources to the different Garda drug units throughout our country. I am particularly interested in the Garda divisional drugs unit in Cavan-Monaghan getting additional resources to deal with what are, unfortunately, increasing problems. I compliment the members of An Garda Síochána and also the PSNI on their ongoing work in trying to deal with these very complex issues.

Deputy Heather Humphreys: I agree with the Deputy. As we both know, a huge amount of work is going on in counties Cavan and Monaghan. I am assured by the Garda Commissioner, however, that the distribution of resources among the various Garda divisions is kept under constant review in light of emerging crime trends and operational needs.

As of the end of May this year, 389 Garda members and 58 Garda staff were assigned to the Cavan-Monaghan division. These figures represent increases of 22% and 53%, respectively, compared to the end of 2015 when 318 Garda members and 38 staff were assigned to the division.

Deputy Smith and I both know we have a very long border with Northern Ireland. He is absolutely right when he said paramilitary groups are involved in this type of activity. There have been successes and we will continue to provide the resources to An Garda Síochána. At the end of the day, however, the Commissioner makes the decisions on how these resources are distributed on an operational basis.

Question No. 90 replied to with Written Answers.

Acting Chairman (Deputy James Lawless): The next question appears to be No. 91 in the

name of Deputy Durkan.

Visa Applications

91. **Deputy Bernard J. Durkan** asked the Minister for Justice the extent to which improvements can be made in the processing of visas for employment here and the processing of applications for naturalisation; and if she will make a statement on the matter. [36757/21]

Deputy Bernard J. Durkan: This question seeks to ascertain the extent of the time taken to process applications for visas, whether they be work visas or immigration requirements, in the immigration section of the Department, given the importance of the need to facilitate the economic recovery that will follow the pandemic.

Deputy James Browne: I thank Deputy Durkan for raising this very important issue. The pandemic has created significant challenges for visa processing. Applications are made to Irish embassies and missions worldwide, each with different public health measures in place. This has caused difficulties for individuals and families but the Government has had sound public health reasons for discouraging, and at times prohibiting, non-essential travel. Nevertheless, my Department continues to process visas for essential workers and decisions on employment visas have issued since 25 September 2020. There are currently no significant delays in processing employment visas and my Department's Dublin office is processing employment visas within ten working days. Some 7,780 employment applications have been processed globally since the beginning of April 2020, with almost 34,000 visas processed across all categories. The granting of an employment permit by the Department of Enterprise, Trade and Employment is a separate process, with no bearing on whether a visa will subsequently be granted. These are two distinct applications with different checks and due diligence procedures in place in each Department.

Similarly, I appreciate how important the granting of naturalisation is to those who have to apply for it. My Department has continued to adapt and process applications throughout the pandemic. Processing rates, however, have been negatively impacted by the necessary health and safety-related restrictions and from a High Court case in 2019, which was subsequently successfully appealed. As a result, regrettably, there are just over 24,600 applications currently on hand at various stages of processing. Since opening the statutory declaration system in January, we have invited 6,500 applicants to complete the final steps prior to the granting of a certificate of naturalisation. Almost 3,900 people have received their certificates so far. Approximately 900 more will receive them in the coming weeks. Additional staff are being assigned to the administrative team and a number of digitisation measures have also been introduced to increase efficiency.

Deputy Bernard J. Durkan: I appreciate the magnitude of the task. Nonetheless, the size of the task ahead should not become a dominant factor or feature. It should be possible at this stage to make preparations, which would have to be made in any event. There is likely to be an upsurge in economic activity in the aftermath of the pandemic, which will result in applications for work permits and visas from abroad. These applicants must meet the skill requirements in this jurisdiction at a time when it is felt that the processing of the applications is a major issue insofar as filling the positions is concerned.

I wish to further ask the Minister about asylum seekers. I fully appreciate the size of the

backlog. Notwithstanding all that, however, there is now an acceptance of the fact there is a backlog that will be there for some considerable time. How quickly can we overhaul that?

Deputy James Browne: We introduced the new statutory declaratory process last January to address the backlog of applications. A number of amendments were needed to be able to carry this out. In the normal course of events, people would make their declarations in the presence of the relevant Ministers at that time at a set location. Because that could not be done, however, this new statutory declaration process was brought in.

As I said, 6,500 applicants have been invited to complete the final steps prior to the granting of the certificate of naturalisation, and 3,900 people have received their certificates so far. Almost 1,000 people are due to receive their certificates very soon. We are, therefore, using this process to try to clear off that backlog as quickly as possible with regard to citizenship. We hope that in the near future, we will be able to get back to in-person granting of citizenship as quickly as possible, which is a hugely emotional and important day for people who become citizens of this country. It is something we can all be very proud of being part of.

Deputy Bernard J. Durkan: By way of supplementary or further inquiries, two issues arise. The first issue is the extent to which a positive outcome can be expected with regard to applications for work-related visas. How quickly, for instance, can the employer here expect a positive decision given that all other requirements are met? In addition, the time taken to process applications is an issue, as is the degree to which the employer can expect a satisfactory outcome. My last point relates to the necessity of the process. The process is necessary in order for employers to fill their various positions. They expect and depend on the alacrity with which the Department can respond to their continuing in the business they are in.

Deputy James Browne: The Department of Enterprise, Trade and Employment determines whether to issue an employment permit based on a labour market needs test. This decides whether employment opportunities that arise in Ireland should be offered to suitably skilled Irish and other EEA nationals before being offered to non-EEA nationals where no suitable candidate emerges from within the EEA system to fill that vacancy. Immigration checks done by the Department of Justice are a separate part of the process for entry to Ireland and an examination of the visa application will include checks on qualifications and experience for a role, for example. Visa officers must ensure visa applications for entry into Ireland are fully in order, including aspects such as the qualifications, skills and previous experience being claimed by applicants. There are about 5,500 applications for employment visas received per year on average. We expect to get back to the normal processing times quite soon. Perhaps some communications work must be carried out if some employers feel that once they get the employment permit that the job is almost done as within the Department of Justice and the visa application, subsequent checks must be done on employment qualifications in addition to other background checks on the applicant.

Acting Chairman (Deputy John Lahart): Deputy Bríd Smith has informed the Chair she will take a written answer to Question No. 92.

Question No. 92 replied to with Written Answers.

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Closed-Circuit Television Systems

93. **Deputy Jennifer Murnane O'Connor** asked the Minister for Justice her plans for the expansion of Garda CCTV in County Carlow to deter criminal activity; and if she will make a statement on the matter. [36767/21]

Deputy Jennifer Murnane O'Connor: My question is about resources for County Carlow and the plans for the expansion of the CCTV in Carlow to deter criminal activity.

Deputy Hildegarde Naughton: The roll-out of community CCTV schemes across the country has benefitted many communities, helping people to feel safer in their local areas. It is a priority of mine to ensure that community groups continue to be supported in their valued contributions to their local CCTV schemes while ensuring sufficient, proportionate oversight of statutory data protection considerations.

Since 2017, the Department has administered a grant aid scheme supporting groups wishing to establish a community-based CCTV system in their area. Eligible groups, including community groups and local authorities nationwide, can apply for grant aid of up to 60% of the total capital cost of a proposed CCTV system, up to a maximum total of €40,000. The scheme was extended in 2019 to cover not only new CCTV systems but also to allow funding applications for extension or upgrade of existing community CCTV systems which are incomplete or obsolete. Applicants can now also seek a once-off grant of up to €5,000 for minor maintenance costs. The scheme is open for applications from all counties. A total of 34 schemes have been funded to date with commitments of almost €940,000 made to these schemes across ten counties and I can confirm that funding continues to be available for 2021.

If the Deputy is aware of groups in County Carlow wishing to avail of the grant aid scheme, further details are available to download from the Department's website, and support and guidance is available to help interested groups through a dedicated email address. The Deputy will be aware that community-based CCTV is governed by the Garda Síochána Act 2005, section 38(3)(c), and the Garda Síochána (CCTV) Order 2006, SI 289 of 2006. This legal framework sets out a number of safeguards, requiring that any proposed community CCTV scheme must: be approved by the local joint policing committee; have the prior support of the relevant local authority, which must also act as data controller; and have the authorisation of the Garda Commissioner.

Deputy Jennifer Murnane O'Connor: I thank the Minister of State. I compliment community groups for the excellent work they do. My question related to the extension of CCTV from An Garda Síochána on approach roads coming into Carlow. As the Minister of State will know, Carlow is very well situated. We are close to Dublin and to everywhere and we have a great location. That was the question I wanted answered in particular. When we talk about resources, I want to speak about Carlow Garda station and the work the gardaí there do in the context of staffing and resources. We are short on staff. We have one inspector who has not been replaced. We have four sergeants who have not been replaced and likewise some Garda members. It is so important that the CCTV is there as well but resources for staffing play a huge part in this, in connection with the CCTV. The two should be incorporated together. I understand about the community groups and welcome the work they do. There is great work being done in Carlow, Tullow and other areas.

Deputy Hildegarde Naughton: On the matter of funding being provided to Carlow, since

the establishment of the grant aid scheme in 2017, the Department has provided funding to one community CCTV scheme in County Carlow, namely, the scheme at St. Mullin's.

The Deputy's question was in relation to additional Garda CCTV cameras being provided in Carlow. I understand there are currently 14 CCTV cameras in Carlow town centre and three cameras situated in the town park as part of the Garda CCTV system. It is important to note this is a Garda CCTV system and is not part of the community CCTV scheme, as I am sure the Deputy is aware, for which the Department provides grant aid. Any amendments to the Garda CCTV system are operational matters for the Garda Commissioner and are not connected to the community CCTV scheme.

Deputy Jennifer Murnane O'Connor: I thank the Minister of State. I highlighted this today for a reason. It is great to see the Minister and Ministers of State all present. They know of the work An Garda Síochána does. I can only speak for County Carlow where we have gardaí who are doing their work and doing their best. When CCTV is requested - and it must be addressed here by the Minister and Ministers of State - all resources come through central government funding and we must be clear on that today. Carlow Garda station is short on gardaí. To make it worse, they have been looking for wheelchair accessibility for years as the station is not accessible. Waterford is now the headquarters. The station in Leighlinbridge was closed down in 2013 and I was told it would reopen in 2016, 2017 and 2018. It is in the programme for Government. The building is owned by the Office of Public Works, OPW. For me to get funding and resources I have to come in here and address the Minister and Ministers of State because it is funding that will come from central government. It is about all Departments and all areas working together to deliver for the people of County Carlow and that is so important to me. I thank the Minister of State.

Deputy Hildegarde Naughton: I thank the Deputy. As I said, these are matters for the Garda Commissioner as they are operational matters. To update the Deputy, as of 31 May 2021 there were 337 gardaí assigned to the Kilkenny-Carlow division. This represents an increase of almost 19% since December 2015 when there were 284 Garda staff members assigned to the division. A detailed breakdown of the Garda workforce is available on the Department's website. As the Deputy will know, An Garda Síochána has been allocated an unprecedented budget of €1.952 billion for 2021. This level of funding is enabling sustained, ongoing Garda recruitment. As a result, the number of Garda members is now approximately 14,500 and there are over 3,000 Garda staff nationwide. Taken together, this increase in the number of Garda members and staff is delivering a significant growth in operational policing hours nationwide.

An Garda Síochána

94. **Deputy Christopher O'Sullivan** asked the Minister for Justice the number of community Gardaí in the Clonakilty, Bandon and Bantry Garda districts of County Cork; and if she will make a statement on the matter. [36795/21]

Deputy Christopher O'Sullivan: I am looking for details on the number of community gardaí in the Bantry, Bandon and Clonakilty districts.

Deputy James Browne: I thank the Deputy for raising what is a very important issue. The resources provided by Government to An Garda Síochána have reached unprecedented levels, with an allocation of €1.88 billion in 2020 and of €1.952 billion in 2021. This has enabled

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sustained ongoing recruitment into the organisation. As the Deputy will be aware, the Garda Commissioner is responsible for the general management and administration of the Garda organisation under the Garda Síochána Act 2005. This includes the deployment of members of An Garda Síochána throughout the State. Neither I nor the Minister have any role in these independent functions. However, I am assured Garda management keeps this distribution of resources under continual review in the context of policing priorities and crime trends, to ensure their optimum use.

I further understand it is a matter for the divisional chief superintendent to determine the optimum distribution of duties among the personnel available to him or her, having regard to the profile of each area in the division and its specific needs.

As I have set out in my earlier responses on Garda resources, the official categorisation as a community garda is simply a reference to those officers who are exclusively assigned to a particular community engagement task. In this regard I am informed by the Garda authorities that, as of 31 May 2021, there is currently one designated community garda in each of the Garda districts of Clonakilty, Bandon and Bantry. However, it is important to note that community policing is at the heart of An Garda Síochána and all gardaí have a role to play in community policing in carrying out their duties. This has never been more evident than in the work carried out by all members of the Garda as we have tackled the Covid-19 pandemic. I extend thanks for the effort and determination of the Garda Síochána right across this country, including my county of Wexford, and for its commitment to protecting our communities during the Covid-19 pandemic.

As of 31 May 2021, a total of 305 Garda members were assigned to the west Cork division, an increase of 10.5% since December 2015, when 276 Garda members were assigned to the division. These members are supported by 37 Garda staff, an increase of almost 61% on December 2015.

Deputy Pádraig O'Sullivan: I must echo the Minister of State's sentiments on the unbelievable work that An Garda Síochána has done through the pandemic. However, I come back to the crux of this matter, which is the real shortage of community gardaí in the west Cork division. The number for all of west Cork is four community gardaí and if we go to north Cork, there are seven community gardaí. If we go to Cork city, however, there are 40 community gardaí, so there is a major imbalance.

The Minister of State indicates it is down to the chief superintendent to decide how many community gardaí are in a district but the chief superintendent must pull from front-line resources in order to fill such positions, so this is a resourcing issue. The new model of policing coming down the line will see the west and north areas combined, and north Cork will include east Cork areas such as Youghal and Cobh. There will be a huge area served by 11 community gardaí compared with 40 in the city. It is a major imbalance. There are 310,000 people living in the county and 210,000 people living in the city. That imbalance must be addressed.

Deputy Aindrias Moynihan: The close connections between the gardaí and the community are key to policing by consent. The community garda really promotes this. It is very important that as gardaí in those roles move on, they are replaced as quickly as possible. We have been very fortunate across the west Cork Garda division to have had Garda James O'Mahony working so closely with young people right around the area. He established the Garda youth awards to promote connections between younger people and to recognise the huge efforts of

many younger people. He is now retiring and he is possibly the oldest garda in the country. It is very important that roles like this are backfilled quickly to ensure the connection between people and the Garda is maintained, nurtured and promoted. I wish Garda O'Mahony every success in his retirement. As we move to a county area, this becomes a more challenging role, so it is very important that the roles are quickly filled in order to maintain those connections.

Deputy James Browne: I thank Deputies O'Sullivan and Moynihan for their commitment in supporting An Garda Síochána and highlighting its efforts and needs.

The Garda Commissioner and the local chief superintendent determine the number of gardaí in an area and whether they should be designated as community gardaí but all gardaí have a role in community policing. It is at the heart of what they do. A number of pilot projects have been established around local community safety partnerships and we expect they will be rolled out right across the country over the coming years. They are somewhat similar to the structures under the old RAPID system and the existing local community development committee, LCDC, system. There will be a greater input from the Garda Síochána working with other community groups, including the local authorities, the HSE and Tusla, where needed, so they can all work together to ensure appropriate community policing and supports across all the areas in Ireland.

Deputy Pádraig O'Sullivan: At four community gardaí, west Cork has the lowest number of such gardaí in the entire country. Driving from Kinsale in the east of the constituency to the Dursey Sound in the west takes approximately two and a half hours. It is a huge geographical area. I appreciate, as the Minister of State indicates, that the chief superintendent has the responsibility in this but it is a resourcing matter. If the chief superintendent must put gardaí into the community garda division, he or she will have to take them from the drugs or detective unit or those gardaí on the front line. It is a resourcing matter.

The new overall policing model that is being rolled out nationally has committed to the resourcing of community gardaí. I would love the Department and the Minister of State to look at west Cork's numbers in this regard. I thank the Minister of State.

Deputy Aindrias Moynihan: As we move to a larger county model, these gardaí will be more and more stretched. It is very important that roles would be backfilled as quickly as they become vacant. We would almost need a number of gardaí to replace the work of Garda O'Mahony. The deep-rooted connection to the community, working with younger people, is something that would be lost very quickly if gardaí did not maintain it. We must ensure those resources are available so gardaí can work proactively. I encourage the Minister of State, in every way possible, and especially now we are moving to a countywide Garda set-up in Cork, to ensure they have the required resources.

Deputy James Browne: The last budget provided the largest ever amount of funding for An Garda Síochána. There is a commitment to the recruitment of additional gardaí to be distributed across the country as they graduate. There is a commitment under the 2021 budget for 620 new gardaí this year, although due to the pandemic it will be difficult to meet that number. The target is now 450 to be spread over four intakes and the first intake has already commenced. I hope we can make up the difference next year and the gardaí, once they graduate, will be distributed across the country.

The chief superintendent makes the designation as to whether somebody should be a community garda on the basis of prioritisation and needs in a particular area. We will continue our

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commitment to the recruitment of additional gardaí so we can have the resources necessary right across this country.

An Garda Síochána

95. **Deputy Kieran O'Donnell** asked the Minister for Justice if she will report on the progress being made on the implementation of A Policing Service for the Future plan with reference to County Limerick; and if she will make a statement on the matter. [36514/21]

Deputy Kieran O'Donnell: I raise the question of the implementation of the plan, A Policing Service for the Future, in Limerick city and county. It is a matter I have raised in the past both with Garda Commissioner Drew Harris before the justice committee and at joint policing committees as well. My concern is about the redeployment of gardaí from non-front line duties like court or patrol duties to front-line community policing. It is where gardaí would be better deployed and they do a fantastic job on the ground. Will the Minister give an update on the advancement of the redeployment programme, which is a priority under the plan?

Deputy Heather Humphreys: I thank the Deputy for raising the matter. As he is aware, in December 2018 the Government published A Policing Service for the Future, which is a detailed four-year plan to implement the landmark report of the Commission on the Future of Policing in Ireland. The plan was developed in co-operation with stakeholders from across the public service including, in particular, An Garda Síochána.

The policing reform implementation programme office is based in the Department of the Taoiseach and works closely with my Department to monitor progress by all stakeholders on the actions contained in A Policing Service for the Future. This supports the work of the implementation group on policing reform and keeps the high-level steering board on policing reform and the Government apprised of the progress being made. While progress on some actions has been impacted by the many demands on An Garda Síochána during the Covid-19 pandemic, a key milestone in the plan was reached in April with the publication by the Minister, Deputy McEntee, of the general scheme of the policing, security and community safety Bill. The Bill provides for wide-ranging and coherent reform of policing by improving the performance and accountability of our policing and security services, and supporting the human rights of all people throughout Ireland to be and feel safe in their communities. A key and novel aspect of the Bill is the establishment of local community safety partnerships, to support a whole-of-Government approach to keeping communities safe and which will build upon and replace the existing joint policing committees.

Turning specifically to Limerick, the Deputy will be aware that Limerick is one of the first five divisions chosen by Garda management for the implementation of the new Garda operating model. This new structure was identified by the Commission on the Future of Policing in Ireland as a core action necessary to streamline and strengthen administration and to provide a more visible, responsive policing service tailored to the local needs of communities nationwide. The Deputy will also be interested to know that a crisis intervention team is to be piloted in the Limerick Garda division, again following a recommendation from the commission. This pilot project is being developed to support appropriate mental health interventions and is being designed by local management in close collaboration with colleagues in the HSE.

Deputy Kieran O'Donnell: I thank the Minister for that update. I am aware of the oper-

ating model and the other crisis intervention measures. This is a specific issue. We need as many gardaí, and very much community gardaí, on the ground as possible. Under the future of policing strategy, the redeployment of gardaí from tasks such as courthouse duties in Mulgrave Street and at other courthouses in Limerick city to front-line duties is a priority. I ask the Minister to take it up with the Garda Commissioner, within her overall review brief, in order that this particular issue would be advanced. It is a proactive measure. It would take time but the public and the ordinary person in Limerick likes to see, and is reassured by seeing, their community gardaí walking the beat, either in the city centre or in the suburbs, the towns and villages. One of the elements of that is the redeployment of gardaí from non-front line duties to specific community front-line duties.

Deputy Heather Humphreys: I acknowledge that the Deputy has pursued this issue for a considerable time now. I am informed by the Garda authorities that as of 31 May last, 797 Garda members have been reassigned to operational roles and their previous roles assigned to Garda civilian staff. This includes 51 so far this year, and I am informed that the targeted number of garda reassignments for this year stands at 400. I am further informed that there will be a focus this year on the reassignment potential from the public office roles in Garda stations, the dispatch function in the regional control rooms and the provision of administrative support to the divisional protective services units throughout the State.

Deputy Kieran O'Donnell: I very much welcome that. I ask that the Minister would follow up on the specific issue of court duties. The in-house security duties at the courts in Dublin are carried out by private security firms. That is not the case in places like Limerick. While the gardaí carry out a phenomenal role in the courts, for me and for many people the gardaí provide an exponentially better function to the public by community policing in Limerick. While I welcome the other measures, which are very important, I am referring to one specific feature. I ask that the Minister would follow up on this with the Garda Commissioner, Drew Harris, and provide me with an update when a response comes to the Minister.

Deputy Heather Humphreys: I agree with the Deputy that there are certain duties, such as security in the Courts Service, that could be carried out by a private company rather than using the valuable time of gardaí. As of 31 May there were 81 Garda staff assigned to the Limerick division. This represents an increase of more than 58% since December 2015 when there were 51 Garda staff members assigned to the division. An Garda Síochána has been allocated an unprecedented budget of €1.952 billion for 2021. This level of funding is enabling sustained, ongoing recruitment of Garda members and staff. As a result, Garda numbers are approximately 14,500 Garda members, and more than 3,000 Garda staff nationwide. I will raise with the Garda Commissioner the matter raised by the Deputy.

Question No. 96 replied to with Written Answers.

An Garda Síochána

97. **Deputy Mark Ward** asked the Minister for Justice her views on the report by the Mental Health Commission (details supplied) that states the highest number of applications to involuntarily detain persons that came from An Garda Síochána; the training that is in place; the interaction her Department has had with the Department of Health on this issue; and if she will make a statement on the matter. [36578/21]

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Acting Chairman (Deputy John Lahart): Question No. 97 is in the name of Deputy Mark Ward and Deputy Martin Kenny has been nominated.

Deputy Martin Kenny: I thank the Acting Chairman. This issue is around the high number of people who were involuntarily detained by An Garda Síochána, people who would have had mental health issues and who have ended up in a mental health institution. This issue has had an impact in many parts of the State. Of course, we understand that many of these people may have had psychotic episodes due to drug addiction also. Gardaí are often in a very difficult position, and are often asked to do intervene by families who have found no other option for these individuals. I fully respect that when gardaí are having to deal with such situations it is because all the other services have failed that person before he or she has come to that position.

Minister of State at the Department of Justice Deputy Hildegarde Naughton: I am aware of the annual report of the Mental Health Commission and the use of section 12 of the Mental Health Act by An Garda Síochána. As the Deputy will understand, the proportion of applications for involuntary detention reflects the unfortunate reality that gardaí often encounter persons with severe mental health issues and will be called upon by members of the public, or indeed family members, where a person is experiencing high levels of distress. Very often, members of An Garda Síochána are the first available front-line service to whom people will turn in such situations.

An application for involuntary detention is never made lightly and takes full account of An Garda Síochána's obligation to protect the human rights and welfare of individuals and communities. The only statutory option available to gardaí responding to persons in a mental health crisis and who potentially pose a risk of harm to themselves or others is to invoke section 12 of the Mental Health Act 2001. Section 12 requires gardaí to take the person into custody in order to have them assessed by a registered medical practitioner.

Members of An Garda Síochána receive training in mental health issues as part of their recruit training and through continuous professional development training delivered throughout their career. As the Deputy may be aware, the Commission on the Future of Policing in Ireland concluded that societal issues such as the mental health of individuals should not be the responsibility of An Garda Síochána alone, and the commission recommended the establishment of multi-agency teams that would include gardaí to respond to the needs of individuals with mental health issues. A pilot crisis intervention team is being developed in the Limerick Garda division, as the Minister, Deputy Humphreys, mentioned earlier. This pilot is being progressed in close collaboration with the HSE and it is hoped to begin the roll-out of the pilot team early next year.

Deputy Martin Kenny: I thank the Minister of State for her reply. I fully understand the situation in which many gardaí find themselves. It is a very difficult situation when they are dealing with a person who is having a psychotic episode and there is no option other than to take them somewhere safe, for themselves and for the rest of the community. Of course there are safeguards there. It is not the gardaí who will decide if the person will be put in. The doctor is called and an assessment is made. That is not a decision for a garda but it is the gardaí who must initially try to deal with the situation, which can be a very difficult situation. In that regard, it would be appropriate to ensure that there is the proper level of training, and that there would be interaction with other agencies.

The big problem is that many of these people, in the context of psychiatric issues, mental

health problems and drug addiction, have by and large been failed by the services. They have ended up in these situations where gardaí must intervene. Collaboration is needed between the Departments of Justice and Health, and other Departments, to ensure this failure is ended.

Deputy Ruairí Ó Murchú: I will add my voice to what Deputy Kenny has said. The problem is that in many of these cases the gardaí become the only agency people contact when they are dealing with somebody who is having a psychotic break. Gardaí generally lift the person and if the case is serious enough, they bring him or her to a local psychiatric unit. The person is left there and released, and then dealt with in a couple of days' time.

We need a full multiagency audit of the entire system because we are dealing with multiple issues. We are dealing with the fact that we do not have sufficient dual diagnoses to deal with people who have drug addictions. We are not carrying out early interventions which are cheaper and easier. We do not have the acute services required. It all falls back on the gardaí. We also have to consider all of those people who fall between care plans, disability and mental health services and other issues. We need to make sure that whatever services are needed are put in place as soon as possible.

Deputy Hildegarde Naughton: I thank the Deputies for raising this important issue. As part of the programme for Government commitments we have established a high-level task force on the mental health and addiction challenges of persons interacting with the criminal justice system. This is a key goal within the justice plan 2021.

As Deputies know, the task force is chaired by Ms Kathleen Lynch, a former Minister of State with responsibility for primary care, mental health and disability. It met on 28 April, 19 May and 25 June. The membership comprises high level officials from my Department, the probation service, An Garda Síochána, the Irish Prison Service, the HSE, the Central Mental Hospital and the Departments of Health, Housing, Local Government and Heritage, and children and youth affairs. Three sub-groups have been established on diversion, the capacity of the Irish Prison Service and the Central Mental Hospital, and community issues. Deputies are correct to say that this requires a multiagency approach. An Garda Síochána also receives training on this issue.

Deputy Martin Kenny: I understand that a multiagency approach is required. We need to bring all of the services together in order to deal with this. However, when I speak to gardaí on the beat they tell me that if they took mental health issues and drug addiction issues out of the equation, almost one third of their work would be gone. That reflects the level of time and resources tied up in this area.

As I said, most of this happens because people do not get the early intervention they require. Many people go into psychiatric services for a short period of time and are then released back into the community. They go home and perhaps have a mental health nurse calling once a week. That is not enough. The level of services and the interaction between gardaí and the entire process is something that has to be taken care of. We also know that many people in our prison system are there because of mental health issues that were not dealt with early enough. That is how people end up in the prison system, which is not a good place to try to deal with those types of issues.

Deputy Hildegarde Naughton: Work is ongoing on early intervention and the multidisciplinary approach. As I said the pilot crisis intervention team is being developed in a Limerick

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Garda station, along with the high-level task force to which I alluded. Gardaí are provided with training throughout their career in dealing with people who have mental health issues. All trainee gardaí are trained over two days in an internationally recognised applied suicide intervention skills training, ASIST. It is a workshop delivered in collaboration with the HSE. It is a suicide first aid programme which equips trainee gardaí with the necessary skills to discuss suicide with the person at risk and make an intervention to reduce immediate risk of suicide if necessary. Armed gardaí are also supported with the training given to all armed support units during their basic training. I am sure that this is a very detailed course and deals with hostage barricades, suicide and so on.

Missing Persons

98. **Deputy Duncan Smith** asked the Minister for Justice the status of the work of her Department in relation to the identification of unidentified bodies and linking this data with the missing persons database; and the progress her Department has made in its work referenced in a reply to a Topical Issue raised by this Deputy on 4 March 2021; and if she will make a statement on the matter. [36632/21]

Deputy Duncan Smith: I would like to ask the Minister for Justice the status of the work of her Department on the identification of unidentified bodies, how this data is linked with the missing persons database and the progress her Department has made in its work referenced in the reply to my Topical Issue matter earlier this year.

Deputy Heather Humphreys: I thank the Deputy for raising this matter. At the outset, I would like to acknowledge the pain and trauma experienced by all families of missing persons. I am deeply conscious of how difficult life is for loved ones who simply do not know what has happened to their relative. My Department is committed to working with all relevant State bodies to help more families find their missing relatives.

As the Deputy will be aware, the national DNA database, administered by Forensic Science Ireland, FSI, has been a significant breakthrough in identifying missing and unknown persons in recent years. Since 2017, FSI has assisted in the identification of 48 sets of human remains who had been unknown up to that point. In 2020, DNA profiling and relationship testing, in partnership with the missing persons unit of An Garda Síochána, was used to help in identifying nine people. FSI and the Garda have worked in partnership over the past number of years to deliver a DNA testing facility for families of missing persons at the national missing persons day ceremony run by my Department annually, significantly enhancing the event.

I am informed that preliminary work was carried out by An Garda Síochána in 2019 to gather information on unidentified remains that may be located with individual coroners across the country. My officials have examined ways to update and take forward that work, while fully respecting the independent role of the coroners as set out in the Coroners Act 1962.

To this end, I have recently approved the following measures. My officials will write to each coroner to ask what cases of unidentified remains he or she has dealt with since 2019 and progress in this area will be monitored centrally through a new question on the annual statistics return from coroners. The results of the number of cases identified in each coronial district will be shared with the Garda missing persons unit. This will provide an overview of the current situation since 2019 across the country.

Deputy Duncan Smith: I thank the Minister. This is not a confrontational exchange. Rather, I am seeking to improve what the State is providing. What the Minister has said is good. However, I have an issue with the date of 2019. Another lot of these cases are historical and go back a few decades. We are not talking about going back to the 1900s or even the early 20th century. Cases date from the 1960s, 1970s, 1980s and early 2000s.

At the moment there are 22 unidentified bodies and over 810 people on the missing persons list. There are many more unidentified bodies in cemeteries all over the country that are not contained in any database. There is an awful lot of work to do to find the truth for these families. We need an unidentified remains unit. Great work is being done by FSI, and the Garda missing persons unit is doing its work. However, we need some expertise to join that up and it needs to be resourced by the State. It would not require huge resources, but it is needed.

Deputy Heather Humphreys: I agree with the Deputy. A family who has a missing person that they cannot find wonder every day whether the person will return, even though in their heart of hearts they know the person will not. It is a very difficult time for them.

The issue of unidentified remains has received coverage in recent months following the identification of the remains of Mr. Denis Walsh in February this year. While only identified this year, Mr. Walsh's body was recovered on Inis Mór in 1996. We can only imagine the heartache that his family has gone through. I know the family and it has been a terrible time for them, in particular his elderly parents.

A lot of work is going on at the moment. The missing persons unit is assisted in this vital work by local Garda stations, gardaí and the network of family liaison officers around the country who all perform crucial roles.

Deputy Duncan Smith: A lot of work is being done. To quote Ms Clare Clarke Keane, who has sought the truth about her sister Priscilla who has been missing since 1988, when family members approach a coroner's office or cemetery it still feels like turning up at a lost property office. That is how much separation there is between what the State is doing and how families feel.

That said, I take the Minister's initial answer. We are moving forward. The work of Mr. Barry Cummins in RTÉ has been fantastic. He has made a case on behalf of the families for years.

12 o'clock

There are not many cases, but it is important that the State does everything it can to find the truth for these families, who are going through unimaginable grief every hour of every day. I look forward to raising this matter again until we get to a stage where we feel we have a system in place that will help them.

Deputy Heather Humphreys: Considerable progress has been made by FSI. The DNA testing of families has helped the agency to make matches in particular cases. To date, the remains of 53 missing persons have been identified thanks to the DNA database. Through FSI, there is a great deal of focus on this issue. We will continue working with the families. There is an annual day of commemoration, and some of the samples taken on those days has helped to make matches with cases.

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I agree with the Deputy that this is a difficult issue. We will continue to support FSI and various other bodies in trying to resolve the outstanding cases as quickly as possible.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: I ask for Members' co-operation. If I have to interrupt them, it will eat into their time.

Deputy Pearse Doherty: Tá rudaí ag dul in olcáis ó thaobh an bhreithiúnais atá déanta ag an Rialtas ó thaobh ospidéal náisiúnta na bpáistí. Tá na hamlínte sínte amach arís agus tá an buiséad imithe suas go dtí níos mó ná €1 billiún. Tá an cuma ar an scéal, ón méid a dúirt an bord leis an choiste oireachtais inné, nach bhfuil deireadh ar bith leis an scannal seo. Is é an cheist atá ann ná cad atá an Rialtas ag déanamh leis na héilimh ar chostais bhreise uilig atá curtha ar an mhéar fhada? Cén uair a bheidh an togra seo críochnaithe? Cad é an machnamh is déanaí maidir leis na costais dheireanacha?

Eight months ago, the National Paediatric Hospital Development Board made a commitment to provide the Oireachtas Joint Committee on Health with the revised cost and timeline of the national children's hospital. This project is years overdue and has overrun by more than €1 billion. It has been a shambles from the start. In 2019, it was described by the Tánaiste as a "debacle". Yesterday, the board was not able to give details of the time it would take to complete the construction of the hospital, which is not satisfactory. It is unacceptable that the board is not in a position to give clarity about the project's rising costs.

There is a vacuum of transparency and accountability surrounding the development of the hospital. Total claims have risen from 600 to 900. Most have been parked for later settlement, which is just kicking the can down the road. It is a never-ending saga of more claims, rising costs and no completion date in sight. The sketchy information that the board provided indicates that we are looking at the second half of 2024, if not 2025, as the earliest date on which the hospital will be in a position to open its doors. When will it be completed? Does the Government even know?

We should not lose sight of the root causes of this scandal. Policy failure and ministerial incompetence were at its heart. In 2019, the Government paid PricewaterhouseCoopers, PwC, €500,000 to review the cost overruns. PwC found that the total cost of the hospital had risen from the original budget of €790 million in 2013 to €1.4 billion by December 2018. PwC was of the view that, in 2019, the all-in cost would be €1.73 billion. That is some overrun. PwC found that the overspend was a direct result of "Significant failures [that] occurred during the crucial planning and budgeting stages of the project." That did not happen this year or last year, but from 2014 to 2019. The Tánaiste was the Minister for Health between 2014 and 2016. It was he who stood over a two-stage procurement process despite knowing it was untested, with significant risks. He was followed in that ministerial position by the current further and higher education Minister, Deputy Harris, who was informed by the Department of cost overruns of as much as €391 million in August 2018. He failed to share this information with his Cabinet colleagues, including the Minister for Finance.

This is a mess, but there seems to be no accountability or transparency. We have no idea as

to what the revised additional costs will be, given there are 900 outstanding claims. The hospital board will not provide this information. Will the Minister, as a member of the Government, provide it to the Dáil? Someone in government must know. What action is being taken to rein in costs and bring this project under control? What will be the final cost?

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan): I cannot give the Deputy the final cost today. It is a live project and, as he mentioned, there have been significant cost increases and changed contractual arrangements throughout the process. There is a wider issue with significant cost inflation in the construction sector. As we all recognise, there is a problem with the planning, development, costing and delivery of major public construction projects. I am afraid to say that the children's hospital is a critical example of that. This does not just relate to James's Street. Going back further, the original proposal was for a site at the Mater hospital, which had benefits and coherence in terms of the transport plans, including a metro station, that were planned for the same site. Both of those projects ended up not proceeding, which is one of the reasons for the incredible cost overruns with this hospital. The long time it has taken to get through planning to construction is one of the most critical factors in the overrun.

However, the project will be delivered. A significant milestone has been reached in the topping off of the main fabric of the building. It is a time for us to focus on getting the hospital delivered. The 2024 timeframe is far from ideal and constitutes a long delay, but for the health of the children of our country, it is important that we get it completed. There are complex and difficult contractual arrangements. No one in government will try to ignore that reality. We will have to manage them out to the hospital's completion. At that point, we will at least have a world-leading facility for our health system.

There have been developments. The acute centre in Connolly hospital is up and running. It is part of the overall children's hospital strategy. However, the main project has been bedevilled by significant delays. I do not disagree with the Deputy that one of the lessons we need to learn has to do with the two-phase contract process, wherein the broad outline was agreed but further contractual difficulties arose during the process. We should learn lessons from this.

We have had significant difficulties with Covid, including the availability of workers and, similar to the rest of the economy, the construction sector operating on a stop-start basis. We have a wider problem of skills shortages, which is increasing prices in the construction sector in particular. None of these difficulties will be resolved immediately, but critical to the Government's next steps will be ensuring that the economy has the necessary skills, we learn lessons about managing cost overruns in large public projects and we deliver a new and better planning system so that there will not be an incredibly long process again, given that this is one of the reasons the cost overruns have been so high. It is not ideal and has been an unsatisfactory process throughout, but it will be concluded with the delivery of a first class children's hospital. That is the most important aspect on which we should focus.

I cannot give the Deputy a specific price today because there are still contractual issues to be resolved. It would be a false figure if I gave one. However, we will minimise the cost to the best of the Government's ability and deliver the hospital, albeit after a long delay that no one has wanted. Now that the building has been topped off and its basic fabric has been built, we need to complete the hospital for the children of this country.

Deputy Pearse Doherty: With respect, from listening to the Minister's answer, I believe

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that the Cabinet has taken a hands-off approach to this. The Government does not know what the estimated costs are. Maybe it does not want to know. Where I do agree with the Government is that the root cause of this is the two-stage procurement process, a process Deputy Varadkar, as Minister for Health, signed off on. The cause of this is ministerial incompetence. The PwC report found it was not because of inflation or other matters but the lack of budgeting and failures in crucial planning at the early stages. That is why we have a situation in which Leo Varadkar promised this project would be built by 2020 and the all-in costs, including contingency and inflation, would be €650 million. We now have figures of €1.7 billion. We have 900 outstanding claims.

As leader of his party and a senior member of Cabinet, can the Minister not even tell the Dáil what the total quantum of those claims is? Are we supposed to allow the Government to continue to write a blank cheque for this project? What actions is the Cabinet taking to make sure costs are reined in? Or is it a case it had made such a mess of this in the 2014 to 2016 period, it has to pay no matter what comes?

Deputy Eamon Ryan: Cabinet subcommittees have been meeting regularly to assess just this project because of concern about the contractual difficulties there. We have been paying it all our attention and we have every intention to get it built and keep the costs down. However, if I were to give false promises in terms of what the exact final cost would be, I would be guilty of the same things Deputy Doherty is accusing others of. There is a wider issue in our wider debate about construction, in housing, transport, water and a range of other infrastructure, that we in the political system start to recognise we cannot promise everything at the cheapest price to get it over the line and deal with the consequences of it later, something which parties of all colours and shades do. We have to start being realistic about the likely cost of various projects.

We can and will learn from this as an example.

Deputy Pearse Doherty: The Minister should share them with the Dáil.

Deputy Eamon Ryan: We have to, first and foremost, get them through the planning system. In terms of the cost overruns on this and the other main public infrastructure projects we have, the greatest factor in terms of cost inflation is the long lead times it takes to deliver projects. We all need to focus on improving that, especially in the planning system.

An Leas-Cheann Comhairle: Thank you, Minister. I am moving on to the Social Democrats.

Deputy Catherine Murphy: The Government is tying itself up in knots trying to explain the screeching U-turns on the cuckoo funds. Yesterday, the Taoiseach said this capitulation to cuckoo funds had been signalled when the stamp duty increase was announced in May. However, when Deputy Donohoe announced this measure, he said three bodies would be exempt: local authorities, approved housing bodies and the Housing Agency. If he had signalled he was about to exempt cuckoo funds from a measure designed to target cuckoo funds, it certainly would have stood out and caused a row on the floor of this House.

The Taoiseach also told us 2,400 social homes are due to be leased this year and that they could be in jeopardy if the stamp duty surcharge were not waived. The cuckoo funds are not content with paying virtually no tax on their profits or the extraordinarily lucrative 25-year contracts and secure investments, which have been described by some as Government bonds on steroids. No, the State has to sweeten the deal further and exempt them from this stamp duty

increase if it wants them to play ball. The revelation 2,400 lease deals are about to be done with cuckoo funds for 2021 was also a big surprise. Last year 1,440 social homes were delivered through that lease programme. The Minister for Housing, Local Government and Heritage now tells us the number of lease deals in the pipeline is substantially more than the total amount leased for last year, despite everyone in Government agreeing this is terrible value for money. The Minister might address that point. What does in the pipeline mean? Are there contracts in place?

When Paschal Donohoe announced this measure in May, he said there would be a three-month transition period for the execution of binding contracts which had been entered into but not completed, prior to the commencement of the resolution. Were we to understand this is additional to those ones in binding contracts? If it was the case they were all in binding contracts, there would have been no need for that resolution last night.

Perhaps the Minister could answer a simple question. How many lease deals do we expect in 2021? What is the ballpark? There is no transparency around this. Councillors only hear at local authority level after the deal is done. When I raised this during Leaders' Questions some months ago, I was looked at as though I was making it up and there were only tiny numbers, when it is exactly what I thought it was at the time. Will the Minister tell us what is in the pipeline? Is this over and above those which are already in existing contracts? Will the Minister give a ballpark for this year and does he accept this is awful value for public money?

Deputy Eamon Ryan: I agree with the Taoiseach yesterday, that what we will see in the housing for all strategy, which will be published shortly, is a change in how we do leasing arrangements and a recognition this is not the approach we want to take as we develop a new housing for all strategy. It will change. There are 2,450 units projected in this year's target and a direct build target of 9,500 units. A percentage of the leased units would be in mortgage to rent and repair and lease schemes, of which approximately one third of those houses already leased so far this year are part. It is not that a lease arrangement, repair and lease or mortgage to rent may have a role to play in every single instance, and I think other parties have recognised that, but we need to change the policy and approach. Whether that is in much longer leases, with ownership reverting to the local authority, or other such arrangements, that is what will be set out in the housing for all strategy.

My recollection during the implementation of this short-term measure to avoid what happened in Maynooth and other locations, in which large volumes of housing estates were bought up, was there was a clear indication and signal at that time, for example, with regard to direct provision, social housing or such policy areas where we want to see an immediate response in supply this year, that we would look to try to take a different approach in such categories.

However, these are short-term, emergency measures to address a particular problem. The key thing we need to get right now is the new housing for all strategy and a different approach to housing. Yes, we need additional social housing and, critically in my mind, additional cost rental and affordable housing for purchase. Critically, it is not all about the numbers. It is about where the housing is going, to make sure we get transport-led development housing close to new public transport systems. We need more balanced regional developments in order that it is not just all pressure on Dublin. My constituency and Deputy Murphy's are some of the areas in which some of the worst increases in rent have occurred and the biggest problems exist.

In this new housing for all strategy, there will be much stronger State engagement, includ-

ing the use of public lands and the Land Development Agency, to provide social and affordable housing, as was agreed in recent amendments to the affordable housing legislation. No one is saying the current leasing arrangement is something we think is the future. We have a legacy issue here and targets and an immediate issue in that certain contracts have to be delivered upon, but the key change coming was signalled by the Taoiseach yesterday and is one I agree with.

Deputy Catherine Murphy: The Minister described this as a short-term emergency measure - for 25 years. Let us just talk about what this entails. A builder builds a housing estate and a cuckoo fund comes in and buys it in its entirety. It is exempted from the 10% stamp duty because it will lease it to the local authority. The local authority will pay the equivalent, if not more, in terms of a mortgage for 25 years. The local authority will then refurbish the house and hand it back to the original owner. You could not make this up. This is not short term. This is an abuse of public money.

What will be even more abusive is we will be told the 1,400, 2,400 or 3,800 houses are part of the housing stock the Government has delivered. The Government has not delivered it. Will the Minister accept that this is desperate value for money? Why did he go along with the 10% U-turn?

Deputy Eamon Ryan: For clarity, the Minister for Finance, Deputy Donohoe, said in the Dáil on 19 May that multiple purchases of property are undertaken by bodies specifically for the purpose of providing social and affordable housing and it is not intended to apply the higher stamp duty rate to those instances. I do not disagree with the Deputy on her underlying point. We need to change the approach. The massive ramping up of the investment we are about to make in social housing is not best provided if it is done in an arrangement whereby we have a 25-year lease with ownership not being transferred at the end. My expectation is that we will see a change in direction in that regard in the housing for all strategy. It will not be a complete switch because there will be certain instances, a very small number such as the type of instance I mentioned earlier, where leasing arrangements may have a role, but it cannot provide a substantial part in the meeting of social or affordable housing targets on which we all agree and which have to be delivered. There will be a change. The new housing for all strategy is imminent. Within that, there will be a variety of different measures to see an overall change in housing policy.

Deputy Cathal Berry: I very much welcome the Minister's acceptance last week of two significant amendments to the Climate Action and Low Carbon Development (Amendment) Bill 2021. I strongly support that. The reason is that the two amendments will ensure, for the first time, that the farming community will get due recognition when it comes to capturing and storing carbon on the land, be it in hedgerows, soil or the trees. This is potentially very positive from a farming perspective with regard to setting carbon targets, carbon budgeting and sectoral emissions thresholds later in the year. Furthermore, it is important to acknowledge the positive contribution the agricultural community can make to climate action because that will further encourage good behaviour in that regard.

While I accept that the principle is sound and the concept is good, I appreciate that there are still many questions. I have many questions, as do the agricultural community and farming families. I accept that the Minister may not have all the information to hand, but five questions jump out. How will the carbon sequestration be calculated and quantified? If the Minister could shed some light on that, it would be much appreciated. Second, which State agency will take the lead in coming up with such a formula that can be applied to various farms and regions?

Third, how long will it take before a formula that can be applied can be agreed between various parties? Fourth, does any other country do something similar? Rather than us reinventing the wheel, could we take a template from another country and apply it or customise it here? Finally, how will individual farms and the farming community in general draw down these credits? Will there be financial incentives to assist them and will there be financial recognition for what they are doing from a climate point of view? I would be grateful if the Minister could respond to that. Again, I accept that he may not have all the information to hand relating to how it is going to be applied and implemented, but any light he could shed on the topic would be greatly appreciated.

Deputy Eamon Ryan: I thank the Deputy. It is significant. We are about to change how we approach climate in land use in a way that I believe will see farmers benefitting from our emissions reduction targets. The critical thing in the policy approach we are taking is that we want income to go up as emissions go down. Bringing down emissions involves not only reducing the source of the emissions, be it biogenic methane, nitrous oxide or carbon dioxide coming from our activities, but also looking at sinks such as being able to store carbon in the soil and in woodlands and being able to stop carbon being emitted by re-wetting bogs, which allows the dry exposed bog to retain carbon rather than emitting it into the atmosphere. It is recognising that what are called sinks for storing carbon using nature-based solutions is where payments will be able to come.

Regarding how it will be quantified, we still have work to do. A key commitment in the programme for Government is a full land use review. A lot of science and mapping is happening in this regard, but we need further scientific information to be accurate and scientific in terms of what is happening. Many changes are taking place in forestry, wetlands, grass and other systems and, therefore, we have to do a proper land use review to have a full assessment.

As regards which agencies, to answer each of the Deputy's five questions in turn, Teagasc and the Environmental Protection Agency, EPA, have critical roles, as well as other State agencies such as Coillte. However, I single out Teagasc and the EPA as having a critical role as scientific organisations spreading best practice and helping us to determine the policy levers that we will use to deliver it.

As to how long it will take, it will probably take towards the middle to latter part of this decade. That is in tune with changes that are also going to occur at European level. There will be a further amendment to the Bill in the Seanad tomorrow to back up the two amendments that were agreed on Committee Stage and clarifying that it is the European accounting system. That accounting system will evolve. In 2026, the European accounting system will include wetlands and emissions from wetlands within the European system. We even expect further information next week when the Fit for 55, the European climate strategy for the next decade, comes out and that there will be further evolution. However, it will take time for us to set up the scientific and trading-based solutions as well as other policy levers to avail of those payments. Some will come sooner. Even on wetlands, the agreement in the CAP reform in recent weeks for farmers to be paid through CAP payments for storing carbon in wetlands is already here. There is an evolving European and domestic attention on this as a key part of the solution.

Deputy Cathal Berry: I thank the Minister for his genuinely useful and helpful response, particularly regarding how farmers may be able to monetise this situation, which is definitely good news. The Minister mentioned that an amendment will be tabled in the Upper House tomorrow. Does the Minister envisage any more amendments being accepted and can he indicate

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when the amended Climate Action and Low Carbon Development (Amendment) Bill is due to be brought back before the Dáil for consideration and final sign-off?

Deputy Eamon Ryan: I have to await the Report Stage tomorrow in the Seanad, but I do not expect other amendments on this complex issue. Even explaining the science of sinks, sources and different accounting mechanisms is an evolving and complex process in its own right. However, the amendments we have introduced and the further amendment tomorrow help. As I said during the Dáil debate, the Bill recognises that we are going to be using sources and sinks and that we will pay farmers.

To answer briefly the two other questions the Deputy asked which I did not get a chance to answer, New Zealand provides a model. For example, its dairy farmers are switching away from the heavy fertiliser and pumped-up rye grass model towards mixed sward. They are doing what many smart farmers are starting to do here, which is good nutrient and soil management, so it is happening. On individual farms, we will look at similar systems that country has for here, where there will be payments from other sectors for the nature-based services and solutions, including carbon sinks, that farmers and foresters provide. That is coming. It will take some time to get the systems in place, but it is part of the future for Irish agriculture.

Deputy Thomas Pringle: Recently in County Donegal, residents in Glenties, Doochary and Lettermacaward were blanketed with a leaflet drop announcing a new wind farm application in Cloghercor. This is in addition to a new application in the geographically adjacent Grafy area, a broadly similar landscape. The proposed Cloghercor project runs from Cleengort and Derkmore Lough in the south through to Shallogans and Doochary parallel to the Gweebarra river estuary. This 7 km stretch of land is mainly peat bog, much of it with significant slopes. It is an environmentally sensitive landscape. The application will be by way of the heavily flawed strategic infrastructure development process. The process is similar to the strategic housing development process for large housing projects, which for all intents and purposes appears to serve only to exclude proper public consultation. As a consequence of this, An Bord Pleanála has seen 90% of its grants overturned on judicial review.

The response to this from the Government has been to propose pricing communities out of the process in direct contravention of the principles of the Aarhus Convention, which is strange as its legislative programme commits to strengthening access to justice through the Aarhus Convention Bill, although I am not surprised that the Government has taken the Trumpian “if we stop testing right now, we’d have very few cases” approach to problem solving, as this Administration and previous ones have serious form in this area.

Governments of inaction have failed, and continue to fail, our citizens on so many fronts. I stood in front of the Taoiseach on 18 November and he told me he was anxious to progress a comprehensive review of the wind energy guidelines. Nothing has happened. The following day, I raised the Meenbog landslide as a Topical Issue with the Minister of State, Deputy Noonan. As yet, nothing of consequence has emerged from the litany of investigations by an alphabet soup of organisations, which he outlined that day were to happen. Again, during Questions on Promised Legislation in January, I raised with the Taoiseach the focused review of wind energy guidelines, which has been ongoing since December 2013, and the Mulcahy report into planning irregularities in Donegal, which has sat unpublished on the desks of eight different Ministers. The Minister’s boss told me he would follow up these issues and that he would speak to the Minister about them. I have heard nothing since.

Derrybrien has been ongoing since 2003 with total Government inaction. Today, the cost of this inaction stands at more than €13.9 million. There is no plan and no action, only dither and spiralling costs. The present mealy-mouthed approach that masquerades as participation does not work because the provision of information is not participative, and neither are attempts to limit access to the courts. Will the Minister outline for me what actions the Government intends to take to ensure communities throughout the country can be properly involved in and consulted on significant development projects in their areas?

Deputy Eamon Ryan: I thank the Deputy. I understand that communities in the area, particularly Gaeltacht communities, have been very concerned. I understand it is at a very early stage of the planning application process. It is critical the communities are listened to and involved and there is real engagement. Nothing is certain in the planning system. An Bord Pleanála is an independent agency. We will have to judge any application on its merits. Earlier this week, I was pleased to launch further updated initiatives on how we are looking to engage communities in the renewable revolution that is taking place, for example by looking for direct ownership of new renewable projects and significant advances in terms of supports, facilities or benefits for local communities. We are also looking for engagement with local communities in a way that is fair and in line with the Aarhus Convention which, as the Deputy has said, is a critical part of European environmental legal structures.

Critical in this is the recent public consultation in which EirGrid has been engaged. I say this particularly for Donegal because it has recognised that areas such as Donegal have seen significant development compared to other parts of the country. It happens to be an area with the strongest wind resource and this may explain it. There is a real understanding that grid policy and renewables development policy go together. I am sure An Bord Pleanála will keep a very close eye on the conclusion of the consultation process, when EirGrid will set out some of the key questions as to where will we benefit from what we have, which is a huge economic resource. Included in this is the potential to bring industrial or other employment opportunities close to the wind rather than always shipping it over long distances. We must look at the grid as well as the wind turbines themselves. This is a key part of the process.

The Deputy is right that the wind energy guidelines have been in consideration since 2013 and there has been a real difficulty in getting final agreement on the relevant measures to be put in place, such as sound and other systems. Neighbouring countries have been able to do this but we have not been able to get agreement. We have to resolve this for local communities and developers so we do not go back to what Deputy Doherty referred to earlier - a process that is so long and drawn out that it frustrates everyone. People do not want to end up in court with the costs and all the problems it involves.

We are starting to go offshore and this has huge potential in particular for Donegal because the north-western waters are significant. We will still have onshore development of renewable energy because it gives us real economic opportunities. However, it has to be done in line with community interests and environmental protection. We commit as a Government to making sure this is the case.

Deputy Thomas Pringle: The Minister has outlined that he is waiting for final agreement on the regulations. With whom is he waiting for agreement? As far as I know, nobody has been consulted on a final agreement except, perhaps, the developers. What the Minister has outlined on EirGrid sounds very good and nice but the reality is it is not the developer of the wind farms. The developers of the wind farms are private developers across the board, who railroad over

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communities and then end up with An Bord Pleanála and the courts and the Aarhus Convention is trampled on. We need to make sure people and communities are recognised and responded to. This is the reality of the situation and what the Government needs to do. The first thing the Minister could do is publish the wind energy guidelines and put in place guidelines that are useful and will benefit communities.

Deputy Eamon Ryan: The negotiations are not with any developer. That is not the key consideration. It is with regard to agreement on sound standards and other distance parameters and standards, and looking to best international comparison on that, that there has been difficulty in getting final agreement within Departments. In the first auction system we introduced last year, we saw the first seven community energy projects getting approved. In the next auction system, we will also see a number of community projects and real support for community investment. This on its own is not enough. We need to have mechanisms which ensure that people, particularly those who live close to renewable energy systems - solar or wind - have the potential to gain. Their concerns must be listened to and heeded in An Bord Pleanála and lessons must be learned from Derrybrien and the bogslide last year in Donegal. The development of this industry has to be in tune with the protection of the environment and not hindering it. Those lessons will be learned and An Bord Pleanála will apply them.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask for the co-operation of Deputies. There is a long list of speakers and everyone wants to get in. Each contributor will have up to one minute.

Deputy Pearse Doherty: Last night, the Government pulled a political stroke by forcing through a last-minute amendment that gave a tax break to vulture funds to buy up thousands of homes throughout the State, pushing up house prices and outbidding first-time buyers. We really could not make this up. In the middle of a housing crisis, when the Minister knows and every person in the House knows that young people are locked out of affordable housing, that people cannot pay the cost of them and that there is a scarcity of housing, the Government unleashed these vulture funds to wreak havoc in the housing market by buying up these homes from under the noses of aspiring home owners. It has now given them a tax break to do so. Let there be no doubt that while the Government won the amendment last night, and the vulture funds and cuckoo funds won the amendment last night, it was the ordinary people of this city and the State who lost out. It was aspiring home owners who lost out, it was first time buyers who lost out, it was renters who lost out and it was the taxpayers who lost out. Will the Minister explain why the Green Party adopted this shameful position?

An Leas-Cheann Comhairle: I ask Members to stick to time.

Deputy Eamon Ryan: The Deputy knows as well, in turn, that our interests are with the local authorities and approved housing bodies in delivering social housing. The Deputy knows this is the interest of every party in the House. I cannot accept this type of definitive split that people on one side of the House are in favour of vulture funds, cuckoo developers or others, and the rest of us are all in favour of social housing and approved housing bodies. We all have this similar interest in mind. It is the same in respect of the particular difficulties in local authorities and in meeting the interests of young people. We have the exact same interest in providing for young people as the Deputy's party does. Yes, we will look to change, as we are doing in

Government, the mechanisms by which we do it. We do not agree on all the policies that have been there in the past but we are working to change them, and we will, in a way that is for the better of young people.

An Leas-Cheann Comhairle: We are over time.

Deputy Eamon Ryan: We all share that objective.

Deputy Aodhán Ó Ríordáin: The issue here, if we get beyond the sloganeering, is very real. In my community in Marino, there has been a discovery this week about a development on Griffith Avenue. When it was being proposed, there was a lot of internal debate in the community about its size and scale, which was making people uneasy. There was also a lot of sentiment in the local area that development was needed to house our people. We discovered this week that 343 of these units are being sold to a vulture fund. Young people are facing an average rent of €1,914. What are we supposed to do in this situation and how can we prevent it from happening again? When the Minister says, and I genuinely believe he agrees, that this is not something that should happen, how can we prevent it from happening? It is very real; it is happening right on our doorsteps.

Deputy Eamon Ryan: The main way we prevent it from happening is by working with the Land Development Agency, particularly on public lands or lands the State has an ability to influence. We go into the market. That is why I keep coming back to cost rental as a fundamental strategic change in what we are doing here, in that we go into the market and start providing affordable rent and affordable purchase in a way that brings market prices down. That is what we are doing in government. We are implementing the Land Development Agency Bill 2021. I am working with all the public bodies under my Department's remit to see where we can get access to such land, especially land close to the centre of the city, whether on the north side or south side. That is the practical measure that allows us to increase supply. It requires change. Going back to what I said about changing policies, it is a new way of doing it, a different strand and a different way of seeing rental and public housing. It is public housing that is in the market but not subservient to the market.

An Leas-Cheann Comhairle: I am moving on.

Deputy Eamon Ryan: We have to change the market. That is how I think we can do it.

Deputy Cian O'Callaghan: The Green Party in government is supporting a model of cost rental that involves profit returns for investment funds. That is what is happening. Last night, the Government voted to provide tax exemptions for cuckoo funds to buy up homes. In addition to these tax exemptions, the State is incentivising the bulk buying of homes by investment funds by copper-fastening guarantees of rental income for 25 years. The Institute of Professional Auctioneers and Valuers has said the State should be seeking 50% discounts on market rents when agreeing any long-term leases. Instead, the State is paying almost the full market rent and agreeing discounts of as little as 10% or even 5%. Why is the Government paying out almost double the recommended rate and when will it end these sweetheart deals with investment funds?

Deputy Eamon Ryan: I want to clarify this because it is important. We have been talking about this issue in the Dáil for four or five years, as I recall. Our party was the first to introduce a motion on cost rental, three or four years ago, on which we got cross-party support. There was a reference in that motion to the Vienna model because Vienna and Austria have shown a

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really good example of how this can work. It takes time but, over the long term, the housing becomes an asset that can be used as collateral to get more public housing. The Vienna model also recognises that sometimes the state will allow pension funds and other investors in to back up and support public housing and get a return from it. It is a low return and it is regulated, but it does help. One of the reasons it helps is that there is also then the potential for us to do some of this off balance sheet. It gives local authorities the ability, over a long timeframe, to keep housing supply going, even if the national budgetary situation is difficult. It is important to say that we stand by the Vienna model, we want to replicate what is happening in Austria-----

An Leas-Cheann Comhairle: I am moving on, Minister. We are over time.

Deputy Eamon Ryan: -----and we think it could work here.

Deputy Bríd Smith: The Minister may be aware that Balfour Beatty is closing down its operations in Ireland. It has had a contract for years with Gas Networks Ireland that is paid for by public money. That contract is being taken over by GMC, which is seeking 70 redundancies from the Balfour Beatty workforce. The Minister may not be aware that GMC is bullying and intimidating workers into taking redundancy on the basis that if they do not take it now, they will lose out in a year's time. One of the reasons GMC is giving for these redundancies is that they are a consequence of climate change. Does the Minister agree that this is unacceptable on two counts, namely, on the basis of just transition for workers and also on the principles of social dialogue? The company should be forced to negotiate with the trade union, SIPTU, for a decent transfer of business, TUPE, arrangement and for redundancies for workers if they want them, not because they are being forced to take them. GMC is receiving public money to carry out work-----

An Leas-Cheann Comhairle: Thank you, Deputy. The Minister to respond.

Deputy Bríd Smith: -----on our gas infrastructure. It is a breach of the principles of just transition.

Deputy Eamon Ryan: We need a just transition and I do not believe that transition can be done on the basis that climate change and the switch away from fossil fuels gives companies permission not to work in a way that is within the spirit and law in terms of social partnership and looking after workers' rights in this country. I do not accept or agree with that. We have to rely on the institutions of the State, including the Workplace Relations Commission, the Labour Court and other mechanisms, where there is any question arising in such matters. I do not have the specific detail of the case the Deputy mentioned and I do not want to draw conclusions until I have a chance to look at it. There are mechanisms in place in the State to protect workers' rights and labour rights and they are the first place to which we turn. On the wider issue of just transition, we must intervene to make sure that where jobs in the fossil fuel industries are lost, we provide alternatives.

An Leas-Cheann Comhairle: Thank you, Minister. I am moving on to the Regional Group.

Deputy Eamon Ryan: That is what we are doing.

Deputy Cathal Berry: We are all aware that representatives from the hospitality industry and officials from the Department of Health are currently meeting to discuss how best to tease out the reopening of indoor dining over the next couple of weeks. That is a good thing. We are also aware that there are approximately 750 pharmacies across the country in which members

of the public are being vaccinated on a first come, first served basis. Has any thought been given to asking or directing the pharmacy sector to prioritise the administering of the Janssen vaccine to indoor hospitality workers who, because of their age demographic, may not have been picked up by the mainstream vaccination programme? If not, it is something the Minister and the Government might consider.

Deputy Eamon Ryan: I will pass on the Deputy's suggestion to the Minister for Health. There has not, to date, been a prioritisation given to any category of workers other than front-line health workers, including staff in nursing homes, who obviously had to be prioritised because there was an immediate threat to the lives of their patients if they were not vaccinated. Other than that, the prioritisation has been on the basis of age, which was appropriate. I am very glad that we now have an opportunity for younger people to get vaccinated. Our key priority must be to try, as the Taoiseach has been doing, to get as much international supply as possible into the State and get everyone vaccinated as quickly as we can. That would be Government priority, rather than differentiating on the basis of profession. As much as I can see the logic behind the Deputy's proposal regarding hospitality workers, I have not heard it discussed in the various meetings I have attended.

Deputy Mattie McGrath: I want to thank the Minister in the first instance for his engagement with people from Tipperary County Council, Jobs4Tipp, March4Tipp and Tipperary Town Chamber of Commerce. Will he ensure, as part of the review of the national development plan, that the first priority is a bypass for Tipperary town? I know he is clear on that and he is leaning towards bypasses. If it is part of the N24 project, all the better, but the bypass of the town must be done. It is being choked, especially since Brexit, with the huge increase in heavy freight traffic from the west to the east. I plead with the Minister again, at this vital time, to give priority to this. The community groups in Tipperary are made up of wonderful people, who were forced onto the streets as part of the March4Tipp campaign two years ago. They will go onto the streets again if they have to but they would rather work with the Minister. *Ní neart go cur le chéile.* That is the way they want to work. They are good, dedicated and ingenious people but they cannot survive any longer unless the heavy trucks are taken out of their town. They are suffering from the smog and, above all, the congestion.

An Leas-Cheann Comhairle: We are over time, Deputy.

Deputy Mattie McGrath: People must be allowed to trade and the town must be allowed to thrive. We are depending on the Minister.

Deputy Eamon Ryan: We have had extensive discussions on this issue in a range of forums. I agree with the Deputy that the bypass of Tipperary town is exactly the sort of project that should be prioritised. I am encouraged that in the recent public consultation looking at the broader options for the upgrade of the N24 route, as I understand it, Transport Infrastructure Ireland, TII, listened to the views expressed and did not rule out an immediate prioritisation of the bypass of Tipperary town as an example of what could be done. The N24 road can link into that as it is further upgraded.

The example given concerned the similar approaches taken in Cashel and Cahir, which worked very effectively. Therefore, I agree with the Deputy. Tipperary is an example of a beautiful and stunning Irish market town. We must bring life back to the centres of such towns. We must keep heavy goods vehicles out of them and bring back shopping and people to live in the centres of those towns. Tipperary town will thrive on the back of such developments.

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Deputy Thomas Pringle: On page 89 of the programme for Government, Our Shared Future, the Government acknowledges the “importance of the Irish language as the first language of the State”. However, mná tí have been given a paltry €1 per student increase on last year’s compensation for losing students and keeping accommodation ready for their return. Why are they being treated so disrespectfully, if the Government acknowledges the importance of the Irish language? In addition, Irish colleges, such as Coláiste Bhun an Inbhir in Donegal, were not consulted on the changes made this year, despite the Minister concerned stating that everyone had been consulted. Will the Government commit to reviewing the compensation being paid and ensure that these providers are properly supported in these difficult times?

Deputy Eamon Ryan: I do not have the details, but I recall that in recent days the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, has issued further funding to the mná tí who have lost out because of the loss of Irish colleges again this summer. Difficult choices must be made regarding the allocation of resources, but I will check. My understanding is that further funding has been provided, but I will pass on the concerns raised by the Deputy, see if any community or other organisation has been left out and, if so, if that can be addressed. Support for such initiatives, however, is a top priority for the Minister.

Deputy Cormac Devlin: I thank the Minister for taking this question. Is he aware that some parents have not received child benefit payments this month? I have received several reports of child benefit payments for children aged 16 being suspended. Before the onset of Covid-19, parents were required to have a form stamped by school authorities confirming that their child was proceeding into fourth or fifth year. The requirement was deferred last year because of the pandemic. I understand that many parents were not aware of this requirement and some did not receive forms. They now find themselves without child benefit payments. This will clearly have implications as preparations are made for the return to school in September. I contacted the Minister for Social Protection, Deputy Humphreys, asking her to investigate this issue. Groups such as Single Parents Acting for the Rights of Kids, SPARK, and Barnardos Ireland have also been in contact with the Department of Social Protection. Will the Minister raise this issue with the Minister for Social Protection to ensure that payments will be reinstated, pending certification, in September?

Deputy Eamon Ryan: I am informed that an issue has arisen this week where payments have not issued in respect of 17-year olds. Payments in respect of 40% of the 60,000 children in this age group have been impacted, but all other payments to the children and families concerned have been issued. I understand the Department has received calls and representations on this matter and it is working to have these payments restored and reissued in the next two weeks. The child benefit cases involved will also be put back into payment to September. Certification forms will issue to those parents for completion by their schools when they reopen to ensure continuation of payments to those parents from October.

Deputy Michael Creed: I am sure that the Minister will agree that the Paris accord of December 2015, when 196 countries came together to acknowledge the gravity of the global climate change challenge, was a seminal moment. The gravity of the situation was acknowledged in the context of safeguarding food security and ending global hunger. Those 196 signatories committed to “Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production”. In that context, I acknowledge the framework for the delivery of the targets we have accepted in this House in respect of the climate change legislation, which is currently going through the Seanad and which I wholeheartedly support.

An Leas-Cheann Comhairle: I request that the Deputy ask his question, as we are over time.

Deputy Michael Creed: Does the Minister acknowledge the imperative of consultation and, in so far as possible, consensus regarding targets for the agricultural sector-----

An Leas-Cheann Comhairle: Please, Deputy, we are over time. I call the Minister to reply.

Deputy Michael Creed: -----that do not threaten food production?

An Leas-Cheann Comhairle: If we do not adhere to the time, then other Deputies will not be able to get in. The time allocated for the question is up to one minute. I call the Minister to reply.

Deputy Eamon Ryan: Consultation is key in this regard and that can take place in different forms. We had an interesting and good meeting in our social dialogue process with the representatives of the farming sector last month. Many different views were expressed. Much attention was focused on the issue of climate, because it is going to be critical. I refer to climate adaptation as well as to reducing emissions. Equally, as I said earlier, this involves providing payments and increasing incomes as we reduce emissions. Therefore, consultation is going to be key. There are different views within the farming sector, however, depending on different circumstances in different parts of the country. The Government must balance those different situations.

I keep returning to the fact that the land use review and the plan that will emanate from it, reflecting the different circumstances in different parts of the country, as well as all the various elements of the agricultural sector, including dairy, beef, sucklers, crops, horticulture, tillage, etc., will mean that we will require a varied approach depending on those different needs. More than anything else, however, we must agree on how we can get young people into farming. We must listen and talk to them about how we can make this work. That will be key.

Deputy Ruairí Ó Murchú: I raise the issue of housing adaptation grants for older people and those with disabilities. Louth County Council has a lack of funding in this regard, and I imagine it is an issue for all local authorities. My office is dealing with many people who fall into the priority 1 category, which covers those who are terminally ill and fully in need of care, to facilitate release from hospital or to avoid future hospitalisation. That is what is necessary from a societal point of view and from the point of view of savings. However, we could be waiting for two or three years before these people are dealt with because insufficient moneys are available. We must examine the entire process, how it is undertaken for particular categories of people, including children with major disabilities and their needs in this respect.

An Leas-Cheann Comhairle: I thank the Deputy, but we are over time.

Deputy Ruairí Ó Murchú: First and foremost, we need the money. It is not going to cut the mustard otherwise.

Deputy Eamon Ryan: I would very much welcome it if the Deputy could provide me with details in this regard and I will certainly pass them on to the relevant Minister. As he said, I am sure this is an issue right around the country. If a specific problem is emerging in Louth, however, I will be happy to pass the information on to the relevant Minister to ensure it is addressed and targeted.

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Deputy Joe McHugh: I would like to hear the Minister's opinion on the traditional art of stone wall building. I also ask him to contact his colleagues, for example, Minister Humphreys, to see how we could incorporate stone wall building into potential artwork along the sides of roads. A heavy emphasis has been placed on modern art thus far in that regard. Beautiful pieces of art have resulted and they have all been worthwhile. However, we must look as well at the traditional art of stone wall building. Places such as Arraheera in Fanad, County Donegal, as well as locations in the Leas-Cheann Comhairle's constituency in Gaillimh, have many areas that we could look to for examples of this traditional form of stone wall building being brought back to life through schemes. We are not talking about an extra budget, but about looking at this traditional art in a more creative way through existing schemes.

Deputy Eamon Ryan: Following up on what I said earlier about young people getting involved in farming, the same applies to some of our heritage skills. A generation of people, many of whom I know, have these skills and an incredible variety of abilities and knowledge concerning a range of methods of stone wall building. We risk losing those skills and abilities if we do not value and protect our heritage and pass on those skills to a new generation. My colleague, the Minister of State, Deputy Malcolm Noonan, is doing a great deal of work in the area of heritage. He is providing additional funding, but also looking at the entirety of our policies.

I o'clock

I agree with the Deputy. The special character of many of our areas and their characteristic landscape, including our walls, is critical and central. It brings real benefits and is something we have to keep and transfer on to a new generation of people to have those skills.

Deputy Jackie Cahill: In May, I raised the unacceptable closure of the medical assessment unit in Nenagh hospital due to staff shortages. Thankfully, I have been informed by hospital staff that the unit has been fully operational since then. In response to a parliamentary question, the HSE informed me that work is ongoing to recruit a permanent team and a consultant there. It also stated the medical assessment unit was closed for patient safety reasons due to staff shortages. This is a two-way street. Patients need this medical assessment unit open and fully operational or the only option they will have is the accident and emergency department in University Hospital Limerick. Last week, the registrar of the medical assessment unit handed in her registration, so now there is no permanent registrar and no permanent consultant. I ask the Minister to ensure the HSE immediately recruits for these two positions-----

An Leas-Cheann Comhairle: Thank you, Deputy. We are over time. The Minister to reply.

Deputy Jackie Cahill: -----with a permanent functioning team behind them in order that the medical assessment unit in Nenagh Hospital can be fully operational at all times.

An Leas-Cheann Comhairle: We are over time. The Minister to reply, thank you.

Deputy Eamon Ryan: It is an issue right around the country. Earlier this year, as well as during the Covid pandemic, the Government agreed incredible planned increases in staff within our hospitals and healthcare systems. Many of those have been delivered but we are still waiting on other positions to be filled. It is proving difficult. There are skills shortages in our country, which are not helped by the restrictions on travel that Covid has brought. This is not because of a lack of budget or a lack of will. What is happening in Nenagh is a very good example of the difficulty in finding people to fill those positions. I ask the Deputy to provide

me with details and I will check with the Minister for Health if there are any reasons this has been delayed other than a shortage of suitable applicants coming forward. If there is any other obstacle, we will have to address it.

Deputy Aindrias Moynihan: Respite and day services are so important to families of children and adults with intellectual disabilities. This was further reinforced during the pandemic when those services were not available. In Macroom, the Cope Foundation ran services for five days a week, which was hugely valuable for local clients and their families. There is always an ongoing need to extend that to a seven-day service for Macroom. Will the Minister engage with Cope and the various authorities to ensure a seven-day and seven-night service is available for Cope clients in Macroom?

Deputy Eamon Ryan: Again, this is an issue a right around the country as the hours of many day care and other disability services have been constrained. The availability of respite services has been constrained. Additional funding of €5 million has been provided to develop new respite centres. Despite Covid and the recent attacks on the ICT health system infrastructure, all community health services, including disability services, are now back operating as normal. Regarding the Cope Foundation in Macroom, if the Deputy could forward me those details, I will happily pass them on to the Minister for Health. I support the wider opening and reopening of services.

Deputy Willie O’Dea: The Minister will be aware of the dramatic reduction in personal injury awards over the past two months by as much as 50%. He will also be aware that that reduction is a result of actions taken by the Government, which took a long time and encountered ferocious opposition. However, insurance premiums have not reduced commensurately. The idea behind bringing down personal awards was that premiums would be reduced and that these savings would be passed on to the consumer. What is the Government’s proposal to compel these insurance companies to pass on these savings to the consumer, which has always been the intention?

Deputy Eamon Ryan: That is absolutely the intention. The focus on bringing down insurance costs is not just a recent one and did not just come about on the back of that recent legislation. It has been consistently applied across a range of areas. The Minister of State, Deputy Fleming, held a series of meetings with the main insurers in the Irish market in April to discuss the guidelines and the need for insurers to respond by reducing premiums and expanding their product offering. I understand most insurers committed to decreased premiums in response to this development and the Minister of State intends to meet with them again later this year to review progress in this regard.

Critical to this issue is the national claims information database that the Central Bank maintains, which increases transparency in the insurance sector. It contains details of all claim costs, premium prices and claim settlements going back as far as 2009. We should be able to see the impact of the new guidelines-----

An Leas-Cheann Comhairle: Thank you. We are over time. We do not have time for the Minister to read the rest of his response. I call Deputy Andrews.

Deputy Chris Andrews: Ranelagh Gaels is a growing and innovative GAA club founded by its current president, Liam O’Hagan. Ranelagh Rockets is its new initiative to support and include children with additional needs. Ranelagh Gaels is all about inclusion but it does

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not have a home. Cathal Brugha Barracks in Rathmines has the only full-sized GAA pitch in the Dublin 6 area. It is vital this pitch is maintained and opened up to schools and clubs like Ranelagh Gaels and Portobello GAA club so they can have a home. Will this Government and the Minister for Defence transfer the pitch in Cathal Brugha Barracks to Dublin City Council to preserve this sporting facility for the community and the likes of Ranelagh Gaels and Portobello GAA?

Deputy Eamon Ryan: Like Deputy Andrews, I am very familiar with Ranelagh Gaels and its incredible story. It is a relatively new club and there has been growth and engagement with the local community across a range of groups, including the Ranelagh Rockets and other teams that are now coming up. It will not be too long before Ranelagh Gaels is starring in county championships and winning games. The development of Gaelic football, hurling and camogie has been phenomenal, particularly on the southside of Dublin. It is no surprise to any of us that Dublin beat Galway last week in the hurling. Excuse me, a Leas-Cheann Comhairle, for raising that matter. If you go canvassing anywhere in south Dublin there is a hurley in every second doorway. It is only a matter of time until we start doing well in the championship.

The Deputy is right that there is a shortage of available land in Ranelagh. It seems the pitch in Cathal Brugha Barracks would be an optimal location to allow the club to help many of these young people engage in the sport.

An Leas-Cheann Comhairle: Thank you, Minister.

Deputy Eamon Ryan: I do not know what sort of arrangement would be involved and I do not think the land could be transferred to Dublin City Council-----

An Leas-Cheann Comhairle: We are over time.

Deputy Eamon Ryan: -----but I will certainly encourage the Minister of Defence to make it available to the club.

An Leas-Cheann Comhairle: I know it is unsatisfactory but we are over time. We have 37 seconds left and there are five people waiting. I ask for the Minister's co-operation. I am not going to take each question separately because we are over time. Deputy Quinlivan has 30 seconds to put his question.

Deputy Maurice Quinlivan: I will do my best. The Government is committed to progressing a living wage within its lifetime. That commitment in the programme for Government should be welcomed. The Tánaiste previously remarked that the improvement of workers' conditions is a priority for him. As such, it is disappointing that the matter of a living wage has been subcontracted out to the Low Pay Commission. Its form when it comes to improving workers' wages would not make us hopeful. In the previous Dáil, the Low Pay Commission twice recommended an increase of 10 cent when reviewing the minimum wage. The introduction of a living wage is crucial for those who kept the State going during the very scary months of the Covid pandemic and for those who straddle the poverty line.

An Leas-Cheann Comhairle: Thank you, Deputy. We are over time.

Deputy Maurice Quinlivan: When does the Minister envisage the Government will publish its plan to move to a living wage?

An Leas-Cheann Comhairle: If all the Deputies persist in going over time we will not

reach everyone. We are only doing this with the co-operation of the Minister. We are over time and there is a list of people. I will let the Minister answer this question briefly and I will take the four remaining Deputies in one go and he might give them a composite answer.

Deputy Eamon Ryan: I believe the Low Pay Commission is well placed to advise the Government on this matter and I look forward to receiving its report and implementing it.

An Leas-Cheann Comhairle: We have four remaining Deputies, beginning with Deputy Paul Murphy. He has 30 seconds.

Deputy Paul Murphy: I thank the Leas-Cheann Comhairle. I appreciate her giving me the time. The Government is about to make a big mistake in approving the business case for the MetroLink to go to Beechwood, without considering the main alternative of going to south-west Dublin. I received an answer from the Minister to a parliamentary question, which seems to imply that the alternative cannot be considered outside of the formal six-year review process. That rule would not make any sense and that has already been broken. It also means not taking into account the evidence that has emerged.

Does the Minister agree that it would make sense to approve it up to St. Stephen's Green and then have independent reviews of the different options?

Deputy Denis Naughten: Special schools reopened last February. Public transport services will be increased to 75% from 19 July but people who are fully vaccinated are still waiting on the public health advice and on Government direction in this area. This includes those in disability training centres, where there is as little as 20% capacity being provided, or older people who have had no day service whatsoever since March 2020. Why are the doors of these vital services still closed to the most vulnerable in society?

Deputy Patricia Ryan: The programme for Government promises to prioritise the development of microgeneration, which lets people sell excess power back to the grid, by June 2021. We are a month past the deadline. When will microgenerators be able to sell back to the grid and make renewable technology more affordable? Under what terms will this be done?

Deputy Pauline Tully: My question is about the vaccine roll-out through the pharmacies. While it is welcome and the interest in uptake by young people aged between 18 and 34 is encouraging, no pharmacies in west Cavan are administering the vaccine. This is not because they are not interested; it is because they have been told by the HSE that it will not facilitate them joining the scheme. I would love to know why that is and what the situation is there. There is also no centralised booking system so people can book onto several waiting lists in pharmacies, and are doing so, which is causing a waste of vaccines.

Deputy Eamon Ryan: On Deputy Paul Murphy's question, there are three options for the extension of MetroLink on the south side. One is to go south-west to Terenure and Rathfarnham and potentially on to Tallaght; one is going up the green line, which will not be a viable option for a variety of different reasons; and one is going south-east to University College Dublin, UCD, Stillorgan and Sandyford, which would be able to address capacity issues on the green line. Whichever is the best option on transport and economic, social and community development terms will be the one that is picked. It is appropriate for that to be done within the review of the greater Dublin area transport strategy. The proposal, as developed by MetroLink, to extend beyond St. Stephen's Green, does not preclude any one of the options. It is better for us to go with the outlined proposal that has been 25 years in the making from TII and the National

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Transport Authority. Then, as a second development, we should look to extend further, either south-west or south-east, whichever is the more optimal option.

On Deputy Naughten's question, I commit that the next phase in the reopening has to include day care services, which are critical. If we can be successful, as we have been doing in our step-by-step and cautious but considered approach, I have every confidence that we will see those services restored. They are critical, not just for the health of individuals but also for their families. There are also all the other knock-on consequences of not having them available.

Deputy Patricia Ryan asked about microgeneration. We are in the final stages of preparing to deliver that and I expect it imminently. It will open up the possibility of being able to export and get a price for excess renewable power that people may have.

Deputy Tully mentioned the issues the pharmacies partaking in the vaccination programme are experiencing. That was set out by the vaccine task force, which has done a good job and it seems to be working well. Decisions on individual pharmacies were taken on the basis of having an appropriate network relative to the volume of vaccines that we had. If we saw a significant increase in vaccine supplies internationally, the task force would continue to review the situation. It has done almost 30 different iterations of the vaccine roll-out plan. That could include further online booking mechanisms. My understanding is that it is working well. The only problem we have is access to vaccines from the international environment. If that increased, our response on the ground would increase at the same time.

Sitting suspended at 1.15 p.m and resumed at 1.55 p.m.

Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Bill 2021: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

An Ceann Comhairle: Amendments No. 1 to 9, inclusive, are related and will be discussed together.

Seanad amendment No. 1:

Title: In page 5, lines 15 to 17, to delete all words from and including "to" in line 15 down to and including "so;" in line 17.

Minister of State at the Department of Justice (Deputy James Browne): The amendments made to the Bill by the Seanad all relate to the deletion of references to UEFA Euro 2020 tickets or ticket packages in the Bill as passed by Dáil Eireann. Acceptance of the amended sections entails accordingly the deletion of such references and the technical amendments made in consequence of the removal of provisions relating to the UEFA Euro 2020 football championship in the Bill as passed by the Dáil. All the amendments to the Bill are Government amendments. No amendments were moved by the Opposition in the Seanad.

The Bill, as initiated, included a provision at section 20 banning the unauthorised sale or advertisement for sale of a UEFA Euro 2020 ticket or ticket package for matches or official events during the scheduled Euro 2020 football championship. Its inclusion stemmed from a commitment given by Government to UEFA as part of the bid for hosting a number of matches

during the tournament in Dublin. No matches were, in fact, held in Dublin due to the pandemic. It now transpires that the legislation will not be enacted and commenced before the end of the Euro 2020 tournament on 11 July. The rationale for retaining provisions relating to UEFA Euro 2020 as part of the Bill therefore no longer exists.

References to UEFA Euro 2020 were included in the Long Title, where it states that the Bill is to provide “that a secondary ticket seller shall not sell or advertise for sale a UEFA EURO 2020 ticket or ticket package unless authorised by UEFA to do so”. The definitions in section 2 include a definition of a “UEFA EURO 2020 ticket or ticket package” as “a ticket or ticket package for a football match or official event taking place during the UEFA EURO 2020 football championship” and where “UEFA” means “the Union of European Football Associations”.

The contract terms in section 19 refer to “a term in a contract between a primary ticket seller and another person for the sale of a ticket or a ticket package” and shall be void. It would not apply to subsection 19(2)(a) “for the sale of a UEFA EURO 2020 ticket or ticket package”. There are also technical references in sections 20, 23, 24 and 26.

Seanad Éireann has accepted the removal of these provisions and I propose their removal also to this House.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 2: In page 7, to delete lines 26 to 29.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 19: In page 18, to delete lines 12 to 16 and substitute the following:

“(2) Subsection (1) shall not apply to a term in a contract for the transfer or sale of a ticket or ticket package for an event which excludes or limits the transfer or sale of tickets or ticket packages on the grounds of safety, public health or public order.”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 20: In page 18, to delete lines 23 to 26.

Seanad amendment agreed to.

Seanad amendment No. 5

Section 23: In page 20, line 29, to delete “under a relevant provision” and substitute “under *section 15*”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 23: In page 20, lines 31 and 32, to delete “under a relevant provision” and sub-

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stitute “under *section 15*”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 23: In page 21, to delete line 4.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 24: In page 21, line 12, to delete “or *20(2)*”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 26: In page 22, line 3, to delete “*sections 15(3), 17(5) or 20(2)*” and substitute “*section 15(3) or 17(5)*”.

Seanad amendment agreed to.

Seanad amendments reported.

An Ceann Comhairle: Agreement to the Seanad amendments is reported to the House. A message will be sent to Seanad Éireann acquainting it accordingly.

Deputy James Browne: On behalf of the Tánaiste, I would like to take this opportunity to thank the Deputies for their interest in, and contribution to, the passage of this Bill through the Dáil. The organised purchase of tickets by touts and secondary sellers to make a quick profit at the expense of real music and sports fans is about to come to an end with this Bill, and rightly so. The Bill bans the resale of tickets above face value and, in doing so, protects real fans of music, sports and other events and prevents the profiteers and scalpers who add nothing of value through this type of carry-on.

I thank the Tánaiste and Minister of State, Deputy Troy, who led the Bill through the Houses. I also thank the Minister for Health, Deputy Stephen Donnelly, former Deputy, Noel Rock, and Deputy Quinlivan for their work in pursuing this policy. The Tánaiste particularly welcomes the support for the Bill from all sides of both Houses of the Oireachtas. The passage of this Bill will facilitate fairer access for fans to tickets for cultural, entertainment, recreational and sporting events and will be beneficial to all consumers. We look forward to more of society and the economy reopening, hopefully in the near future, in line with the successful vaccine roll-out, and being able to attend live events again in a safe and fair way. The Tánaiste looks forward to the enactment of the Bill shortly and to it being in force at an early date.

Deputy Mattie McGrath: I thank the Minister of State. I too wish to be associated with the thanks he gave to everybody involved. This legislation is long overdue but it is a good initiative that is badly wanted. We need to have control of tickets. It is obnoxious to see the blackmail that touts carry out, particularly on kids who are very interested in a team, or whatever.

2 o'clock

Families were put under huge pressure to get tickets any which way. I have thankfully never

bought a ticket off a tout but many people are forced to have to do so. It is, therefore, good legislation. I ask the Minister of State, although perhaps he cannot reply, when exactly it will actually be signed into law and implemented.

We need to get people back to sporting events and back to enjoying music. Musicians need to be allowed to impart their wonderful culture, heritage and entertainment for people to receive and enjoy. Let the people live again. Do not have them frightened and cowering in fear. Get them out to enjoy society and concerts and a few sets and rincí agus rudaí mar sin freisin. People are waiting and eager to bolt out of lockdown and out of their houses like young calves let out into the field from the shed. They go wild for a while. They do not go really wild but they want to get out faoin spéir.

An Ceann Comhairle: I thank the Deputy. Deputy Quinlivan has some brief closing remarks.

Deputy Maurice Quinlivan: I will be very brief, a Cheann Comhairle. I welcome that the Bill is going through with the amendments. We have listened to some of the groups that were concerned. Some of the sporting groups have been listened to, which is quite good. It is past time that we have legislated for this and it is great to see that it has almost come to a conclusion.

Like Deputy Mattie McGrath, we would like to know when this legislation will be enacted. It is really good news for people who want to go to events. We are all looking forward to emerging from the crisis and the pandemic we are in at the moment and getting back to sporting events. Hopefully, many people will attend these events and be able to buy tickets and not be scourged like they were before. This is really good news. I welcome the passing of the Bill on behalf of my party.

An Ceann Comhairle: In a word, when is the Bill likely to be enacted?

Deputy James Browne: The Tánaiste has confirmed that it will be enacted as early as possible.

An Ceann Comhairle: That is good. I thank the Minister of State.

Affordable Housing Bill 2021 [Seanad]: Committee and Remaining Stages

An Ceann Comhairle: We have 180 minutes in which to deal with the business before us. We will suspend the House pending the arrival of the Minister.

Sitting suspended at 2.03 p.m. and resumed at 2.13 p.m.

An Ceann Comhairle: The Minister might prevail on some of his colleagues to invest in some of those electric scooters. They are very useful for getting around the place quickly.

Deputy Darragh O'Brien: Níl aon airgead fágtha agam.

Deputy Mattie McGrath: He should ask the Minister, Deputy Ryan.

Sections 1 and 2 agreed to.

SECTION 3

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An Ceann Comhairle: Amendment Nos. 1 and 2 are related and may be discussed together.

Deputy Richard Boyd Barrett: I move amendment No. 1:

In page 6, between lines 27 and 28, to insert the following:

“and shall be passed by both houses of the Oireachtas before being signed into law”.

Let us be clear that we all want to see genuinely affordable housing being delivered. However, one of the many problems with this Bill is that a whole range of the key issues which would ensure we would finally get some affordable housing are not contained in the Bill itself but are bounced back to the Minister to be done by regulation. Thus, after years and years of promises from successive governments that we are going to get affordable housing through a plan for affordable housing and an affordable housing Bill, we get a Bill in which many of the key issues are bounced back to the Minister to be done by regulation afterwards. We have no idea what will happen with key issues, such as, for example, the critical issues of defining what affordability actually is and whether it will be affordable for ordinary working families. There are also the public private partnerships, PPPs. Yet again the Government is insisting on bringing private property interests into the delivery of so-called affordable housing which has never succeeded but apparently will this time. On a whole range of other absolutely critical issues it will be up to the Minister, after the Bill is passed, to decide these things.

That is not acceptable. We think those things should be in the Bill. We want real definitions of affordability based on people's income. We do not want private investment funds or property developers to be profiteering out of this. We do not want measures, which we will discuss later, which are very likely to reinforce if not worsen the affordability crisis we currently face because they essentially underpin the existing problem of the domination of the housing sector by profit-driven interests which are responsible for the affordability crisis.

These amendments seek to ensure that, at the very minimum, matters relating to these key issues and that are going to be done afterwards must be passed by both Houses of the Oireachtas. This is in order that we have democratic oversight of regulations which may be made afterwards and so that the Minister does not just get *carte blanche* to do things which may not actually help the situation, or which are, in any event, not transparent or, worse still, as we saw last night, which may actually benefit the wrong people - the investment funds and property developers - rather than the people we should be looking after with a Bill like this, namely, the working people being priced out of the housing sector. That is the logic of this amendment and it is the very least safeguard we should have over a Bill that in many ways is a pig in a poke because we do not know what is going to happen in the future on some of the key issues that will decide whether we get the affordable housing we want.

Deputy Mattie McGrath: I too am concerned while we all wait with bated breath for action from Government. I am aware of the Minister's bona fides and listened to him on the housing committee. However, I do not know where it all gets lost and choked up when it comes to the drafting of legislation. It is not at all clear to me from this legislation and these amendments that we are going to see the logjams unblocked and the whole bureaucracy around the delivery of affordable and social housing in this country addressed. We could do this back in the 1940s, 1950s, 1960s, 1970s, 1980s and 1990s and we cannot seem to do it now. We have lost our way in some kind of fog, a dense fog. The Minister does not need a scooter but something to take the blinkers off his eyes and off those in his Department so they will deal with this. The role of

the voluntary sector should be acknowledged as well and the Minister should allow them in too. We saw a piece of legislation put into Covid legislation last night to court and have a continuing affair with all these vulture and cuckoo funds. I am not sure this legislation is in any way robust enough or has any clarity on how we deal with this situation or how we tackle it the way it should be tackled.

Deputy Eoin Ó Broin: I will speak in favour of both amendments in the group. When the Oireachtas housing committee undertook pre-legislative scrutiny of this legislation, one of the recommendations unanimously agreed by all members of the committee, both from the Government and the Opposition, was that the many regulations the Minister will have to produce, both for the affordable purchase and cost rental schemes, should be published in parallel with the legislation. This was so we could have a fully informed debate about the details of those schemes and whether the regulations and criteria the Minister would introduce via those regulations were appropriate. It would also allow us to fully understand the way in which the provisions of the Bill as it stands would be utilised.

It is very disappointing we have not even seen those regulations. To the Minister I say there is enormous frustration among directors of housing in local authorities throughout the State because for three years officials in the Department of Housing, Local Government and Heritage and for three years local authorities and councillors from all parties and none have been keen to utilise funding that has already been provided through the serviced sites fund for cost rental and affordable purchase. However, they have been held back. Here we are debating legislation and we do not know the criteria.

These two amendments have great merit and not only should the Minister have published them but the Oireachtas should have had some formal role. That could have been, as these amendments suggest, with the Houses approving the measures or there could have been direct consultation with the Oireachtas housing committee or other body.

The Minister will continue to tell us this is transformative legislation but it is skeletal. Much of the detail of it we will not know until later this year. The bulk of the text of this Bill relates to one of its provisions, which is now to be called the affordable housing loan for affordable purchase led by local authorities. The cost rental section of the Bill is approximately a page and a half. We know virtually nothing about how this scheme will operate other than snippets that have been in the media about the cost rental equity loan pilot today. It is very disappointing.

For those of us who want to be supportive of the Government's efforts, even when we believe those efforts are badly designed and executed, the Minister makes it exceedingly difficult by behaving in this way. Therefore, I am more than happy to support these amendments.

Deputy Cian O'Callaghan: It is completely unacceptable that the Government has allocated only three hours for almost 100 amendments to be taken and to use the guillotine in this way. This Bill deserves proper scrutiny, engagement and oversight.

It is quite appropriate we are starting with amendments looking for proper scrutiny, accountability and oversight. The key flaw in this Bill is that it leaves much up to the Minister by way of regulation. For example, there is no definition of "affordability" in this Bill. It is an affordable housing Bill that does not define affordability so we do not know what the Government might do. We have heard media reports about market discounts rather than basing this on affordability which is linked to income, for example. This is all missing from the Bill, which is

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designed so a range of these areas is governed via regulation.

I have major concerns about this because we can see the influence of lobbyists on the drawing up of housing and planning legislation over recent years. It has been a total disaster in strategic housing development legislation. We have academic research on the role played by lobbyists, who had their policies implemented in the legislation lock, stock and barrel. We know the track record of previous Ministers on this. Regardless of who is the Minister, he or she should not have that level of ability without democratic oversight to set such regulations. It creates a scenario where different Ministers from different governments can go in different directions. It creates a position where we do not have any kind of democratic oversight, which is very problematic.

My concern is that by giving so much power to the Minister and in looking at other provisions in the Bill, we are looking at a range of measures. We can see it with the shared equity scheme, which is being lobbied for, when the independent analysis is it will push up house prices. My concern is we will have a range of measures, including these regulations, that will do the opposite of what the Title of the Bill implies and make housing less rather than more affordable.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank the Deputies for the amendments that have been tabled. For context, I remind Members, although I am sure they are well aware, that although there may be issues with different perspectives, this is the most comprehensive affordable housing legislation ever published. One of the Deputies said it is scant on detail, but I ask him to compare it with any other affordable housing proposals, let alone legislation or Bills, that have been published over a long number of years. I am absolutely confident it will work.

In getting to this Stage we have taken on board views of colleagues both from within the Government and the Opposition. I ask Deputies to look at this Bill from a positive perspective. I meet and speak to young and not so young people who have not been able to own their homes at an affordable rate or rent at an affordable rate with a secure tenure. Within the space of just a year, we will conclude the most comprehensive affordable housing legislation ever put forward by any government. That is action because I want to provide a path forward for home ownership at an affordable rate and for cost rental at scale. Coincidentally, just yesterday we opened the first 25 cost rental homes.

I want to discuss regulations as they are relevant to the tabled amendments. The regulations for eligibility for both cost rental and affordable purchase will be published well in advance of homes being occupied. Regulations will also ensure there is greater flexibility to move forward and make changes where appropriate. Deputies would be aware of this.

To deal with the amendments, the effect of the proposed amendments to section 3 would be to require that all regulations made by the Minister under this part have the approval of both Houses. I genuinely think this is unnecessary and it would add considerable time to the making of such regulations. Affordability is an urgent issue, and although some people might want to debate this back and forth, year on year, as they do with colleagues in council chambers, I want to see changes implemented. I do not want to see continued objections to affordable purchase or rental and social homes all over the country. I want to see a national scheme put in place, which is what this is.

The debate has been constructive until now, in fairness, and people have put forward their

views. I respect that. It is now time to get on with the job and pass the legislation. If people support affordable housing and purchase and the idea of home ownership for our people, especially young people and working people, they should support the Bill. If they support cost rental and affordable housing, they will support this Bill. Now is the time for people to make up their minds on this.

If the regulations had to come before the Houses of the Oireachtas every time they had to be published, it would add considerable time to the process. I am sure Deputies Boyd Barrett and O'Callaghan and their colleagues know that regulations must be laid before the Houses of the Oireachtas and a resolution annulling them can be passed by either House within the following 21 days. It is factual to say the Oireachtas retains full democratic control with respect to regulations made under this Act. I consider that this is sufficient and appropriate and I do not propose to accept either of these amendments.

Deputy Eoin Ó Broin: If this were comprehensive legislation, we would know, for example, what would be the eligibility criteria for accessing affordable purchase or cost rental schemes. If it were comprehensive legislation, we would know the cost or the way in which the cost of those homes would be provided. Nobody is asking the Minister to delay anything. In fact, this legislation has been three years in gestation over two Governments. Many of us, including myself throughout the last Oireachtas, tried to get this legislation introduced much earlier. The problem is that the Minister is asking us to support a Bill without us knowing the full facts. Again, I go back to the central point of the Oireachtas joint committee. We asked for the regulations, even the draft regulations, to be published in parallel with the Bill so the debate could be properly informed. There are real consequences to this. The serviced sites fund today is being used in different ways. It is being used, for example, by Ó Cualann Cohousing in Dublin city, and in the Minister's constituency, as well as in Cork, to deliver homes at genuinely affordable prices. We have all welcomed that and call for more. The fund is also being used in O'Devaney Gardens to deliver so-called "affordable" homes that will cost up to €310,000. That is before the €50,000 shared equity portion with the local authority, which must be repaid back. That is not affordable.

It is not unreasonable for Members of this Dáil, on the Government or the Opposition side, to simply ask the Government to let us know exactly how this Bill will operate. For the life of me I cannot understand why the draft regulations were not published with the Bill. Perhaps the Minister will explain. Were they finished? When does he expect them to be published? It is not the case that the regulations will be published before homes are occupied, because homes that are being funded under the schemes outlined in this Bill are already occupied. I assume that the small number of cost-rental homes announced yesterday by Clúid Housing will be occupied within a matter of weeks. Maybe the Minister will give us an update on the regulations. Maybe he can share with the Members of the Opposition some of the content of the regulations with regard to income limit eligibility, centre of interest criteria, price and price calculations, and when they will be published.

Deputy Richard Boyd Barrett: The Minister and the Government know that our big concern and the concern of a lot of people out there is that affordable housing may turn out not to be affordable for the working people who desperately need it. People may not have heard it on the microphones, but across the Chamber just now the Minister, Deputy Darragh O'Brien, said that it will be. I have no doubt that the Minister hopes this will be the case, and that he would like it to be the case, but the Minister's wishes and the best intentions in the world do not make something true. I am sure that Enda Kenny probably meant it when he said in 2011, when the Fine

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Gael-Labour Party Government entered office, that by the end of its first term the Government would have eliminated homelessness. He probably actually wanted to get rid of homelessness, but in fact they made policy decisions that produced the worst homelessness crisis in the history of the State. One can call it unintended consequences or misguided ideology, but it means that what the Minister wants may not turn out to be the case.

In this legislation we want something that guarantees affordable housing that is actually affordable for the working families who are facing a housing crisis, because housing is not affordable. Key to this is that those people who make money from property, from land and from housing, who just like to make money from investment, and who do absolutely nothing, do not dictate the price of the affordable housing. That is our concern. We will get onto the details on that in some of the other amendments. We get very worried when we hear of public private partnerships where affordability is related to market price, even with a discount on market price, or to local market conditions, which is worse. Local market conditions are absolutely dysfunctional and market prices are absolutely stratospheric. If that is what affordability is benchmarked against, I suspect that quite a few of us believe that the affordable housing in many of the areas where it is needed most will not be affordable.

We want affordability to be hardwired into the legislation. It is critical that this is done on the issue of income. I believe affordability is based on one's income, as I have said to the Minister many times. It is not based on a particular price that is set by the market, the Minister or anybody else. It is based on income. What is a reasonable proportion of income for working people to have to spend on rent or on mortgage repayments? To my mind, that figure is 25% or maybe 30%, but no more. It is not 40%, 50% or 60%, or indeed 70%, as many people are paying who are at the epicentre of this housing crisis. We want this provision in the legislation. The Minister does not want it in the legislation. He has not put it in the legislation. Instead, it is to go back to regulation. That is a grave matter of concern. We want any decisions the Minister makes after this to be subject to scrutiny, and not just through information laid before the Dáil, considering that this week we are dealing with guillotine after guillotine. We are dizzy with the amount of legislation that is being rammed through. How would we possibly be able to spot what might be laid before the Dáil on a week like this? If there is a requirement that these things must be debated and passed in the Houses of the Oireachtas, we will have some insurance and some oversight against the possibility that decisions subsequently made by the Minister will not actually deliver the affordable housing we so desperately need. This is the logic of these amendments. I do not see why that basic level of oversight and accountability in this critically important area, which is the existential crisis facing a generation of our society, would not have the scrutiny it deserves.

Deputy Cian O'Callaghan: We absolutely need affordable housing for those on average incomes. This is what is needed. We have reasons to be concerned that this is not what will happen. The Minister and the Government have given us those reasons because there has been talk about price limits for affordable apartments of up to €500,000. There has been talk of cost rental being set at a 25% discount off the full market rate, whereas in other countries it is done on a not-for-profit basis and it is much more affordable than that. We keep on getting references to affordable housing being a discount on the full market price. We have a lot to be concerned about here. The legislation contains all sorts of references to private sector delivery. There are also references to the shared equity scheme, which is a subsidy for private developers. Everything is indicating that we are not going to get the affordable houses needed for those people who cannot afford the full market rates and who would not be eligible for social hous-

ing. A huge number of people are stuck renting in that area who need this to work and need it to be delivered. I have not heard from the Minister why the draft regulations have not been published. We have been looking for them for quite some time. The Oireachtas joint committee unanimously asked for the regulations to be published alongside the legislation so that we could see the context on it. I must have misunderstood this previously from interactions with the Minister. I had understood that he intended to do that. I must have been wrong on that. I do not understand why the draft regulations have not been published. Where are they? When can we see them? When will we have transparency and oversight over them?

An Ceann Comhairle: Is any other Member indicating? No. We will go back to the Minister.

Deputy Darragh O'Brien: I will try to explain a few things in order to be helpful to Deputies. I will refer back to Deputy Boyd Barrett first, and then the other Deputies. We are dealing with the reality of the situation right now, which is that housing is not affordable for tens of thousands of people across the State. This legislation will bring about a national affordable purchase scheme and, pretty much for the first time ever, a national cost-rental scheme. I will give an example. Some people might not like to hear a reference to “market price” but, to give an indication of affordability, I must mention that the first 25 cost-rental homes were launched yesterday at about 50% less than the market price charged for rent in that part of north County Dublin. We can say that this is a comparison. We are not setting the regulations based on a reduction in market price. We know what cost rental is. It is a rent charged on the basis of covering the costs of the development, maintenance and management of a particular development.

Deputy Cian O’Callaghan will certainly be aware that in other European jurisdictions they are not just not-for-profit; they allow ethical investment, such as in Vienna, where a small margin is allowed. With cost rental in Ireland we are funding the start of this through Exchequer funding. In Balbriggan, as of yesterday there are rents of just short of €900 a month.

I will go further with regard to the regulations and when they will be introduced. When regulations are published they are laid before both Houses, as I said, and any Deputy can seek their annulment. I agree with Deputy Boyd Barrett. It is not just a question of setting a market price or a discount off a market price for affordable purchase. I have never said that. What is affordable to a person or family unit is what is affordable.

I want to be helpful on this. While I understand why it might be attractive, the provision of a single and absolutist indicator does not provide the most insightful or helpful response to the fundamental question of what is affordable. Deputy Ó Broin published a scheme a couple of years ago. This is a completely new Bill brought forward by the Government. The affordable housing policy brought forward by his party would have capped entry to the scheme if a person earned more than €50,000 as an individual or more than €75,000 as a couple. That is arbitrary. The figure was changed to €80,000 for a couple following some criticism. We need to point affordability at the family unit and individual.

There is very little academic support for an affordability measure that concentrates on averages alone. This is because different groups can experience very different conditions. Assessing affordability and the financial constraints on households is not best identified by a rule of thumb or asking how much is too much, but rather by asking how much is too much for whom and in what circumstances.

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I completely agree with the Deputy. That is what this will be focused towards. I will explain when this will happen. A number of Deputies understand that there is no one-size-fits-all. If I introduced a regulation that stated a person earning, as Sinn Féin proposed, in excess of €50,000 could not access an affordable house, I do not think anyone would have agreed with that. It would be a completely unworkable, arbitrary and unfair proposal. The main Opposition spokesperson has advocated such arbitrary caps.

This Bill will be better because it will take into account family needs and a household's particular financial circumstances. I want to broadly confirm that it is my intention to provide that households can apply to purchase what would be modest family homes using the mortgage available to them when they cannot afford the home in question at the value that is being sought. Where equity support is being made available, families can bridge the gap between their mortgage funding and the price of homes, and they will be eligible for that support.

I have previously indicated that, based on local authority submissions under the serviced sites fund, which will become the affordability fund, it is envisaged that homes made available by housing authorities under the scheme will have purchase prices of between approximately €160,000 and €300,000. We have seen this in areas across the country. That will give Deputies an indication of what we are talking about. Some of the schemes we launched in Lusk involve prices of between €165,000 and €265,000. The scheme in Ballymastone in Donabate has houses priced in the region of €265,000. Two Members who spoke to this amendment have colleagues in Fingal County Council who opposed the scheme. That is fine and they are entitled to do that should they wish to do so. This is about delivering affordable homes for people.

This involves house prices in approximately that region. As we deliver more we will be able to build up that scale. A home costing €160,000 is within the range of applicants with incomes as low as €29,000 for a single person or gross €27,000 for a couple with two incomes. That involves using a Rebuilding Ireland home loan, which we intend to be part of this. In the case of applicants using bank mortgages, the home is accessible for applicants with a gross income of approximately €42,000. I am giving this information to Deputies to try to be helpful. Most of us will agree that people who feel they will never be able to own a home will be part of such schemes. We will have the same type of arrangements for cost rental.

At the upper end, a home costing €310,000 is accessible for a couple with a gross income of approximately €54,500 using a Rebuilding Ireland home loan or a couple earning a gross income of just short of €79,700 if they are using a bank loan a mortgage. The reason for that is that the macroprudential rules, as they apply, are more liberal under the Rebuilding Ireland home loan because it is a long-term fixed rate mortgage. We will examine how we can integrate that better.

I want to be helpful to Deputies and outline when we will publish the regulations. Homes will become available in the coming months. I expect the cost-rental homes in Balbriggan to have tenants within the next eight weeks. On cost rental, I expect the regulations to be published in advance of that. It is now July and the regulations for both will be published by September. I have given Deputies a flavour of how they will work.

We need to have a degree of flexibility for people and families who want to own homes or rent a cost-rental unit for the first time in this country. We need to determine how this works. The main Opposition party advocated for arbitrary salary caps. If we hardwired that into the Bill, we would have to pass an amendment to change that. Would we add 10% or 15%? Would

we not allow flexibility for different affordability levels in different parts of the country? That is why the regulations are flexible. They can be brought before the Dáil or Seanad and discussed. It is a better, and more flexible and efficient, way of doing it, which means that the Dáil and Seanad, with the best intentions in the world, will not further delay the process and provision of affordable homes.

I say respectfully and genuinely that I understand why the two amendments have been tabled. Deputies have explained their reasons. I have given them not just my view, but how the operation of these schemes will work and why it is better and appropriate to do it in the way I am suggesting. For that reason I cannot accept either amendment.

An Ceann Comhairle: Given the volume of amendments we all want to get to, it would be a good idea to move on.

Amendment put and declared lost.

Deputy Cian O’Callaghan: I move amendment No. 2:

In page 6, to delete lines 28 to 33 and substitute the following:

“(3) All proposed regulations to be made under the Act shall be laid before the Houses of the Oireachtas for consideration. No regulations shall be made until they are approved by both Houses.”.

Amendment put and declared lost.

Section 3 agreed to.

SECTION 4

An Ceann Comhairle: Amendments Nos. 3, 9, 10, 14 and 15 are related and will be discussed together. Amendment No. 10 is a physical alternative to amendment No. 9.

Deputy Francis Noel Duffy: I move amendment No. 3:

In page 7, between lines 9 and 10, to insert the following:

““community housing trust” has meaning given to it by section 6(3);”.

I thank the Minister for bringing the Bill before the House. A year ago I was quite unsure about the programme for Government. However, just one year on, and following much discourse and negotiation, this Bill, coupled with the Land Development Agency Bill, gives me hope. Green Party policies of cost-rental, 100% public housing on public land, the abolition of co-living, community-led housing, tenures of indefinite duration and the imminent shutting down of the strategic housing development, SHD, scheme, among other measures, have been legislated for.

There are legacy issues from previous Governments. However, all of the aforementioned actions will provide affordable secure homes for many families and young people who have been locked out of the housing system. We have tabled a number of amendments to the Bill on the community-led housing model and I welcome the Minister’s amendments to include such housing in the Bill as a new model for the State. These amendments will provide a statutory footing to model and will enable people to pool their assets and resources to create homes and

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communities that meet their particular needs in a sustainable manner. As part of an academic research tour of Berlin organised by Mr. Dominic Stevens, an architect and advocate of community-led housing, I visited such a complex where the cost of homes was as much as 30% lower. I look forward to seeing this affordable housing model being rolled out in Ireland.

We need to ensure that our affordable housing models remain affordable and State led. Green Party amendments call for cost-rental dwellings to remain cost rental in perpetuity, rents to decrease rather than increase after the cost calculation period ends, equity returns to be capped at 3.5% in line with the equitable Vienna model, and tenants to be protected by offering tenancies of indefinite duration. Regulations are also required to provide succession rights to relatives or partners living with the tenant in the case of death or incapacity of the original signee.

All of these provisions are proposed as amendments by me, Deputy Matthews and our policy team. I urge the Minister and the Department to consider them either as part of the Bill or the accompanying regulations on cost rental. While our universal design amendment was ruled out of order, housing should be based on good and inclusive design. Our amendment called for 7.5% of new developments to follow the principles of universal design, ensuring that all people of varying abilities and disabilities could find suitable homes that met their needs. I welcome the Green Party's amendment to add a further section to the Bill requiring that 30% of units in any development, including apartments, be reserved for first-time buyers and owner-occupiers.

Deputy John Lahart: I welcome the Minister and wish him well with the Bill. I echo what my constituency colleague, Deputy Duffy, said about the programme for Government.

I have a couple of questions. I welcome the affordable rent aspect and the security of tenure it provides. If someone who avails of it moves into retirement phase, his or her income will drop substantially. The Vienna model and other continental models take account of this, and the Minister has made proposals concerning the availability of housing assistance payment, HAP, for people who lose their jobs, but what about people who enter their retirement years?

I welcome what the Minister is doing in respect of SHDs. In my constituency, what I predicted would happen has happened. The damage has been done, but some of it could be undone. There are planning applications for 13-storey SHDs in Citywest close to the village of Saggart. That is just two storeys shy of Liberty Hall. There is another application for a nine-storey SHD. The impact of the famous Cosgrave SHD could have been mitigated if it had not all been build to rent. Quite a number of older people in my community have considered the opportunity to trade down and move 100 yd or 500 yd. They have wondered whether that site would offer them the opportunity, but it does not because it is all build to rent. That is a savage legacy of the previous Government that will live with us for a long time. As such, I welcome the end of the SHD process, but the Minister and I know that it has done a great deal of damage.

Comments have been made in recent days about investment funds and certain apartments and other housing units that will be offered for public or social housing. I will quote Dr. Mike Ryan, who has been quoted many times over the past year in a different context. He had a great phrase: "Perfection is the enemy of the good". The perfect in the minds of all Fianna Fáil Members is that we build public housing on public land. That is our objective, but you cannot turn a supertanker around in 24 hours. That is what previous housing policy was, and trying to reverse it and put it on the right course takes time. Everything cannot be perfect, but the provision of 2,500 social housing units virtually at the click of a finger in the foreseeable future cannot be

denied as being a public good. It is not perfect, but it is certainly a public good.

I want to focus on what we are doing rather than on the Opposition, but I once heard a great definition of a socialist as someone who has nothing and wants to share it with everybody. That has struck me as being at the heart of some of the most strident opposition to the constructive, dynamic, positive and practical housing policies that have emerged from the Government over the past year. It should be a guiding principle for the foreseeable future that we should not always let the perfect get in the way of doing good. We want to get to the point of building public housing on public land. That is the clear stated intention of the Government and the affordable housing model is an essential part of that. Based on my conversations with the Minister and his team over recent months, the imminent housing for all policy will probably be as radical as it can get.

Deputy Paul McAuliffe: I see Deputy Matthews in the Chamber. He chairs the Oireachtas Committee on Housing, Local Government and Heritage. With this and the LDA Bill, he did a fantastic job in stewarding through legislation that will have an impact. I was remiss in not mentioning that during our debate on the LDA Bill. There was considerable discussion at the committee. While there were concerns and opposition to elements of the legislation, there was strong debate about where we are going in terms of housing.

In the debate on the previous group of amendments, I heard Opposition Deputies speak about their concerns and their desire for more detail. What I did not hear was an outright criticism that the Government is pointing in the wrong direction. It is clear that, in the 12 months the new Government has had the housing portfolio, there has been substantial work done in the right direction. We are leaning into the State providing housing rather than the market being the main provider. I could list all of the amendments. Deputy Duffy listed a number of them already. I had forgotten some of them. There has been substantial change.

The Affordable Housing Bill is another piece of the architecture that will fundamentally change the supply of affordable housing. Many Opposition Deputies stated that they could not keep up with the pace of legislation. The pace has been considerable, but that is because we are a Government of action rather than inaction. Many people wonder how the four elements of this Bill will help them. First, we are bringing back the idea of affordable purchase on council sites, a provision that was removed more than ten years ago. Councils will again be able to build affordable purchase housing on their lands in communities. This is important because people who were not eligible for social housing and could not get significant mortgages from the bank to allow them to purchase were utterly locked out until this legislative measure returned. While I was a member of Dublin City Council, proposals came to us time after time where there was not a tenure or income mix. Councils were given the terrible option of knowing that they were voting for communities that were not mixed or balanced. Every Deputy agrees that mixed tenure and mixed income developments are positive. We are giving councillors and councils back that power.

Second, we are putting in place an affordable rental model for the first time in the State. Many Opposition Deputies have spoken about this. Some of them were in government ten years ago but did nothing to introduce an affordable rental scheme for all the time they had the housing portfolio. Putting this model in place is important because, if people are above the income limits or otherwise ineligible for council housing, there will now be the equivalent of council housing for them.

3 o'clock

There will be secure tenure in a complex in which their costs and rents are managed throughout their lives. That is an important change in public housing policy.

Third, we have increased the obligations on developers. We have doubled the developer obligation on private sites. There will be 10% affordable housing along with 10% social housing.

The last measure we will introduce, because all of this will take time to come on board and it will take time to build homes, is a 20% interest-free loan for five years with no obligation to pay down that 20% principal on that home over the lifetime of the mortgage. That is important because it gives people a shot to be able to afford unaffordable homes.

Other Members again mentioned that figure of €500,000. I want to be clear that Fianna Fáil, the Minister, the Green Party and Fine Gael do not believe €450,000 is an affordable cost for a home and repeating that lie is disingenuous. We do not believe it. In fact, we have named it as unaffordable and put in place a scheme to make it slightly more affordable, knowing the long-term solution is public housing on public land.

I welcome the amendments the Green Party has tabled. I ask the Minister to consider them because community-based housing is important. We have seen the benefits of projects such as Ó Cualann and the innovation they can bring. This Bill will shift the Ó Cualann model slightly because it will now be a supplier of housing rather than a co-operative. We need to think how it will be impacted. For a long time, it was the only affordable housing game on-site. The Minister and myself were on its sites. I want to make sure everything we do in this Bill encourages and allows Ó Cualann to continue doing what it is doing. I ask the Minister to consider the Green Party amendments.

My sole focus and that of many of my colleagues, in supporting this Bill, is to try to make sure we can put people and families in homes and bring an end to unaffordability. We will not get everything right. It will not be perfect, but we are doing everything we can, with every lever we can, to solve the housing crisis.

Deputy Eoin Ó Broin: I strongly support the Green Party amendments. I tabled similar amendments to the Land Development Agency Bill to promote the idea of community housing trusts. Unfortunately, we do not have a legislative basis for such innovative forms of housing development. They work well in continental Europe, especially in countries such as the Netherlands, Germany and Austria. It would be a positive addition to have that kind of opportunity in which people, particularly those who bring their skills to self-organised architecture projects, would be able to work in partnership with, for example, local authorities, access finance and develop genuinely permanently affordable homes. Self Organised Architecture is an organised group here, which has been lobbying Deputies and Ministers. If the Minister is not minded to support these amendments at this stage, I agree with Deputy McAuliffe that he should continue to engage on the issue and come back on it at a later stage.

In response to two other points the Minister and his backbench colleague made, caps for eligibility for affordable housing was first introduced by Fianna Fáil when it was last in government. Those caps are still in place. They exist for the Rebuilding Ireland home loan and for the current affordable purchase housing projects that have come on stream. The Minister is correct that the original caps his party introduced, which I included in a consultation document last

summer, are too low. That is why all of us agree that, where those caps should be introduced, they should be higher and reviewed annually based on empirical evidence from the Central Bank and the ESRI.

The difficulty is where there are no caps, as with the help to buy scheme, 60% of the people who avail of that scheme do not need it. That is an independent result from the Oireachtas budgetary committee's report on that. It is the same with the English and Welsh shared equity loan scheme. That will be a feature of the problem with this legislation. The difficulty with Deputy McAuliffe's arguments is there is nothing transformational in this Bill. Two key aspects were policies of the previous Government and the Government before that. The substantive detail of the cost rental and affordable purchase elements of this Bill, which is the majority of its text, were developed under the previous Government and I do not see evidence of much change.

What would be significant is if this Government were to dramatically increase the levels of investment. It did not do it in its first budget. I wait with interest to see if that happens. Having legislation, in and of itself, will not produce the homes Deputy McAuliffe and I want. The level of investment is key and until we see that, particularly direct investment in local authorities and AHBs, we will not see the volume of units required.

There are fundamental concerns with this Bill. Deputy McAuliffe is wrong. The shared equity loan scheme will increase mortgage credit in the market, which is increasingly depressed in terms of supply. That will inflate house prices. That is almost the universal view of everybody, bar his own party. Even his colleagues in government, privately and some publicly, share that concern. Rather than helping people, it will do exactly what help to buy did. It will benefit, in the main, people who do not need it, while pushing up houses prices and making it more difficult for everybody else.

With respect to Part V - our difficulty is we are unlikely to get to those amendments because they are at the end - there are a number of significant concerns and uncertainties about the way in which those sections of the Bill are currently drafted. We only have the three hours. We could have had a committee session last Thursday. That slot was available. We could have had a committee session next Tuesday and Thursday. We will not get to tease out exactly how they will work and whether the private developer interests, which seep into this Bill under every section, will also infect those sections and undermine the delivery of genuinely affordable homes to rent or buy.

I support the amendments of Deputies Duffy and Matthews and urge the Minister, whether today or at a later stage, to take them on board. Not only are they well-intended, they would be a good addition to our housing system.

Deputy Cian O'Callaghan: I support these amendments as well. The role of community-led trusts needs to be supported and if it is not fully incorporated into the Bill, we need to do that. Not only are they to be found in other parts of Europe, they are in Scotland as well. In recent years, the Scottish Land Commission has done significant work on this. It has a good alternative role in providing housing which is affordable if it is community-led. There are also benefits in design and getting community input and buy-in, not just in the immediate delivery of homes, but in building communities in the long term. It is a model that needs to be fully supported and I strongly support the amendments.

I want to respond to one point the Minister made on cost rental and the Vienna model. We

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need to be clear about that model and profit limited companies. Those companies are akin to our not-for-profits. They are similar, but there is a key difference. They are much more tightly regulated in how they can spend any returns they get on cost rentals, than not-for profits or AHBs here. This is not just in terms of cost rental but other housings are highly regulated, with a complex set of rules, regulations and laws about how they can invest their money and returns.

The returns they generate are after the build cost is paid back. At that point, the vast majority of their returns have to be reinvested in housing, land or renovation. That is very different from the potential of a private investor or investment fund here, which are provided for under the legislation, whose profits potentially go to shareholders. That is the concern I have. What the Bill provides for is quite different from the Vienna model as it allows for private profit returns on cost rental to be extracted, whereas under the Vienna model any returns after the build costs have been paid off are recycled into the system. That is a huge difference.

It is massively regrettable that time has not been allocated to discuss these issues and tease them out. This needs to be done fast but that could have been done last week or this week. I am sure the members of the Oireachtas housing committee would have fully co-operated with that. If one looks at the National Economic and Social Council, NESC, study done of Vienna, for example, it cites potential rents of approximately €500 per month for apartments as a result of the subsidies they received. The Minister is correct about Balbriggan being a model. My concern is that this Bill allows for a departure from that not-for-profit model.

Deputy Darragh O'Brien: I thank the Deputies and particularly Deputy Duffy for tabling the amendment. I will address the amendments, but I sometimes find with Deputy Cian O'Callaghan that if I had a Social Democrats party policy document, turned it into legislation and brought it to the House, he would find something wrong with it and have a concern about it because it was me bringing it forward. We have to look at the facts of what I am bringing forward. We are introducing cost rental for the first time and legislating for it. As Deputy McAuliffe rightly asked, is everything going to be perfect as we go along? I think not. Nothing is perfect, but the reason we are looking at regulations on foot of this legislation is that if we need to change it as we go forward, we will do that. This is not about Deputy Cian O'Callaghan, me, Deputy Ó Broin or any other Member. This is about endeavouring to make a real difference for the tens of thousands of people who are caught in an unaffordability trap and the tens of thousands who are stuck with unaffordable rents and to give them real options that are going to work. That is why it is important.

While some may bemoan the fact that there is a short three hours for this element of the debate, there was extensive pre-legislative scrutiny which was facilitated and well stewarded by the chairperson of the committee, Deputy Matthews. The committee participated in that and there were even votes throughout the pre-legislative scrutiny. It was so well scrutinised that, if one had a suspicious mind like some of the Opposition Deputies, one could think it may have been done simply to delay the passage of the Affordable Housing Bill. We and our colleagues in Fine Gael and the Green Party want to ensure this legislation is passed before the summer recess so the schemes will be up and running, people can be in affordable homes this year and we have proof of concept. That may not suit some. It genuinely might not suit the political narrative of some to see an affordable housing scheme that is actually working. That is fine. However, this debate should not be about me or Deputies Ó Broin, Cian O'Callaghan, Duffy and Boyd Barrett. I ask Members to think about who this is really about, which is the citizen who wants a safe and secure home.

As we go through the remainder of this debate, I ask some of the Deputies to try to look at the positive elements of this legislation and the effective change it is going to make. Is absolutely everything in this going to work 100% from day one? No, absolutely not. Is it going to make a difference? It absolutely will. If we have to change it in the future, we will come back to it. Resolving affordability and bringing forward affordable housing do not have a one-size-fits-all approach and cannot be done by way of a silver-bullet policy. That is why we spent a solid year on this legislation. Yes, we have looked at other models. We have looked at other jurisdictions to see where certain purchase schemes work well, where cost-rental schemes work well and where they do not work so well. However, from the get-go and even before the publication of this legislation, the main Opposition spokesperson and his colleague in the Social Democrats have tried to use every opportunity to undermine parts of the Bill, without even seeing a scheme published. In a very short space of time, we will see this up and running and see people in affordable homes. Frankly, that is something all of us should welcome.

I want to see progress on affordability, on homelessness and on delivering public homes on public land. In the Land Development Agency Bill, which was mentioned by Deputies Lahart and Duffy, we have made very significant changes to the previous general scheme that was published and did not come to the Dáil, whereby there is 100% affordable and social homes in the two main cities and an affordability threshold of 50% minimum. These are radical changes that will have a lasting positive impact on what we are doing. This Government is determined to tackle and solve the problems, not to get one up on Deputy Cian O’Callaghan, Deputy Ó Broin or anybody else. I am happy to take criticism all day long, but Members should be constructive and support the legislation because it will make a difference.

Speaking about supporting legislation and looking at other matters, the amendments tabled by Deputies Duffy and Matthews are very helpful, as was an amendment tabled by Sinn Féin in the Seanad, which I accepted, to allow housing authorities to enter arrangements with co-operatives, community housing trusts and other not-for-profit bodies to make dwellings available for affordable dwelling purchase arrangements. This added such bodies to approved housing bodies, the Land Development Agency and public private partnerships. While the principle of my Green Party colleagues’ amendment is accepted, it was made clear that it would have to be slightly refined and reviewed to ensure it was legally sound. We have done that and I am now bringing forward further amendments, although Members may not have seen them in the grouping, including amendment No. 9. I am bringing forward this amendment to replace that provision with “arrangements with a community-led housing organisation, a housing cooperative or a community land trust”. The amendment is brought forward following consultation with my colleagues and Deputies Duffy and Matthews. I am also proposing the inclusion of a new subsection (3) in this section which allows the Minister to prescribe “minimum requirements in relation to governance, previous experience, financial management and financial reporting” to be met by such organisations, housing co-operatives and community land trusts. That is very important as well. We want to ensure that in any interaction with these community organisations they have the requisite experience, financial management know-how and financial reporting.

These revised provisions have been drafted after consideration by my officials and in consultation with the Housing Agency and the Office of the Attorney General. I am satisfied that the amended provisions will be fit for purpose and appropriately flexible, given the regulation-making power which will enable us to respond to the practicalities of matters arising. The provisions also meet the general objectives of the amendments proposed by my colleagues, which I do not propose to accept. I believe we have covered what they brought forward in the

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Government amendments, which are good amendments to this important legislative measure.

Deputy Francis Noel Duffy: We will withdraw the amendment. We are happy to pursue the concept with the Minister.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 4 is out of order.

Amendment No. 4 not moved.

An Ceann Comhairle: Amendments Nos. 5, 12 and 24 are related and will be discussed together.

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

In page 7, to delete lines 27 and 28.

As we discussed with the last group of amendments, we are happy to have arrangements with not-for-profit organisations. However, our concerns are not just ideological concerns, as the Minister regularly trots out, but concerns based on experience with what the private investors want out of property and housing and what their objectives do to the housing sector and to prices and rents. There is a need to ensure that in the Affordable Housing Bill, of all places, we do everything we can to make sure that the dynamics of profit seeking do not end up making affordable housing unaffordable or in any other way mess up the objective of delivering that affordable housing. This set of amendments relates to the provisions in the Bill to allow for public private partnerships.

Of course, this is where the danger does lie. To be honest, for anybody to say this is just ideological would be utterly dishonest. I hope the Minister is not going to go on about that now again and say it is just because I am ideological. Public-private partnerships have proven consistently to be more expensive and less reliable in the delivery of social housing or affordable housing. This is the reality. Why? It is because the private part of the partnership is in the deal to make money. They do not have the same objectives that we have simply to deliver housing that is affordable. They invest to make money. They do not invest in a project unless they are going to get their pound of flesh and, critically, they often do not continue with a project if at any point in the process they decide they will not make the money they originally thought they were going to make. Furthermore, there is no transparency in public-private partnerships because it is all shrouded in commercial sensitivity. Once there is a public-private partnerships, transparency and accountability about the expenditure of public money goes out the window because commercial sensitivity issues kick in. We believe that public-private partnerships have no place in the delivery of affordable housing and these amendments seek to delete those references to public-private partnerships because we want to exclude the failed public-private partnerships model from a Bill that is supposed to be about delivering affordable housing.

Let us remember back to the developments on Dominick Street, where we are finally starting to get something. That was because a public-private partnership showed the weaknesses inherent in those public-private partnerships. A certain developer just decided at a certain point not to proceed with it and the plans went out the window and we did not get anything. Dominick Street has been left there in disgraceful dereliction for 20 years as a result of this failed model of public-private partnership. We are not in favour of repeating it. Of course, I have seen

many other examples of this and smaller versions.

I might anticipate certain criticisms that occasionally come from Deputies Mattie McGrath or Michael Collins that this means we have no role for small private contractors. This is not what we are saying in these amendments. I want to stress this. Very often, public housing has been delivered by local authorities stating they want to build, for example, a public housing development of 200 houses and this is contracted out to a private developer. Frankly, I would prefer a State construction company and people directly employed by the local authorities but I understand that short of this often it is about contracting to private local builders. What does not happen in these traditional examples of delivering public housing is that the private builder dictates anything to do with the price of the dwelling or the rents in the dwelling, or that some arrangement is involved whereby large amounts of public money are paid out for 20, 25 or 30 years, paying over the odds for delivering housing. It is just a straightforward deal where the builders are paid a certain amount and they build the houses. This is different. This is not what we are saying here.

Public-private partnerships are a failed model. They are more expensive and less reliable, there is less transparency and they infect the objective of delivering affordable housing with the priority of making profits for private investors. Let us not have more of the stuff we debated last night that once again, when it should be about delivering affordability for people, we have to sneak into the back door the interests that just want to make money. This is what is here. There is no purpose or benefit in it. They cannot deliver finance any cheaper than anybody else. We can do that better than they can. There is simply no justification for public-private partnerships in an affordable housing Bill.

Deputy Eoin Ó Broin: I will speak to amendment No. 24 in this group on the subject of public-private partnerships. Public-private partnerships are quite a new model for developing social housing in a context here. The first bundle, as the Minister knows, was completed earlier this year, with 109 of the first 500 in my constituency. They were tenanted recently. The difficulty with the public-private partnership model is in the detail, and I want to briefly outline the reason it is not the right model to deliver homes.

There is an exercise at the heart of awarding the contracts for public-private partnerships, which is a public sector benchmarking exercise. Officials from Dublin City Council, the Department of Housing, Local Government and Heritage and the Department of Public Expenditure and Reform carry out a public sector benchmarking exercise, asking themselves what would it cost the public sector to do what we are asking the private sector to do. It looks at the cost of construction, the cost of management and maintenance and a number of other issues. A figure is derived. That figure is never made public and never made available to councillors or Members of the Oireachtas to scrutinise it properly in real time. It is used to decide which of the bids for the public-private partnership are the most competitive and on this basis an award is given. The difficulty is that the costings built into the public sector benchmark are not actually the same as what the State would give a local authority not only to build or to buy but also to manage and maintain social housing stock over the same period of time. We are not comparing apples and oranges. Therefore, from the very get go, the private sector is being given a better deal and a higher level of remuneration for the provision, management and maintenance of the stock than a local authority would be.

By virtue of using a public private partnership there are additional layers of cost. The finance, as Deputy Boyd Barrett has said, is more expensive. There is also the profit margin of

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the various players in the public-private partnership consortium, which I will come back to. When the public-private partnership consortium is forward projecting the cost of management and maintenance, of course it will be very risk averse and will include higher costs in its calculations. In a number of other jurisdictions where public-private partnerships are used we have seen that they can become very litigious if they do not get their way at a later stage when those higher costs become a matter of dispute.

The other great difficulty with public-private partnerships is their complexity because in the consortium we will have a financier, a building contractor, a maintenance contractor and an AHB to manage the tenancies, although the tenancies are actually with the local authority. This means getting anything done in addressing issues at the snagging stage as people are tenancing, or issues that may arise with tenants or that may arise with management and maintenance, is incredibly complex, unlike standard social housing delivered by local authorities or approved housing bodies where we go to the person in charge. We end up moving around five, six or seven different players with different levels of responsibility, all incredibly complex and time-consuming and all incredibly expensive and much more difficulty to resolve the problems. I have a very long list of real-life examples that I have been dealing with in respect of the public-private partnership in my constituency, the details of which I will not go into today.

We know from school building projects that when something goes wrong with a public private partnership the State is on the hook. Contrary to the claim of Government that public-private partnerships transfer risk to the private sector and protect the taxpayer, the very opposite is the case. The UK has been using public-private partnerships for housing regeneration projects and new build projects for some time. There has been a series of independent studies that show they are high risk for the State, more expensive and, in many respects, slower to deliver.

This is a bad model for delivering public housing. It is bad in terms of cost, management and maintenance and tenancy management. It has no place in an affordable housing Bill. The land in my constituency that has the 109 homes would always have had 109 homes. It would just have been much better if the State had funded South Dublin County Council to deliver them. The tenants and the rest of us would have been much better off for it. On this basis, I urge the Minister to remove public-private partnerships not just from the Bill but from public housing delivery in general because it is a very bad model.

Deputy Cian O’Callaghan: The issue I have with this Bill, as with much of the Government’s approach on housing and certain other areas, is that it is based on very good social democratic ideas, which are supported by progressive parties if not taken from them, but those ideas are, in effect, undermined and subverted by trying to put for-profit models onto models that only work because they are successful not-for-profit models. That is the whole point. Affordable housing is done well in other countries where it is done on a not-for-profit basis. That is how we get more affordable housing. Taking out the profit margins, speculation, fees and higher financing costs associated with for-profit development is how you deliver housing at more affordable rates. That is the key point. Housing is far too expensive, rents are far too high and thousands of people are cut out by unaffordable prices. A certain amount can be done through smaller schemes with subsidies and so forth, but if we want to scale this up and have housing that is genuinely affordable for thousands of people, and do so on a sustainable basis that we can maintain over years, regardless of the economic cycle, then we must do it on a basis that is actually affordable in terms of delivery and construction, not one that is reliant on relatively large subsidies that cannot always be sustained. That is why a not-for-profit, non-speculative model is important.

I refer to my amendments Nos. 12 and 24 in this grouping. Previous speakers have made the valid point that these proposals do not seek to remove the role of smaller private builders in delivery. Such builders have a very important role to play and always have done. My view has always been that they are a key part of the solution. The issue is trying to cut large private developers, investment funds and speculators out of the affordable housing sector to make the costs more affordable. That is what we are trying to achieve with these amendments. Lest anyone misunderstand my position, I want to be clear that these are not concerns I am articulating. I am articulating that I have a fundamental disagreement with the Government on this issue.

Deputy Mattie McGrath: I am not in favour of amendments Nos. 5 and 12. I honestly believe that public private partnerships have worked quite well. Big is not always wonderful and it may be that the problems that arose were on the larger projects. I agree with some of the points made by the Deputies supporting these amendments but I would like to ask whether any of them was ever involved in voluntary co-operatives or voluntary housing committees. Did any of them ever roll up their sleeves and do a bit of work to set up those types of schemes?

I am not blowing my own trumpet when I say that back in 1990, after a horrific robbery of a man, I was part of a group of people who got together to form a voluntary housing association. I salute from the bottom of my heart Donal McManus and other staff on the Irish Council for Social Housing, ICSH, and the people in Tipperary County Council who helped us. We built 14 houses and, later on, a further three for people with disabilities. If every village and community did that, it would be significant. We tendered for the process and we did not have a single expert or qualified person, whether engineer, architect, doctor or professor of any kind. We were all only laypeople with a small bit of common sense and an enthusiasm to get people housed. We confined the eligibility for the housing to people aged over 55 and then the three houses we built later were for people of any age with special needs. They were all lovely two-bedroom houses and the President at the time came down and opened them for us. We tendered and got local builders.

Unfortunately, Deputy Boyd Barrett and others are inadvertently defying and denying local builders, whether small one-man operations with a couple of subbies or the builders with eight or ten people working for them. The effect of some of the amendments they have put forward will deny those people work. I am not talking about the likes of the company involved in the children's hospital fiasco. I am talking about people of and from the community, people with expertise, who have built homes under the private public partnership model. When I was in the local vocational education committee, VEC, that model was used to deliver a number of schools. We waited 30 years for some of those schools and might never have got them only for the partnerships. There is a new school extension project starting now in Lismore in County Waterford, which is only 15 miles out the road from me. It is a massive school that would not have been built only it went to public private partnership. The pressure is taken off the teachers and school managers because they lease the property and the company concerned looks after the light bulbs, the roof and everything else. The teachers can concentrate solely on the education and further advancement of na daltaí óga. We cannot have ideological hang-ups about this. As I said, the Deputies supporting these amendments might let us know how many of them are involved in housing associations and how many houses they got built or were involved in building. We cannot be blaming the might of the State all the time and the big, bad brother.

There are massive logjams, delays and bureaucracy involved in the system. That has grown up since the 1980s or thereabouts. Before that, it was possible to build hundreds of houses in every county each year. The builders had no cranes, massive laser levels or any of the other

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equipment they have now. They just had the shovel, the trowel, the mortar and the bag of cement. Some of them had a mixer and others mixed the cement by hand. There was no pyrite and none of the effects of mica. There was oversight and there was no greed. I agree with previous speakers on certain points but when it comes to building houses, we must have a dolly mixture. We need a reasonable mix that allows and enables communities and voluntary boards to get the sites wherever they can and build on them.

In fairness, we got our site at a nominal price from the then Comhairle Contae Thiobraid Árann Theas. I have spoken before about the contrast between the speed with which we built those houses and the length of time it took the council to build on the same site. We built the complex with hardly an engineer. We got the help of one engineer, Liam Long, who did a wonderful architectural design and the whole lot of it. There is not a single step in that complex of 14 houses. In the same field, the council built approximately the same number of homes. We built and opened ours in 18 months; the council spent six years building its houses. Three or four contractors went bust in the middle of it and the houses were without roofs for three or four winters. They are 11 or 13 steps - I would not even call them steps; they are obnoxious things - inside those buildings that elderly people have to manage. There is a mix of elderly and younger people living there. There is a lot to be learned from small community and voluntary housing developments.

I agree that some of the large developments, which I will not name, got very big indeed. I very much enjoyed my time as a board member of the ICSH but, in the Celtic tiger times, larger housing bodies emerged and kind of diminished the role of the smaller ones. There was a battle there and, unfortunately, the smaller bodies did not win. In fact, they have a very important role to play in delivering houses. A very good friend of mine, John Simpson in Cathair Dún Iascaigh, is involved in a number of local authority housing bodies. I could name them but I will not. There are many more like him who are building and delivering houses on time and in very good condition. There was rabble talk here today about such builders not finishing houses properly and not snagging them right. They are snagged perfectly. In fact, they are built more quickly and snagged better than other houses and the snag list is attended to by the builders. It is in their interest to have the homes built right, have them maintained and get everything seen to in a speedy time. Somebody might be waiting five years to get small repairs done on a council property, such as a leak in the water tank, with all the damage that does with water going through the pipes. It is very hard to get councils to do that work.

There is a need for balance in this. I cannot support these amendments. The Minister might be surprised but I am supporting him on this because I agree with him. As I said, we need a mixture.

Deputy Steven Matthews: First, I thank the Minister for introducing amendments Nos. 9 and 14, which go a good way to meeting the objectives of the amendments Deputy Duffy and I previously submitted. This shows that if parties and Members are willing to work with the Minister to improve this legislation, and they are committed to delivering badly needed housing at scale that is affordable and well-designed, then the Minister is willing to work with them.

I want to comment on the role the Oireachtas housing committee played in this. We had five or six sessions in which we examined the pre-legislative scrutiny report on the Bill. We invited a large number of witnesses from approved housing bodies, the County and City Management Association, the Housing Agency and the Land Development Agency. I asked each of those witnesses whether they were satisfied with the general scheme of the Bill and they all said they

were. Those people are right at the forefront of the delivery of housing and have been for many years.

Today, amendments have been introduced regarding public private partnerships and we have had Deputy Boyd Barrett talking about ideology. The argument is being made that there should be no private investor involvement in producing housing in this country. That is ridiculous. It is an ideology and it will not work. We of course need investment and private investment to produce housing. We have introduced limited equity return in respect of cost rental, because that is the model which works. It is spoofing coming here and saying that is not what should be done.

Deputy Ó Broin talked about a public private partnership not being the model to be used. His line this week is that is not the right model. Last week, his line was that the Land Development Agency, LDA, should not be involved in delivering housing. That is what he said on Committee Stage in respect of this legislation. He is suggesting that we direct the Land Development Agency away from delivering housing. Therefore, we will have no private investment, no public private partnerships and the LDA will not be building houses. Deputy Ó Broin instead referred to the local authorities and the approved housing bodies, AHBs, delivering houses.

This week in Bray, Wicklow Sinn Féin members voted against a local authority-led affordable housing scheme. It consists of 18 units which are badly needed in the town. I constantly get phone calls and emails from people asking me when these houses are going to be delivered. I worked on this initiative from the start, because I was a county councillor at the time. This project came before the council as a Part 8 development and Sinn Féin voted against it. Members of the party are also voting against other local authority housing and affordable housing schemes across the country. It has happened in the Minister's constituency. Therefore, I do not think that Sinn Féin wants to deliver housing at all. I think the party wants to delay the delivery of housing, because the more delay there is, the better it will be for it. Sinn Féin should be more honest with people and in this Chamber.

Deputy Michael Fitzmaurice: We need a mix of everything to deal with the current housing situation. We can look at the situation in a year or 18 months. If something is not working then or some aspect has got out of hand, it will be easy to bring in legislation to deal with it. Regarding public private partnerships, I refer to a previous Government Minister in respect of when the health centres were done. It was the damnedest scheme I ever saw. The buildings were released from the person who built them for 25 years, after which it was necessary to release them again. We must ensure now that what we are doing is nailed down pretty well in its specifics.

We need everybody working on this issue. The county councils must be doing a bit, even though they are struggling to get staff. We also need PPPs, which I do not have a problem with, as long as the prices are kept in line. The Land Development Agency will also need to be involved. It is going to be crucial for the simple reason that we must ensure that we keep a close watch on the price of land and be certain that the prices are not going out of control. We must ensure as well that two or three State bodies are not bidding against each other to acquire and assemble parcels of land. I am blue in the face talking about the other aspect we need to address. We need the requisite infrastructure, including water, sewage etc., in place before development commences. We must plan now for the situation we will have four or five years down the road and not for tomorrow or next week.

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As Deputy Mattie McGrath pointed out, voluntary agencies and community groups have done a great deal of work down through the years in building chalets and on housing schemes to help people. They have worked. Many hands make light work, to be frank about this situation. We must get all sides active in addressing this issue. If a problem does arise at some stage, if the price of land were to get out of hand, for example, then it would be easy to bring in legislation to deal with that situation. The State has a choice in what and who it deals with if things were to get out of hand.

I ask the Minister to make sure of another aspect which involves PPPs. When we hear announcements regarding the development of 600 houses, for example, and so many of them being affordable and social, generally what distinguishes the companies undertaking such work is their ability to get the required finance. Most of the large building companies have a crane, possibly a mobile crane, and a teleporter, but all they have after that are fancy offices and people employed up at the top layer. Every one of those large companies are relying on subcontractors to do the work. They subcontract ground works, the block laying and every single piece of the work required as the project goes along. We must watch that we are not just sucked in by these companies. Such companies do not have much material or employees on hand. Their only advantage is that they have access to funding, generally from overseas, to enable them to undertake construction.

I ask the Minister to allow all the different sides to try to work on this problem. We must monitor the situation, however. It is simple to build a house. The problem is to get to that stage. What causes me to pull my hair out at times is to see the number of houses in Dublin at a standstill because of a hold-up in planning and then the slow pace of building. I state that because it is not complicated to build a house if it is possible to get on the ground and get at it. I also ask the Minister to look at these large conglomerates that are announcing 400, 500 or 600 houses, joint ventures and everything else in this regard. Other than access to finance, many subcontractors have much more gear than these large conglomerates. Those contractors, however, are not at that level and this is a serious problem.

Deputy John Lahart: As usual, I find it hard to disagree with Deputy Fitzmaurice. He is a rock of sense. The words I do not hear coming from the Opposition Deputies in their contributions are, curiously, terms like “crisis”, “emergency” and “urgency”. I liken this to a situation where some of the Deputies in the Opposition have arrived at a burst water main. We get all this theory about what ought to be done, the materials which should be used, the professionals which ought to be sought to carry out the repairs and the theory behind the best way to repair a water mains, and yet the water is bursting out of the pipe. To continue the metaphor, what Fianna Fáil is trying to do in Government is to fix the pipe with the materials we have available now, while trying to legislate for best practice as the future begins to emerge.

The Minister will share my next perspective. Many PPPs over the years have been train wrecks and the State needs to have learned from them. Some examples have been recent, not concerning housing developments but school building projects. However, scores and hundreds of new school buildings have also been constructed throughout the country to a high standard and left in the hands of the State in very good shape to be managed in future. Regarding my experience in my area of South Dublin, which I share with Deputy Ó Broin, the biggest brake on the construction of social housing during my time as a county councillor was the Department with responsibility for housing. It was before the current Minister’s time. Deputy Kelly was the Minister with responsibility for housing when one project was announced in my area. Deputy Coveney moved the project forward when he held the housing portfolio. However, the

project had still not started before Eoghan Murphy, the former Deputy and Minister, took over responsibility for housing. Three different Ministers oversaw housing as plans for this project went back and forth several times. It had started as a Part 8 development and was approved by councillors, but then the Department held it up. The builders built that development quite efficiently and people are living in those houses now.

Therefore, the State has been stung by PPPs over the years and we must be mindful of that fact. However, what the public are not being told by those proposing a public model is how long it would take to mobilise that perfect public building model. The Minister and the Deputies know there is a shortage of land. Local authorities have not been investing in public land. By the time they will be able to do so and then get that land zoned appropriately and undertake and complete the required public consultation phases, we will have been waiting years. Thankfully, a Government is in place now, heavily influenced by my party, which is beginning to make an impact. Those Deputies not from the capital probably have their minds boggled by the rents being paid in Dublin. I am also staggered by it. Rents of up to €2,500 are being paid in my constituency and even up to €3,000 for some houses which are not extravagant. Equally, I am staggered by the amounts of money young constituents have saved in the last few years. I know a couple who moved home two years ago to save, whom I have mentioned to the Minister previously. They were fortunate. I have advocated over the last two years for young adults who have had to return home because they cannot afford rent or want to save. However, it has been pointed out to me by people close to me that I have ignored the fact that at least younger people from Dublin can return to their family homes and save, while people from any other county in Ireland who are working in Dublin do not have the opportunity to do so. This young couple returned home to one of their sets of parents and in two years they saved €55,000. Until this legislation came on the scene, I could not offer them any hope of purchasing a home in their own constituency. Increasing the affordable piece of Part V or reintroducing it gives them real hope.

I accept that the State equity scheme is not perfect but there is a demand for it. It will be oversubscribed. I do not know how we will deal with that because it will be an issue. The couple I am talking about are not wealthy. They have ordinary, great, run-of-the-mill blue-collar jobs and they have saved hard. They do not work in financial services. They are not medical consultants or financial consultants. As Charlie Haughey once said, there is no such thing as an ordinary person. These people are extraordinary in their own way and they put their minds to it. Until this legislation came along, they had no housing options.

Deputy Fitzmaurice is right that this involves a mix but we need to keep an eye on it and police it. The one thing the left never seems to have any regard for - with the greatest respect to the Leas-Cheann Comhairle - is the risk entrepreneurs take. I have a brother in the United States. He went over like in the typical American dream story. He would be typical of many businesspeople here. He barely had the seat in his trousers. He went through various different iterations of employment and eventually got to do what he had dreamed of doing, which was property development. One thing he told me has left a deep impression. He has been doing this for 20 years now and he has employed some of the same dedicated, hard-working people on and off for that 20-year period. He said to me that they look at him and expect him to keep them employed for another 20 years. That is huge pressure. Entrepreneurs take huge risks. We talk about the profit but what if their plan does not work? We never talk about that. We need enterprise and the ability to take calculated risks, though not reckless ones. A decade ago, people were reckless and banks were even more reckless. Entrepreneurs start off with the spirit of enterprise. They want to do something, they have the skills to make it happen, and they are

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prepared to take calculated risks to make it happen. They know that they could fail and that if they fail, they are the only ones who will face the consequences. They will have to lay off the people who believed in them but the responsible entrepreneur wants to keep them going. It is a colossal responsibility for one man or woman to keep people gainfully and productively employed for their entire lives.

I have never witnessed a local authority build public housing in my time and I became a councillor in 1999. All the local authority projects in my county were built in partnership with contracting companies. They were built to the highest standard and have created lovely, secure homes for families and children. I would love the ideal whereby we build public housing on public land. However, I do not favour a State construction company. I also did not favour Irish Water. I have come around to it due to the fact that it has taken over from 42 local authorities but I have issues with the way it delivers and its efficiency in dealing with it face to face. People on the other side of this House keep looking for the perfect. We are trying to deal with the immediate and that requires solutions that work and deliver. They need to be policed and the Minister knows that. We need to take the experiences from previous PPPs on board to ensure those things do not happen again and we must ensure our local authorities and State agencies are equipped with people as bright as those in private sector.

Deputy Jackie Cahill: I represent a rural constituency but even in a constituency like mine there is a desperate need for social and affordable housing. Demand is far outstripping supply in every part of my county. In the last two months, the Minister announced three social housing schemes in Roscrea, Cahir and Carrick-on-Suir. Unfortunately, we need much more. In the last year, house prices in my county have risen by 19%. This is completely and utterly unsustainable. Deputy Fitzmaurice spoke about cost increases. Unfortunately, costs have spiralled in the recent past. We are being told there are many reasons for that and we need to analyse exactly what those reasons are. Some experts tell us that the cost of raw materials will come back down. This issue must be closely monitored. Thankfully, the supply of timber to our timber mills is now increasing, and we hope that will have an impact. However, there are many things outside the control of our own economy, such as the cost of steel and other factors. Those costs have gone up by 40% or 50% in the last couple of months. We are told that it is temporary, that prices will level off and that there will be deflation but that must be monitored very closely.

We need to use every apparatus we can to build houses, whether publicly or with private investment. As Deputy Lahart has said, not all developers become millionaires. Much of their enterprise falls on stony ground. Some have made themselves very wealthy men but they have taken chances and have left a testament behind them with the infrastructure they have built.

Land banks must be put in place. In my own town of Thurles, there were opportunities to obtain suitable land banks on the edge of town but they were not bought by public authorities. I have written to the county manager on this issue in the last week to ten days. Nenagh is a thriving satellite town of Limerick and with the motorway its access is greatly enhanced. A small estate on the edge of that town is for sale at the moment in two lots of 6 acres and 44 acres. It is called Riverston estate. I urge the Minister to put pressure on Tipperary County Council to acquire that land. The key ingredient we need in order to be able to build houses is a land bank.

Unfortunately, in a lot of rural towns the biggest impediment to getting houses built at the moment is finding land that is properly zoned and has the proper services. One would not think that would be the case, but it is. In my county, the waste treatment services in towns are totally and wholly inadequate. There are settlements that have no waste water treatment plants, which

is hard to imagine in this day and age. There are settlements on the banks of the River Suir with absolutely no waste water treatment facilities. Significant investment must be made in towns with totally and utterly inadequate infrastructure. We need the services to be in place and then we need the land banks. The Minister is making a genuine effort to provide affordable houses.

4 o'clock

We have people coming into our constituency offices, including those who have to be on the social housing list. We do our best and lobby for them to get houses but then there are the young couples who are above the income limits for social housing. In Tipperary, that figure is seriously antiquated and needs to be revised upwards urgently. My heart goes out to the people who want to get a mortgage and get their own house. They are paying high rents and it is extremely hard for them to save. Every obstacle is put in their way by the financial institutions to get a mortgage that would allow them to buy a house.

I commend this Bill. It is a genuine attempt to get affordable housing built, which it was a key mantra in our general election manifesto last year. It is what we will be judged on. Every young couple's dream is to be able to own their own house and call it their home. This Bill will allow that to be achieved.

I ask the Minister to press on the municipal districts in all the rural counties to put the land bank and the proper services in place. There needs to be serious investment in this because rural Ireland is seriously lacking in the services that are needed to have housing development continue apace.

An Leas-Cheann Comhairle: We are on Committee Stage of the Bill and we are discussing amendments Nos. 5, 12 and 24. I ask the Minister to address just those amendments.

Deputy Darragh O'Brien: I will address the amendments but I want to address some of the points that have been raised as well. We have had a detailed debate right the way through. Deputy Matthews, who is the chairperson of the Committee on Housing, Local Government and Heritage, clearly outlined the long process the committee has gone through to get to this Stage and I thank all members of that committee.

On Deputy Cahill's point, I want to put this on the record of the House because he has been good enough to raise it. Affordability is an issue across the country and not just an urban issue. It is acute across the country and we want to address it across the country. In the last month, I instructed all of our local authorities to get out and acquire land banks because we need to build more social and affordable homes and we need our city and county councils to the forefront of that. That is why the Deputy has asked them to acquire land, not just for the provision of social houses but for the provision of affordable houses as well. I have changed the process to reimburse the local authorities at a much earlier stage and to get them back out building, particularly local authorities that have a diminished land bank. I assure the Deputy that is the case.

When we look at the legislation we have been bringing through in recent weeks, including this Bill and the Land Development Agency Bill, it has been clear and it has surprised me to some degree that some of our most vocal critics and commentators on the provision of housing have said that we want a State land development agency that does not build homes. There is a context to this and it will become clear momentarily.

An Leas-Cheann Comhairle: Is it relevant to the amendments?

Deputy Darragh O'Brien: It is because I am going to tell the House what these amendments will do. In real terms, they will do exactly what Deputies Mattie McGrath and Matthews have said. I will explain this to Deputies by reading the provisions of the Bill. It must be put in this context. Most of my colleagues in the Opposition, including Deputy Ó Broin and others, do not want our State land development agency to build any homes and they do not want it to plan to build any homes, which is remarkable. I would ask Members to look at the specific provisions of the Bill that are referred to in this grouping of amendments. Deputy Boyd Barrett and others may be well meaning and they like to say on a regular basis that this is not about excluding the small builder or anyone else. Let me tell them how it does exclude those people. Section 6(1) states:

A housing authority may make dwellings available for the purpose of sale to eligible applicants under affordable dwelling purchase arrangements and may, in accordance with the Housing Acts and regulations made under any of those Acts, [and this is important] acquire, build or cause to be built, or otherwise provide or facilitate the provision of, dwellings for that purpose.

Following that subsection, section 6(2) outlines the arrangements into which a housing authority may enter. There are only four such arrangements. It is important that Members are aware of this because it might give them an opportunity to withdraw their amendments. The four arrangements are as follows:

- (a) arrangements with an approved housing body,
- (b) arrangements with co-operatives, community housing trusts and other not for profit bodies,
- (c) arrangements with the Land Development Agency [as was mentioned before, which is why I specifically reference it and why it is relevant to what I am saying here], and
- (d) public private partnership arrangements.

I ask Deputies Boyd Barrett, Ó Broin, Cian O'Callaghan and those who are proposing the deletion of section 6(2)(d) where the small private builder will fit in if this is done. Does the small private builder build 8,000 homes in Clonburris? Does the small private builder build 1,000 homes in Kilcarbery? If this amendment passes, arrangements such as Ballymastone, where there are 1,200 homes and which is a joint venture with 238 social houses, 238 affordable houses and 150 cost-rental houses, will not be permitted under this affordable housing legislation. That is consistent with the approach the Social Democrats, Sinn Féin, People Before Profit and others have taken and maybe that is what the Deputies want to happen. They are effectively saying that only local authorities should build houses and that no joint venture of any description could be entered into. Not only are Opposition Deputies satisfied that their colleagues in the local authorities continue to object to and vote against the provision of social and affordable housing, but now they are saying they want to underpin that by changing the primary legislation in the Dáil. That is not something I or my colleagues in government can countenance. We do not want a situation whereby the provision of affordable homes is in any way, shape or form inhibited and Members have correctly pointed out that this is what would happen. Deputy Boyd Barrett can shake his head all he likes. If we remove section 6(2)(d), he should come back and tell me how that will impact on the provision of affordable homes.

I have been brief in all my contributions heretofore but it was important to say what I have

said because it is fundamental. Some Opposition Deputies will say that they are not against building or the provision of affordable homes, but that they want us to do it ourselves and that we do not need any type of private interaction or investment, private builders or anything else. They will say we can have a land development agency that does not build any homes and that we can have an affordable housing scheme that does not access any type of private joint venture whatsoever. The effect of these amendments would be to remove the definition of “public private partnership arrangement” from the definitions in section 4. Amendment No. 12 seeks to remove a reference to “public private partnership arrangements” from section 6, which deals with the provision of dwellings by housing authorities. Amendment No. 24 seeks to remove a similar reference from section 7(1)(c), which deals with direct sales agreements. The effect of these amendments would be to prevent housing authorities from entering into public private partnerships or joint venture arrangements for the provision of affordable dwellings for sale. That is exactly what they would do.

Section 6 provides that in order to “make dwellings available for the purpose of sale to eligible applicants under affordable dwelling purchase arrangements”, a housing authority may: “acquire, build or cause to be built, or otherwise provide or facilitate the provision of, dwellings for that purpose.” Section 6(2), which I referred to earlier in the context of community-led housing associations and housing trusts, etc., specifically lists arrangements that a housing authority may enter into in order to make affordable dwellings available for sale with AHBs; the Land Development Agency, which some do not want to build anything; housing trusts; and PPPs. The thrust of this section is to allow housing authorities to do whatever they can to provide affordable dwellings for sale under the affordable dwelling purchase arrangements set out in this part of the Bill. That is what it seeks to do. I have said many times that I want our housing authorities to have the maximum number of tools available to them and at their disposal for the provision of affordable dwellings, as every Member should. Of course we want to safeguard value for money. Any type of joint venture that comes forward is assessed in great detail not only by the local authorities, in which some Opposition Deputies profess to have immense confidence but apparently not sufficient confidence to allow those local authorities assess a PPP or joint venture, but also the Department of Housing, Local Government and Heritage. There are a number of checks and balances within the system but this is about the delivery of affordable homes as speedily as we can, underpinned by comprehensive legislation.

Deputies Mattie McGrath, Fitzmaurice, Matthews, Lahart, Duffy and others are correct. The effect of the deletion of one of the four mechanisms by which we can deliver and sell affordable homes would be its complete deletion. The effect would be to effectively ban all joint ventures. If Opposition Members are happy with that, that is fine and they are entitled to their position. However, they are not entitled to say they support the delivery of affordable housing if they are going to remove one specific avenue of delivering those homes expeditiously. Many schemes, as we know, have been opposed at local authority level. Examples have been tabled of the thousands of homes that have been opposed at local authority level. What is being sought here by some Opposition Members in Sinn Féin, the Social Democrats and Solidarity Before Profit is to copper-fasten that further by removing a stream of delivery of affordable housing. That is unconscionable and I will not support it. I do not want to remove the facility for local authorities to enter into joint ventures for this purpose. I do not propose to accept the amendments and think that the Deputies who proposed them should be honest. Do they understand what the impact of this would be? Perhaps they do not. I will not accept the amendments.

Deputy Eoin Ó Broin: I will respond first to the comments of Deputy Matthews, the chair-

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man of our committee. These amendments would not stop private investment in any housing project. It would stop a particular type of developer-led development, exactly as the Minister said. It would stop PPPs and joint ventures. Almost of all of the AHB sector, for example, is financed either directly by private finance from banks or with private finance funnelled through the Housing Finance Agency. That would continue if these amendments were to pass. It is simply not accurate to say that this is about crowding out all forms of private investment; it is about ensuring that affordable homes are delivered by not-for-profit agencies, including local authorities, AHBs and community housing trusts.

It is also not the case that these amendments would prevent local building contractors getting building contracts for the delivery of social and affordable housing. In fact, one of the big problems with PPPs and joint ventures is that small- and medium-sized building contractors cannot get access to those contracts because of the way in which PPPs are set up.

I do, however, strongly agree with Deputy Matthews on one issue. The decision by two Sinn Féin councillors to vote against a much-needed social housing project in Bray this week was wrong. That is not just my personal view; it is the strong view of our party. I have spoken to both of the councillors directly to give them that view. While Sinn Féin strongly defends its position of opposing the transfer of land at low or no cost to private developers for joint ventures, to which I will come in a second, it does not support opposing social housing. In fact, our party has a strong track record, as does Deputy Matthews' party, in supporting Part 8 housing planning applications.

I also want to say to Deputies Lahart and Matthews and the Minister that there seems to be an assumption that some of us in the Opposition are opposing this Bill. I have made this point a number of times. There are aspects of this Bill that I fully support and have, in fact, campaigned on for many years. Those include cost rental, the funding of local authorities to deliver genuinely affordable homes to purchase and the Part V increase. However, it is entirely legitimate for the Opposition to make proposals to improve the Bill. That is what all of us in the Opposition, whether individual parties vote for or against this Bill in the end, are trying to do. I am fundamentally opposed to some of the ways in which the Government seeks to deliver what it calls affordable housing. On that basis, I am trying to improve this Bill. It is unfortunate that Deputy Matthews seems to be suggesting that I do not have such a right or that my motives are questionable for trying to improve a Bill that I am on public record as saying I am broadly supportive of, notwithstanding my strong objections to, for example, shared equity, PPPs or private sector involvement in cost rental.

With respect to the amendments, particularly my amendment No. 24, the Minister is correct about what this amendment proposes. That is because joint ventures dramatically reduce the number of affordable homes delivered on those sites. In the case he mentioned that in his constituency, 60% of the homes will be sold at open-market prices of €400,000-plus. That is not a good use of public land. In the case of O'Devaney Gardens, for example, not only will 50% of the homes be sold at unaffordable, open-market prices, but the deal with the developer is so bad that, notwithstanding the fact that the developer has effectively got the land for free, a three-bedroom affordable home will cost €310,000, plus a €50,000 equity cash return to the State if the purchaser sells the home in the future. If one is in favour of maximising the delivery of genuinely affordable homes and more social homes on public land, one cannot support joint ventures or PPPs because they are more expensive to the taxpayer and dramatically reduce the volume of affordable homes. The one thing the Minister and I agree on is what these amendments will do. The difference of opinion between the Minister, myself and other Opposition

Deputies is that we want 100% affordable homes on all public land. The Minister told us last week that he was going to use the LDA legislation to deliver 100% affordable homes on public land, although I will wait to see if that happens. Today he is arguing that we should allow joint ventures on public land that, in some instances, will allow 50%, 60% or 70% unaffordable, open-market prices that are way beyond the reach of working people. That makes no sense at all and, therefore, I stand over these amendments and will certainly press them.

Deputy Richard Boyd Barrett: I will try to be as brief as I can. We are not going to get to many of the key amendments to this Bill because we only have three hours to debate. That is a fact caused by the Government's guillotine. It is not necessary. We should have an opportunity to debate these amendments because this legislation is too important.

Deputy Mattie McGrath made slightly personalised comments, although I do not take them overly personally, in asking have we ever done this, that or the other. I have built council houses.

Deputy Mattie McGrath: Good man.

Deputy Richard Boyd Barrett: In fact, I built council houses in Peckham in London, which I went to see recently, and they are still standing. I was delighted. They were built by Irish building contractors for whom I worked there.

Deputy Mattie McGrath: Maith an fear.

Deputy Darragh O'Brien: Are they still in public ownership?

Deputy Richard Boyd Barrett: They are still in public ownership. They were built through the model-----

An Leas-Cheann Comhairle: We are discussing amendments Nos. 5, 12 and 24.

Deputy Richard Boyd Barrett: They were built through the model by which houses should be built as against public-private partnership. I am speaking directly to the amendments.

An Leas-Cheann Comhairle: We are discussing amendments Nos. 5, 12 and 24.

Deputy Richard Boyd Barrett: I know that. They are my amendments and I am speaking directly to them.

Deputy Mattie McGrath: The Deputy can go back to the building site any day.

Deputy Richard Boyd Barrett: Those houses in Peckham were built under the model by which the local authority contracts to build a certain number of public houses and then small builders and private builders come in and build them. It is not a public-private partnership. The Government is throwing mud in people's eyes and trying to create a division by suggesting we are trying to exclude the small builder from involvement in public projects. It is dishonest. The Government should stop playing political games because that is not what we are proposing. Public-private partnership is a very specific model whereby the private financial interest or private developer is involved in deciding things such as the final price of the dwelling. They should have no role in that. That is our point. They have been contracted to build housing at genuinely affordable prices that are set in the interests of those who need social and affordable housing. They should have no say in what the rents are or at what level the affordable housing

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cost is set, but with PPPs, they do. Furthermore, there is no risk. Deputy Lahart said there is a risk in PPP. There is no risk; that is the whole problem. The PPP is win, win, win for the private investor. In fact, they will not even enter into the arrangement unless they are guaranteed a win and a pound of flesh. That affects the cost at which it is built and the price at which rent is charged. Even then, they still pull out sometimes, collapsing projects and failing to deliver. We are trying to exclude them because they are not reliable and it delivers housing that is more expensive and, very likely, not affordable.

By the way, on a personalised note, we actively fought to get these sites developed in our area. People Before Profit representatives were the first to say that Shanganagh should be for public housing when the Department of Justice was selling it off. We called for it to be transferred to the local authority, which it subsequently was, and 15 years on not a sod has been turned. Why? When we said we should develop for public and affordable housing, the official ideology, with which this Government is continuing, was that it had to involve private finance. The Government could not then figure out how it could actually deliver affordable housing. Even though the Government approved Shanganagh the other day, we still do not know how much the affordable housing will cost. We still do not know 15 years on. We have no idea what the price is going to be.

That is what public private partnership does as opposed to the local authority simply saying we will have this much public housing, these many cost rental and affordable homes, and then tendering out to whatever builder can build it. That is it. That will provide local work for local builders and all the rest of it. People concerned with profit, however, will have nothing to do with the speed at which that is developed, the mix of housing or the final rents and prices.

Let us be absolutely clear, therefore, about what is being debated here. Deputy O'Callaghan said earlier that this is fundamental because of the four groups mentioned by the Minister. We absolutely want the local authorities, co-operatives, approved housing bodies, AHBs, and not-for-profit entities involved. We absolutely do not want unreliable property investors to have any say over whether we deliver housing because we cannot take a risk on it. This is the thing. If some builder in New York or anywhere else wants to take risks, let that builder take risks. We cannot take a risk with the delivery of affordable and public housing.

Deputy Cian O'Callaghan: I am speaking to my amendments Nos. 12 and 24 in this group. When it comes to why housing is unaffordable, private developers are at the heart of this. Turning to them to try to deliver affordable housing when they are the ones who are pushing up prices, which we all understand is part of their business model, is a completely flawed approach. Public private partnerships will mean so-called affordable homes will be delivered that are far too expensive. Tens of thousands of people who need these homes will, therefore, continue to be locked out. That is the problem.

There are also problems with very slow delivery and with the drip-feeding of homes to maintain high market prices. That also ignores that we are now in a situation where very low-cost finance is available to the State, which can be done in terms of public borrowing and public investment. That finance is much more affordable and cost-effective than private finance. You do not have to look at the Economic and Social Research Institute, ESRI, paper from a few weeks ago to know that. Look at the Part V proposals submitted by Bartra as part of the O'Devaney Gardens development. You can see that each home there, according to the developer's breakdown of costs, is coming out at €40,000 more because of the private finance mechanism part of that delivery. On top of that are other additional costs, fees, profits and so forth.

To be very clear, my colleagues on councils do not and have not voted against social and affordable housing. They voted against selling off public land to private developers to develop full-cost, full-price market homes, for which they do not apologise. It is not something they or I would support. We are trying to copper-fasten affordability into affordable housing with these amendments. It is very important.

An Leas-Cheann Comhairle: We are speaking to amendment No. 5. The Minister wishes to come back in.

Deputy Darragh O'Brien: I acknowledge the fact that, in fairness, there have up until now been differences of opinion in certain areas. This is a fundamental difference because it is about delivering affordable homes. I will stand over my position and others will stand over theirs. Deputy Boyd Barrett has a specific definition of what a public private partnership is that is actually not defined in this Bill. What his amendment would do is remove any avenue for private delivery.

I say to Deputy O'Callaghan that while I will not accept the amendments, I have accepted amendments and views from Second Stage. I have been open to improving the legislation. I acknowledge that we did not divide on the legislation on Second Stage nor did we in the Seanad. I hope it is the case that while there may be elements to it some do not agree with, the Dáil in unison can speak with one voice that affordable housing is important. While some Deputies believe their own views are more important than resolving the issue, it is important we bring in changes that will make a difference for our people.

The amendments, as tabled, would have a serious effect on the delivery of affordable homes and would restrict the options on delivery. Deputy O'Callaghan referenced a specific instance in Ballymastone, where effectively we are looking at 600 units, that is, 238 social, 238 affordable and 150 cost rental homes, which he and his colleagues opposed. While he said they should not apologise for that, I believe they should, to be honest with the Deputy. Hundreds of people there will get affordable homes through that scheme and they should.

I will not go on any further. This has been debated back and forth. Fundamentally, this Government wants delivery of affordable homes. The lead deliverer of that will be our local authorities, and in many instances they will need to partner. They will need private builders to come in and build for them. The Land Development Agency, LDA, is going to deliver affordable homes. A couple of Members in Opposition do not want it to build any houses. They cannot have it both ways. We either want to deliver homes for people - the minimum of 33,000 per year that we need - or we do not.

Accepting this amendment would restrict the delivery streams of affordable homes for purchase and affordable rental. I remind people this is the week of the very first cost rental homes being delivered within one year of this Government coming into place. It is the very first cost rental that has been discussed for years. Deputy O'Callaghan's former party, namely, the Labour Party, and his former colleague, Deputy Alan Kelly, announced a scheme in 2015. It is not even tenanted yet. We are delivering and getting it done. That is why I cannot accept these amendments.

Amendment put:

<i>The Dáil divided: Tá, 40; Níl, 70; Staon, 0.</i>

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<i>Tá</i>	<i>Níl</i>	<i>Stáon</i>
<i>Boyd Barrett, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Brady, John.</i>	<i>Browne, James.</i>	
<i>Browne, Martin.</i>	<i>Bruton, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Burke, Colm.</i>	
<i>Clarke, Sorca.</i>	<i>Burke, Peter.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Butler, Mary.</i>	
<i>Cronin, Réada.</i>	<i>Cahill, Jackie.</i>	
<i>Crowe, Seán.</i>	<i>Calleary, Dara.</i>	
<i>Cullinane, David.</i>	<i>Carey, Joe.</i>	
<i>Daly, Pa.</i>	<i>Chambers, Jack.</i>	
<i>Donnelly, Paul.</i>	<i>Collins, Niall.</i>	
<i>Ellis, Dessie.</i>	<i>Costello, Patrick.</i>	
<i>Farrell, Mairéad.</i>	<i>Cowen, Barry.</i>	
<i>Funchion, Kathleen.</i>	<i>Creed, Michael.</i>	
<i>Gannon, Gary.</i>	<i>Crowe, Cathal.</i>	
<i>Guirke, Johnny.</i>	<i>Devlin, Cormac.</i>	
<i>Harkin, Marian.</i>	<i>Donnelly, Stephen.</i>	
<i>Kenny, Gino.</i>	<i>Donohoe, Paschal.</i>	
<i>Kenny, Martin.</i>	<i>Duffy, Francis Noel.</i>	
<i>Kerrane, Claire.</i>	<i>English, Damien.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Farrell, Alan.</i>	
<i>Mitchell, Denise.</i>	<i>Feighan, Frankie.</i>	
<i>Munster, Imelda.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Flaherty, Joe.</i>	
<i>Murphy, Paul.</i>	<i>Flanagan, Charles.</i>	
<i>Mythen, Johnny.</i>	<i>Fleming, Sean.</i>	
<i>Nash, Ged.</i>	<i>Foley, Norma.</i>	
<i>O'Callaghan, Cian.</i>	<i>Grealish, Noel.</i>	
<i>O'Rourke, Darren.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Broin, Eoin.</i>	<i>Haughey, Seán.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Heydon, Martin.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Hourigan, Neasa.</i>	
<i>Quinlivan, Maurice.</i>	<i>Humphreys, Heather.</i>	
<i>Ryan, Patricia.</i>	<i>Kehoe, Paul.</i>	
<i>Smith, Bríd.</i>	<i>Lahart, John.</i>	
<i>Stanley, Brian.</i>	<i>Leddin, Brian.</i>	
<i>Tully, Pauline.</i>	<i>Lowry, Michael.</i>	
<i>Ward, Mark.</i>	<i>Madigan, Josepha.</i>	
<i>Whitmore, Jennifer.</i>	<i>Martin, Catherine.</i>	
<i>Wynne, Violet-Anne.</i>	<i>Matthews, Steven.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>McConalogue, Charlie.</i>	

Dáil Éireann

	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Murphy, Verona.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Noonan, Malcolm.</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>Shanahan, Matt.</i>	
	<i>Smith, Brendan.</i>	

Tellers: Tá, Deputies Cian O'Callaghan and Richard Boyd Barrett; Níl, Deputies Brendan Griffin and Jack Chambers.

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.

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.

Section 4 agreed to.

SECTION 5

Deputy Cian O’Callaghan: I move amendment No. 6:

In page 8, to delete line 4.

This amendment is grouped with amendments Nos. 35 and 41 and they would all have the same effect, which is to remove open market dwellings as an option for providing affordable housing. My issue is with the Government potentially buying houses on the open market for the provision of social and affordable homes, thus reducing the overall general supply of housing, pushing up prices and competing with first-time buyers. Instead, what should happen, of course, is additional housing should be built.

This amendment comes in the context of the recent discussions we have had in the Chamber about homes being bought up in a process that competes with first-time buyers. We were recently told by the Taoiseach and others that these are temporary measures but this Bill appears to copper-fasten that sort of approach.

Deputy Darragh O’Brien: You are conflating matters and it is irresponsible in the extreme.

An Leas-Cheann Comhairle: We will do this through the Chair.

Deputy Darragh O’Brien: It is totally wrong.

Deputy Cian O’Callaghan: Those are the reasons I tabled the amendments.

Deputy Eoin Ó Broin: My amendment in the group speaks to section 6 and the reference to open market dwelling, and that term is only fully explained in section 8. This is a significant innovation in the Bill that, from memory, I believe was not raised at the pre-legislative scrutiny phase or in the general scheme of the Bill. It is not clear what the Minister intends to do and my fear and that of Deputy O’Callaghan - we share an amendment - is that this would allow a local authority to use the serviced sites fund, or the affordable housing fund, as it will be called, for an individual to purchase a property on the open market and have the benefit of the serviced sites fund discount, although the local authority would seek to recoup that €50,000 if the property is sold. I understand the Minister is considering raising this to €100,000.

Questions arise immediately. I hope the Minister will clarify if that is the intention of that section, but if it is, what would be the price limitation on the purchase of the property? The serviced sites fund was originally intended as a funding stream for local authorities to offset local authorities’ land and site servicing costs and their land costs would be historic rather than open market value. As a result, a house could be purchased for approximately €250,000 or less and the €50,000 from the service sites fund would be repaid to the local authority if the property was sold at a future point.

If we are saying the serviced sites fund or affordable housing fund can be used for an individual purchaser to get a subsidy from the local authority to purchase an open market price home, it is a complete change. I am not saying that I understand this completely and I am inviting the Minister to explain what he is trying to do with this. I have a clear view, which is that the serviced sites fund should be used in exactly the way it is being used at Boherboy and the Ó Cualann model and other areas, either for a local authority or a not-for-profit agent act-

ing on behalf of a local authority in building homes to be sold at genuinely affordable rates. I am, therefore, concerned about the implication of this section and I am keen for the Minister to elaborate on it, given that we did not have a chance to scrutinise this at pre-legislative stage.

Deputy Richard Boyd Barrett: I too am looking for clarification on this. There may be a slight difference of opinion with my comrades and colleagues in the Opposition on this, or there may not. This is why I want clarification from the Minister. I am very much against anything that is going to reinforce or underpin unaffordable house prices as they exist in the epicentre of the housing crisis at the moment. Any kind of influence the unaffordable market price might have on the actual price of affordable housing that is delivered by the State is unacceptable to me. This is the fundamental problem. It should have no influence because at the moment the market is the problem. It is out of the reach of 70% to 80% of people. They just cannot afford these house prices. This is most certainly the case in my area and in most of Dublin, and in many of the other urban centres, although not exclusively. The State needs to do something that breaks with this logic if it is going to deliver housing that is genuinely affordable.

In this legislation and all the other housing legislation that he trumpets, the Minister not only leaves the door open for the market, he also explicitly brings the market back in and brings in private interests that are concerned with market prices and profits they can make. I believe this guarantees unaffordability.

If it is a choice between a vulture or a cuckoo fund buying up a housing estate, or a local authority, I would rather the local authority bought it. This is the point I made yesterday about the stamp duty tax incentive that is being given to the vulture funds. The Taoiseach implied that if the local authority stepped in and bought that housing instead of the vulture funds, that somehow this would impact on first-time buyers. It would not. That is a deliberate misrepresentation of what I said yesterday, which was that this is not the choice. The choice is that these vulture or cuckoo funds are coming in and buying up estates and that we should do everything we can to stop that, and that if a local authority stepped in to purchase those homes and then allocated them for affordable and social housing, they could ensure some affordability. The criteria for affordability should be set by the local authority and real affordability could be based on incomes and on the delivery of social housing. The Minister needs to clarify this because we do not want the open market in any shape or form to dictate the cost of affordable housing.

Deputy Darragh O'Brien: I thank the Deputies for tabling their amendments. This Bill will increase supply. We all want supply increased. I did not mean to interrupt Deputy O'Callaghan but I want to be clear that this is not about tipping any balance in favour of anyone else. It is about young and not so young people, and individuals and families being able to buy a home. We know this, so let us be clear.

I am conscious too that those who have spoken so far on these amendments, including me, are all Dubs. I say this because there are areas of the city and county that are seeing quite a lot of development. There are, however, affordability issues in other parts of country. Deputy Jackie Cahill spoke earlier from a Tipperary perspective. There may be times where there is a small development. Let us consider the working couple or individual who would meet the criteria, which we will publish, for an affordable home, but maybe in Graiguenamanagh, or Carlow, or somewhere else. We want to allow the flexibility to help them to own that home. It may be a small development of ten homes, for example, and above the Part V provision of 20%, which will increase in the Bill. Large affordable housing estates may not be built in their area. In such an instance, we will take the equity, as Deputy Ó Broin rightly said, through our

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affordable housing fund. It is to allow that flexibility. The acute areas of affordability relate to our main cities, especially Dublin and Cork, but we are seeing this issue throughout the country. I want to ensure that citizens, through their local authority, have the ability to own an affordable home. We want to get local authorities, which is the preference, to build these mixed-tenure homes. This Bill will provide for that. I have issued a circular to all local authorities on bringing forward mixed-tenure social and affordable schemes, where heretofore they had only been able to bring forward on their own lands single-tenure social housing schemes. While they are important, we want to bring forward mixed-tenure schemes with social and affordable housing. With the passing of the Bill, local authorities will be able to do that, and I have asked them to do so.

In this specific instance, I do not see this as anything that will be the norm, but as I said, it allows that flexibility in places where there may not be a lot of development, such as in other parts of the State outside our main regional cities. That is the purpose of this provision.

Deputy Eoin Ó Broin: I thank the Minister for that. I want to tease it out. I am genuinely open to the proposition in front of us. I have spoken to representatives of a number of smaller, more rural, local authorities who have indicated that even with the serviced sites fund, the delivery of affordable homes within the price point I would like could be difficult. In his second response I would like to pin the Minister down a little more. Is he saying that this provision would not be usable, for example, for an individual or a couple in Dublin purchasing a house on a private housing estate at €300,000, to bring the price down? In a smaller rural area, where there might not be affordable housing schemes, or where the local authority might not be doing a large affordable housing scheme, could more appropriately-priced private dwelling be acquired in small numbers? The affordable housing fund discount will be applied to allow people to buy at those lower price points of €160,000 to €230,000. If that is what the Minister is proposing, I do not have a concern about that. I would like him to be as explicit as possible on what he intends to do with the regulations in this regard. There is a specific problem with the way the serviced sites fund could operate, for example, in counties Kilkenny, Carlow or Mayo. If this is a way of resolving that, I am open to considering it. I would like the Minister to be more specific.

Deputy Cian O’Callaghan: I welcome that the Minister has given some clarification on that. As we all understand, there is a significant difference in rural and urban areas, and this changes the kinds of interventions that need to be made in some circumstances.

We must look at the legislation in front of us. The Minister spoke of some exceptional circumstances and some limited circumstances, and said this would not apply in areas of higher prices and in more urban areas. I can see nothing in the legislation that refers to any of those limitations. What are the limitations in this regard? Specifically, what limitations and safeguards are there for this in the legislation?

Deputy Richard Boyd Barrett: I can certainly see the logic for why a bit of flexibility is needed in rural areas, but I believe that a bit of flexibility is required in urban areas too, depending on the need to deliver, and notwithstanding the critical importance of not reinforcing or underpinning unaffordable prices.

5 o'clock

As I said, given a stark choice between a vulture fund buying up houses and a local authority

buying them, I would prefer the local authority to buy them rather than us letting vulture funds have them and then having to lease housing from them. I am open to that sort of flexibility if that is what the Minister is saying. I am very conscious that we are going to hit a guillotine in about ten or 15 minutes and multiple groupings will not be reached. I would like to get a response from the Minister on one issue, given that we will not get to the amendment. There is one group of people who have been very hard done by in terms of not being eligible for social housing having previously been eligible. They are now in a situation where there are no affordable housing schemes. Special provision needs to be made for such people. I urge the Minister to address the eligibility criteria and prioritisation for affordable housing. Many people who have been on lists for ten or 15 years have been heartbroken year after year because when their incomes go slightly over the threshold all of those years are gone and there is no affordable scheme for them. There was a lottery for the Balbriggan project. I see a certain fairness in that. However, people have been knocked off lists. Many of the income thresholds for social housing should be restored and raised because they are too low. If that is not going to happen, the people affected should be given some level of priority in terms of eligibility for affordable schemes, whether that is cost rental or affordable purchase, given that they lost years, in many cases a decade or more, on a housing waiting list only for it all to come to nothing.

We may not get a chance to speak again on the Bill. My next point relates to the open market. I want to acknowledge that the Minister listened to some of the issues we raised, such as changing undue segregation and so on. In some areas, things have been pointed towards people's income and ability to pay, although that should be in the Bill. Our notion of 25% or 30%, as others have proposed, is something that could have been in the Bill.

I take the Minister's point about arbitrary caps and so on. There is a difficulty with them. I do not think setting a proportion of income in order to assure affordability, so that the market does not dictate everything, was something the Minister could not have included in the Bill. The key point is that the market must not dictate the supply, the cost, the price or the rent of affordable housing. People's income and the ability of ordinary working families to pay should be the critical issue in delivering affordable housing.

The Minister has continued to include PPPs and the shared equity scheme in the Bill. People who are not left-wing by any stretch of the imagination, including officials in the Minister's Department, the Central Bank and the ESRI, have said that the shared equity scheme is likely to reinforce unaffordability and drive up the prices of homes.

There are things that are good in this Bill, but these are critical issues. Our group cannot bring ourselves to support a Bill that will include the shared equity scheme or PPPs, much as there are other aspects of it that we would welcome. There is concern that many key areas that need to be in this Bill are not in it, and have instead been pushed back to regulations which we have not seen and do not know about.

Deputy Darragh O'Brien: On Deputy Boyd Barrett's point, there will be exceptions and exemptions for people. We discussed the affordable housing scheme. It will allow someone who may have gone through a marriage break-up or divorce and has not previously owned or have a financial interest in a property to apply. Someone who has gone through the personal insolvency process during the last crash and does not own a property needs flexibility. We will be flexible. That is my intention.

I understand the problem of people who have dropped off the social housing list. If we get

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it right, the next form of cost-rental tenure and affordable purchase will be for that cohort who are above those limits. That is where things will happen. We need to start in some way. While a lottery was held in Taylor Hill in Balbriggan because it was the fairest way of doing it, I want us to get to the stage where we are delivering thousands of affordable homes. We all want that. Deputies have asked specific questions. As they know, I cannot legislate for certain parts of the country. I want to be honest with people. We need flexibility under the affordable fund or, as it is currently called, the serviced sites fund. A local authority will still have to apply to us in respect of new houses for people who meet the eligibility criteria. I see this being used in areas where there is not a great deal of development outside of cities.

I want to be honest. I do not see it as being exclusively that. The option would be there. The serviced sites fund will fund about 4,200 homes. Each of those projects needs to apply to the Department with details of the scheme. I want to have an open call so that the fund is open and all of the local authorities can put a call through to it. Tipperary was mentioned. The rules for schemes that are a mix of social and affordable housing, given the affordable housing provisions that we will pass, be they affordable purchase or cost rental, will apply across the country. We would still have oversight with that level of flexibility.

Will any of the eight or nine local authorities approve individuals to use the serviced sites fund to buy a new home? I do not think that will happen, but we need to allow that flexibility to exist, in particular in areas where development may be constrained or may never happen at a grand scale. We have a real issue in parts of the country with viability, such as in the Border and midlands regions where no private housing is being built and the only building that is happening is public housing.

Public housing is social housing. We now have an opportunity to allow a mix within that of the homeownership-type cost rental we want which, frankly, is more sustainable for public housing. I hope I have explained that to Deputies as best I can. The provisions will apply across the State, but where I see it being used most is in areas where there would be constraints regarding affordable housing delivery or development in the near term. We will always keep these under review.

An Ceann Comhairle: How stands amendment No. 6?

Deputy Cian O’Callaghan: I will press the amendment.

Amendment put and declared lost.

Section 5 agreed to.

SECTION 6

An Ceann Comhairle: Amendments Nos. 7 and 32 are related and will be discussed together.

Deputy Michael Fitzmaurice: I move amendment No. 7:

In page 8, line 6, after “make” to insert “owner-occupier”.

This amendment protects people who need houses and the State. While we are all in favour of making sure that everybody who needs affordable housing has as much of it as possible, there is a clause in this amendment for owner-occupiers. People who have become fairly wealthy

may decide to rent out a house to somebody else. We need to include a clause in that regard.

I would like to hear the Minister's thinking on another point. When people from my area look for social housing, the income threshold is between €5,000 and €10,000 lower than it is in Dublin and some other places. I do not know why we are being discriminated against. Someone living in the west is entitled to the same threshold as anyone else.

I will not hold this up because there are many amendments and I want Deputies to get the chance to discuss them. That is the clause I have proposed. In other amendments, I have referred to ensuring that, when contracts are put out to tender, it is not large conglomerates that get them, but small builders. Houses could be put out to tender in groups of fewer than ten, giving an opportunity to the small builders who are building houses around Ireland and making it so that the big builder does not get everything.

Deputy Eoin Ó Broin: I will be brief, as there are only four minutes left before the guillotine falls. I support the amendments, but given that we will not have time to discuss the Minister's significant amendment to Part V of the Planning and Development Act, I ask that he send a briefing note to the Oireachtas Committee on Housing, Local Government and Heritage providing more detail on it. I also ask that his officials appear before the committee at the earliest opportunity to answer questions. It could be a private briefing session. The amendment is important. We want to see Part V housing increase, but there are some technical aspects of the proposal that we have not scrutinised. If that could be facilitated as soon as possible, I would greatly appreciate it.

Deputy Cian O'Callaghan: I will speak briefly to my amendment No. 32, which is similar to Deputy Fitzmaurice's amendment. It seeks to limit eligibility to purchase affordable homes to intending owner occupiers.

Deputy Cormac Devlin: I will speak briefly before we finish discussing the Bill. It is apt to mention that, since we last debated it, Dún Laoghaire-Rathdown County has approved the tender for the largest affordable housing site in the country. It will be 9 ha of social, affordable and cost-rental housing. I have spoken about it previously, but the debate on the Bill is an appropriate place to raise it again because it shows that this approach is beginning to work on the ground. I thank the Minister, particularly for the final subsection of section 5, which acknowledges those who, for whatever reason, may not be eligible for social housing. I hope that they will be able to apply for this.

Deputy Darragh O'Brien: Tá an t-am beagnach istigh. I will provide a briefing note via the committee and let its members discuss it. Through its Chair, we can then see if further briefings-----

Deputy Richard Boyd Barrett: And to housing spokespersons who are not on the committee, if the Minister would not mind.

Deputy Darragh O'Brien: The Deputy seems like he is on it.

Deputy Richard Boyd Barrett: I am like an honorary member.

Deputy Darragh O'Brien: Exactly, and should be a full member. I would have voted for him. We will make sure that he gets a special briefing.

Deputies Fitzmaurice and Cian O'Callaghan went to the trouble of tabling these amend-

ments, so I will be brief. We know what the amendments propose to do, but I can confirm that they are not necessary, as their underlying intent is already contained within section 12, which deals with the affordable dwelling purchase arrangement. Section 12 provides that this arrangement must contain a covenant requiring that, unless the housing authority gives its prior written consent, “the affordable dwelling shall be occupied as the normal place of residence of the homeowner or of a member of the homeowner’s household”. The dwellings that housing authorities can make available are dwellings to be sold under the affordable dwelling purchase arrangement. The provisions relating to the arrangement make it clear that such dwellings are for owner occupiers. Therefore, I cannot accept either amendment.

An Ceann Comhairle: How stands amendment No. 7?

Deputy Michael Fitzmaurice: I would worry about the issue of a family member, but I will take the Minister’s word that the intent is included. I will remind him of this if the measure backfires, but I will withdraw the amendment.

Amendment, by leave, withdrawn.

An Ceann Comhairle: The time permitted for this debate having just expired, I am required to put the following question in accordance with an order of the Dáil of 6 July: “That the amendments set down by the Minister for Housing, Local Government and Heritage and not disposed of are hereby made to the Bill; in respect of each of the sections undisposed of, other than section 26, which is hereby deleted, 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; Fourth Stage is hereby completed; and the Bill is hereby passed.”

Question put:

<i>The Dáil divided: Tá, 101; Níl, 8; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brady, John.</i>	<i>Gannon, Gary.</i>	
<i>Browne, James.</i>	<i>Kenny, Gino.</i>	
<i>Browne, Martin.</i>	<i>Murphy, Catherine.</i>	
<i>Bruton, Richard.</i>	<i>Murphy, Paul.</i>	
<i>Buckley, Pat.</i>	<i>O’Callaghan, Cian.</i>	
<i>Burke, Colm.</i>	<i>Smith, Bríd.</i>	
<i>Burke, Peter.</i>	<i>Whitmore, Jennifer.</i>	
<i>Butler, Mary.</i>		
<i>Cahill, Jackie.</i>		
<i>Calleary, Dara.</i>		
<i>Carey, Joe.</i>		
<i>Chambers, Jack.</i>		
<i>Clarke, Sorca.</i>		
<i>Collins, Niall.</i>		
<i>Conway-Walsh, Rose.</i>		
<i>Costello, Patrick.</i>		

<i>Cowen, Barry.</i>		
<i>Creed, Michael.</i>		
<i>Cronin, Réada.</i>		
<i>Crowe, Cathal.</i>		
<i>Crowe, Seán.</i>		
<i>Cullinane, David.</i>		
<i>Daly, Pa.</i>		
<i>Devlin, Cormac.</i>		
<i>Donnelly, Paul.</i>		
<i>Donnelly, Stephen.</i>		
<i>Donohoe, Paschal.</i>		
<i>Duffy, Francis Noel.</i>		
<i>Ellis, Dessie.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Farrell, Mairéad.</i>		
<i>Feighan, Frankie.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Flaherty, Joe.</i>		
<i>Flanagan, Charles.</i>		
<i>Foley, Norma.</i>		
<i>Funchion, Kathleen.</i>		
<i>Grealish, Noel.</i>		
<i>Griffin, Brendan.</i>		
<i>Guirke, Johnny.</i>		
<i>Harkin, Marian.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Hourigan, Neasa.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kenny, Martin.</i>		
<i>Kerrane, Claire.</i>		
<i>Lahart, John.</i>		
<i>Leddin, Brian.</i>		
<i>Mac Lochlainn, Pádraig.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>Matthews, Steven.</i>		
<i>McAuliffe, Paul.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		

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<i>McHugh, Joe.</i>		
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Munster, Imelda.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Verona.</i>		
<i>Mythen, Johnny.</i>		
<i>Nash, Ged.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</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'Rourke, Darren.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Murchú, Ruairí.</i>		
<i>Ó Riordáin, Aodhán.</i>		
<i>Phelan, John Paul.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Patricia.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Stanley, Brian.</i>		
<i>Tully, Pauline.</i>		
<i>Ward, Mark.</i>		
<i>Wynne, Violet-Anne.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Cian O'Callaghan 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.

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.

An Ceann Comhairle: The Bill, which is considered by virtue of Article 20.2.2° of the Constitution to be a Bill initiated in Dáil Éireann, will now be sent to the Seanad.

Business of Dáil: Motion

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

That, notwithstanding the Order of Business of Tuesday, No. 9a, motion regarding the Finance (Local Property Tax) (Amendment) Bill 2021, shall be taken now and that any division demanded thereon shall be taken immediately.

An Ceann Comhairle: Is that proposal agreed?

Deputy Mattie McGrath: It is not agreed.

Deputy Mairéad Farrell: It is not agreed. It was proposed yesterday-----

An Ceann Comhairle: I cannot hear you, Deputy. We are not having a debate on it, but it is not agreed.

Deputy Paul Murphy: On a point of order, can we not discuss the proposal for at least a minute? He is attempting to ram this through.

Deputy Mairéad Farrell: There was no request for a waiver at the Business Committee either. We were discussing this in the finance committee yesterday and there was no agreement on it. Now it is just being railroaded through. That is absolutely unacceptable.

Deputy Paul Murphy: On a point of order, a Cheann Comhairle, for the Minister to come to the House on a Thursday, just before the close of business, to attempt to ram this through with no discussion whatsoever-----

An Ceann Comhairle: Excuse me, Deputy Murphy.

Deputy Paul Murphy: This will have an impact of €500 for hundreds of thousands of homes.

An Ceann Comhairle: Please resume your seat, Deputy Murphy.

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Deputy Paul Murphy: A Cheann Comhairle, we need to debate it at least.

An Ceann Comhairle: Please resume your seat. I am not taking a contribution from Deputy Mattie McGrath either. This matter was before the Business Committee this morning and nobody objected.

Deputy Pádraig Mac Lochlainn: A Cheann Comhairle, I have to protest.

An Ceann Comhairle: Resume your seat, please.

Deputy Pádraig Mac Lochlainn: That is an inaccurate record of what happened, a Cheann Comhairle. Please let me protest about that.

An Ceann Comhairle: Protest away. Let me rephrase it. I, personally, have no recollection of anybody objecting to it at the Business Committee.

Deputy Pádraig Mac Lochlainn: No, no.

An Ceann Comhairle: I have to put the question.

Deputy Pádraig Mac Lochlainn: The process was not followed properly.

An Ceann Comhairle: Resume your seat, Deputy.

Deputy Pádraig Mac Lochlainn: No, a Cheann Comhairle. You made a statement that was wrong. It is just wrong.

An Ceann Comhairle: Resume your seat.

Deputy Pádraig Mac Lochlainn: The process was not followed. You are bringing the Business Committee into disrepute.

An Ceann Comhairle: Please do not be disorderly.

Deputy Pádraig Mac Lochlainn: You are bringing our committee into disrepute. I want to be clear about that. The process was not followed.

An Ceann Comhairle: Deputy, you are bringing the House into disrepute.

Deputy Pádraig Mac Lochlainn: The process was not followed.

An Ceann Comhairle: Resume your seat. If you have respect for the House, you will resume your seat.

Deputy Pádraig Mac Lochlainn: I am asking for a point of clarification.

An Ceann Comhairle: The Chair is on its feet and the Member will resume his seat.

Deputy Pádraig Mac Lochlainn: You have made a statement that brings the Business Committee into disrepute. I am asking for a point of clarification.

An Ceann Comhairle: Resume your seat, please.

Deputy Pádraig Mac Lochlainn: A point of clarification.

Dáil Éireann

An Ceann Comhairle: No. Resume your seat. The question has been put.

Deputy Pádraig Mac Lochlainn: Was a waiver requested of the Business Committee?

An Ceann Comhairle: Deputy, do not force me to suspend the sitting.

Deputy Pádraig Mac Lochlainn: Was a waiver requested of our committee?

An Ceann Comhairle: Deputy, do not force me to suspend. The question has been put.

Question put:

<i>The Dáil divided: Tá, 68; Níl, 44; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Berry, Cathal.</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>Clarke, Sorca.</i>	
<i>Butler, Mary.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cahill, Jackie.</i>	<i>Cronin, Réada.</i>	
<i>Calleary, Dara.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Chambers, Jack.</i>	<i>Daly, Pa.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Creed, Michael.</i>	<i>Farrell, Mairéad.</i>	
<i>Crowe, Cathal.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Devlin, Cormac.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gannon, Gary.</i>	
<i>Donohoe, Paschal.</i>	<i>Guirke, Johnny.</i>	
<i>Duffy, Francis Noel.</i>	<i>Harkin, Marian.</i>	
<i>Durkan, Bernard J.</i>	<i>Kelly, Alan.</i>	
<i>English, Damien.</i>	<i>Kenny, Gino.</i>	
<i>Farrell, Alan.</i>	<i>Kenny, Martin.</i>	
<i>Feighan, Frankie.</i>	<i>Kerrane, Claire.</i>	
<i>Flaherty, Joe.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Flanagan, Charles.</i>	<i>McGrath, Mattie.</i>	
<i>Fleming, Sean.</i>	<i>Mitchell, Denise.</i>	
<i>Foley, Norma.</i>	<i>Munster, Imelda.</i>	
<i>Grealish, Noel.</i>	<i>Murphy, Catherine.</i>	
<i>Griffin, Brendan.</i>	<i>Murphy, Paul.</i>	
<i>Haughey, Seán.</i>	<i>Mythen, Johnny.</i>	
<i>Heydon, Martin.</i>	<i>Nash, Ged.</i>	
<i>Hourigan, Neasa.</i>	<i>O'Callaghan, Cian.</i>	
<i>Humphreys, Heather.</i>	<i>O'Rourke, Darren.</i>	

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<i>Kehoe, Paul.</i>	<i>Ó Broin, Eoin.</i>	
<i>Lahart, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Lawless, James.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Leddin, Brian.</i>	<i>Quinlivan, Maurice.</i>	
<i>Madigan, Josepha.</i>	<i>Ryan, Patricia.</i>	
<i>Martin, Catherine.</i>	<i>Shortall, Róisín.</i>	
<i>Mathews, Steven.</i>	<i>Smith, Bríd.</i>	
<i>McAuliffe, Paul.</i>	<i>Stanley, Brian.</i>	
<i>McConalogue, Charlie.</i>	<i>Tully, Pauline.</i>	
<i>McGrath, Michael.</i>	<i>Ward, Mark.</i>	
<i>McHugh, Joe.</i>	<i>Whitmore, Jennifer.</i>	
<i>Moynihan, Aindrias.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Verona.</i>		
<i>Naughton, Hildegard.</i>		
<i>Noonan, Malcolm.</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>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Mattie McGrath 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.

Question declared carried.

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.

Finance (Local Property Tax) (Amendment) Bill 2021: Motion

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

That initiation of the Finance (Local Property Tax) (Amendment) Bill 2021 may proceed pursuant to Standing Order 174 notwithstanding that pre-legislative consideration of the Bill pursuant to Standing Order 173 has not been completed.

Question put:

<i>The Dáil divided: Tá, 66; Níl, 43; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</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>Clarke, Sorca.</i>	
<i>Butler, Mary.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cahill, Jackie.</i>	<i>Cronin, Réada.</i>	
<i>Calleary, Dara.</i>	<i>Crowe, Seán.</i>	
<i>Carey, Joe.</i>	<i>Cullinane, David.</i>	
<i>Chambers, Jack.</i>	<i>Daly, Pa.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Creed, Michael.</i>	<i>Farrell, Mairéad.</i>	
<i>Crowe, Cathal.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Devlin, Cormac.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Guirke, Johnny.</i>	
<i>Donohoe, Paschal.</i>	<i>Harkin, Marian.</i>	
<i>Duffy, Francis Noel.</i>	<i>Kenny, Gino.</i>	
<i>Durkan, Bernard J.</i>	<i>Kenny, Martin.</i>	
<i>English, Damien.</i>	<i>Kerrane, Claire.</i>	
<i>Farrell, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Feighan, Frankie.</i>	<i>McGrath, Mattie.</i>	
<i>Flaherty, Joe.</i>	<i>Mitchell, Denise.</i>	
<i>Flanagan, Charles.</i>	<i>Munster, Imelda.</i>	

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<i>Fleming, Sean.</i>	<i>Murphy, Catherine.</i>	
<i>Foley, Norma.</i>	<i>Murphy, Paul.</i>	
<i>Grealish, Noel.</i>	<i>Mythen, Johnny.</i>	
<i>Griffin, Brendan.</i>	<i>Nash, Ged.</i>	
<i>Haughey, Seán.</i>	<i>Naughten, Denis.</i>	
<i>Heydon, Martin.</i>	<i>O'Callaghan, Cian.</i>	
<i>Hourigan, Neasa.</i>	<i>O'Rourke, Darren.</i>	
<i>Humphreys, Heather.</i>	<i>Ó Broin, Eoin.</i>	
<i>Kehoe, Paul.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Lahart, John.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Lawless, James.</i>	<i>Quinlivan, Maurice.</i>	
<i>Leddin, Brian.</i>	<i>Ryan, Patricia.</i>	
<i>Madigan, Josepha.</i>	<i>Shortall, Róisín.</i>	
<i>Martin, Catherine.</i>	<i>Smith, Bríd.</i>	
<i>Matthews, Steven.</i>	<i>Stanley, Brian.</i>	
<i>McAuliffe, Paul.</i>	<i>Tully, Pauline.</i>	
<i>McConalogue, Charlie.</i>	<i>Ward, Mark.</i>	
<i>McHugh, Joe.</i>	<i>Whitmore, Jennifer.</i>	
<i>Moynihan, Aindrias.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Verona.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</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>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Mattie McGrath 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.

Question declared carried.

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.

An Ceann Comhairle: For the record of the House, I was accused just before the votes of bringing the Business Committee into disrepute. I know I am of advancing years, as are some other Members, but I do not think my memory has failed me completely yet. I was happy, having checked with the officials, to find that there was no dissent and no objection registered this morning when this motion was taken as the first item of business at the Business Committee.

Deputy Pádraig Mac Lochlainn: May I just clarify-----

An Ceann Comhairle: No, thank you.

Deputy Pádraig Mac Lochlainn: A Cheann Comhairle, I want to clarify something, please.

An Ceann Comhairle: You need not bother.

Deputy Pádraig Mac Lochlainn: I want to reference the Standing Order.

An Ceann Comhairle: You need not bother, thank you.

Deputy Pádraig Mac Lochlainn: I tell you what, a Cheann Comhairle, I will be emailing you now calling for an emergency meeting of the Business Committee.

An Ceann Comhairle: Right.

Deputy Pádraig Mac Lochlainn: I believe you are bringing us into disrepute and I have to tell you that my colleagues in the Opposition agree with me. We will have an emergency meeting of the Business Committee on the back of this to sort it out.

An Ceann Comhairle: Thank you very much.

Residential Tenancies (No. 2) Bill 2021: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

An Ceann Comhairle: Seanad amendments Nos. 1 to 3, inclusive, 5, 7, 8 and 10 to 12, inclusive, are related and will be discussed together.

Seanad amendment No. 1:

Section 1: In page 4, to delete lines 7 to 10 and substitute the following:

“Definition

1. In this Act, “Act of 2004” means the Residential Tenancies Act 2004.”.

Minister for Housing, Local Government and Heritage (Deputy Darragh O’Brien):

If I may, I will deal with all of the Seanad amendments together, as they all relate to changing rent pressure zone, RPZ, restrictions. I am grateful for the opportunity to return to the House with the Bill, as amended by the Seanad. There have been 13 amendments to the Bill since it was passed in the Dáil. Some are substantial and others are technical. I will run through them very quickly.

Amendment No. 1 is technical. It amends section 1, dealing with definitions in the Bill, to remove the definition of “Minister”. The full title, the Minister for Housing, Local Government and Heritage, is used in section 5, which is the only reference in the Bill to the Minister. This is just a technical amendment.

Amendment No. 2 inserts a new section 4 to provide for a technical amendment to section 12 of the Residential Tenancies Act 2004 relating to the obligations of landlords. The provision obliges a tenant to furnish a tenant with a statement in writing of how the rent was calculated and set under the tenancy of the dwelling, having regard to section 19 of the 2004 Act, rather than having regard only to section 19(4). The effect of the amendment is that a landlord’s statement will also cover the calculation of rent in accordance with the new section 19(4A), which provides that any rent increase in an RPZ area cannot exceed any inflation recorded in the harmonised index of consumer prices, HICP, values.

Amendment No. 3 inserts section 5 to amend section 19 of the 2004 Act and provides for rent-setting. From the coming into operation of section 5, the formula provided in section 19(4) shall no longer apply in capping the maximum rent increase in RPZs, that is, the current 4% limit. The formula will be replaced by a requirement that any rent increase in an RPZ shall not exceed any rent increase determined by the Residential Tenancies Board’s, RTB, rent pressure zone calculator reference to the HICP values, in accordance with the new section 19A of the 2004 Act. The RPZ calculator will calculate any permissible rent increase that may apply. The user shall input into the calculator the date the rent was last set and the amount of the rent last set, and the calculator will produce the amount of the maximum permissible rent increase, if there is to be an increase. Rent increases are not compulsory and are a matter for the tenant and the landlord, but the maximum will be set at the HICP value.

6 o’clock

That is a significant change from the current situation. There is no legal obstacle to a rent reduction and no legal requirement that a rent increase must apply.

The calculator shall compare the HICP value contained in the table published by the RTB on, or most recently before, the date the rent was last set with the HICP value contained in that table published by the RTB on, or most recently before, the date that any rent increase is being determined by that calculator. Any difference between the two aforementioned values shall be calculated as a percentage by the calculator. If that percentage is a positive value, that is where

there is an increase in the HICP values over the period in question, it is applied by the RPZ calculator to the amount of the rent last set to produce the amount of any permissible rent increase. If that percentage is zero or negative, then the calculator will advise that no rent increase can be applied. As I said, this does not prevent a landlord or tenant from agreeing a rent lower than that currently being paid.

Any table of HIPC values published by the RTB shall be based on the all-items harmonised index of consumer price values in respect of Ireland, which is published by the Central Statistics Office, CSO, with reference to Eurostat data. As Minister, I am empowered under the Bill to prescribe an alternative index published by the CSO and containing data that correspond with the HICP values for the purpose of calculating any permissible rent increase. I do not expect to have to prescribe an alternative index, but I will have the power to do so if the all-items HICP index becomes unsuitable for our purposes during the period between now and 2024. From the coming into operation of section 5 of the Bill, the RTB will establish and maintain the said calculator and publish a table of HICP values to assist with the lawful setting of rents in RPZs. My Department is working closely with the RTB to ensure that every assistance will be available to the sector from the passing of this Bill. The calculator will be up and running and the HICP table will be published without undue delay.

Amendment No. 5 inserts a new section 7 into the Bill to amend section 22 of the Act of 2004, which provides for notices of rent. Section 7 of the Bill inserts a new paragraph (g) into subsection (2A) of section 22 to require that where section 19(4A) applies to a dwelling which is in the RPZ, that is a new rent increase restriction linked to the HICP, a notice of new rent served on a tenant shall “state how [an] increase in the rent last set...[for] the dwelling was calculated or, where section 19(4A) does not apply, [to] state [exactly] why it does not”. An exemption from the RPZ rent controls applies where a rented dwelling is new to the rental market or a substantial change to a rented dwelling has occurred to warrant an incentive. There are no changes in this respect in this Bill, this is just a reference to the previous Act.

There is an Opposition amendment in this grouping, which I will address now if Members wish and if it is permissible. These amendments were all in one grouping. The Opposition amendment to Government amendment No. 5 proposes to grant me, as Minister, discretion regarding the designation of particular RPZs. Section 24A of the Residential Tenancies Act 2004, as amended and enacted by the Oireachtas, provides that “The Housing Agency, following consultation with the relevant housing authority, may make a proposal...to [me as] the Minister that an area [should] be prescribed” as an RPZ. Following receipt of such a proposal, the law provides that, as Minister, I shall request the director of the Residential Tenancies Board to conduct an assessment of the area and to establish whether it meets the criteria for designation as an RPZ and then to report back on whether the area should be designated as an RPZ. For the purposes of the Act, “area” is defined as either “the administrative area of a housing authority” or a “local electoral area within the meaning of section 2 of the Local Government Act 2001”. There is no provision for any other type of area to be designated as a rent pressure zone, including a part of a local electoral area, LEA.

For an area to be designated as a rent pressure zone, it must satisfy the criteria set out in section 24A(4) of the Residential Tenancies Act 2004, as inserted by section 36 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Those criteria specify that the annual rate of rent inflation in the area must have been 7%, or more, in four of the last six quarters and the average for rent registered in the area with the RTB in the last quarter must be, “in the case of the county of Kildare, the county of Meath, the county of Wicklow or a lo-

cal electoral area in any one of those counties, above the average rent in the State (other than the Dublin Area)” or “in the case of any other county or local electoral area, or any city, city and county or local electoral area situated in such city or city and county, above the average rent in the State (other than the Greater Dublin Area)”. Section 24A(6) provides that “Where a local electoral area is prescribed by order as a rent pressure zone and, subsequently, any local electoral areas are duly amended in a manner that affects the area of the local electoral area so prescribed, then the order shall continue to have effect as if the local electoral area concerned had not been so amended”.

I cannot provide legal advice, but I understand that the effect of section 24A(6) of the Residential Tenancies Act 2004, as amended, in respect of the designation of an RPZ applies to the area within the LEA boundary which stands on the date of designation. Subsequent LEA boundary changes do not affect the RPZ designation. Accordingly, it would not be possible or appropriate to redraw an LEA boundary for the purposes of becoming an RPZ. The RTB rent index measures rent increases in LEAs using the 2019 boundaries then in effect for those LEAs. There is no specific measure to calculate rental increases broken down into any lower levels. The Housing Agency and the RTB will continue to monitor national rents and if any LEA, in its entirety, meets the designation criteria, then it will be designated as an RPZ. I cannot accept this Opposition amendment to amendment No. 5. This Bill is urgent in nature and must be passed by the Dáil today with a view to early enactment. This is the reason we did not want to flag some of these changes publicly in advance. I thank, in particular, the two Opposition Deputies to whom I had intimated on a previous stage that changes were coming down the line. In fairness, I knew that was understood. We did not want there to be any unintended consequences from the legislation coming forward. If we get this Bill passed today, we want to get it enacted as soon as possible. We have an early signature motion for the President to sign the Bill as well.

Amendment No. 7 inserts a new section 11 into the Bill to amend technically section 115 of the Act of 2004, which provides for the redress which may be granted by an RTB determination order. Section 11 of the Bill technically amends section 115 to ensure that an RTB dispute adjudicator or tribunal may make a declaration under section 115(2)(b) as to whether an amount of rent set under the tenancy of a dwelling complies with section 19. If the declaration is that amount does not comply, then the declaration shall be accompanied by an indication from the adjudicator or tribunal as to what amount, in his or her opinion, would comply with section 19.

The technical change in section 11 of the Bill is to provide a general reference to section 19 in section 115(2)(b) of the 2004 Act, and by doing so, to cover the new section 19(4A) regarding the RPZ rent increase restriction of no more than the HICP inflation rate. Amendment No. 8 inserts a new section 12 into the Bill to amend technically Schedule 2 of the 2004 Act by extending the list of improper conduct by a landlord subject to Part 7A concerning complaints, investigations and sanctions. The RTB will be given the power to investigate, with or without complaint, and sanction any landlord in contravention of the new section 19(4A), which refers to the HICP-linked rent increase restriction. The Bill already contains an amendment to Schedule 2 to provide that improper conduct shall include the seeking of unlawful payments in respect of any deposit or advance rent payment. We discussed this aspect on Second Stage as well. An RTB sanction can cost a landlord up to €30,000 and there is a serious deterrent in place to combat improper conduct.

Amendment No. 10 empowers the Minister to commence the new section 5 of the Bill, which requires that any rent increase in an RPZ shall not exceed any rent increase determined by the RTB’s rent pressure zone calculator with reference to HICP values in accordance with

the new section 19(4A). I intend to commence section 5 as soon as possible and urgently following the passing of this Bill. All other provisions will commence automatically upon the passing of the Bill.

Amendment No. 11 is a technical amendment identifying the provisions of the Bill that take account of recitals. Amendment No. 12 proposes consequentially to amend the Long Title of the Bill to reflect that a new section 5 is to be introduced into the Bill, requiring that any rent increase in an RPZ shall not exceed any HICP inflation.

Deputy Eoin Ó Broin: Sinn Féin is not opposing these amendments. I will not repeat the broader debate we had on whether this is the right policy as we had that debate during Private Members' time this week. However, I will raise a number of concerns I would genuinely like the Minister to consider following the enactment of the amendments to the Residential Tenancies Act he has just outlined.

In the press release announcing the change from the 4% RPZ cap to linking rent reviews to the harmonised index of consumer prices, the Minister said that the average HICP figure over the past four years was around 0.7%. That is factually correct. However, the problem is that, according to the latest figures from the Central Statistics Office, the annual change in the HICP is 1.9%. It has clearly been on an upward trajectory for the past nine or ten months. There is a wider European debate going on about where inflation is going to go, and many people believe it will continue on that upward trajectory for the next 12 to 18 months. There is also some discussion about changing the nature of the HICP calculation to include domestic home purchases. Given the nature of house price inflation here, that could further boost it upwards. I urge the Minister and his officials to keep a close eye on that. Rather than wait for the HICP to hit 4%, the Minister should intervene much earlier. If he does that, he will have the full support of Sinn Féin. We differ on the policy we would like to see implemented but any easing of the pressures on renters will not be opposed by our party.

The second issue I urge the Minister to reconsider, in the context of further amendments to the Residential Tenancies Act due in the autumn, relates to areas outside the rent pressure zones. The Minister knows very well that when a rent pressure zone is established, the area immediately outside it experiences a higher than normal level of rental inflation and eventually gets incorporated into the RPZ. The Minister shared that view when he was in opposition. That has been the experience of the RPZs since 2017. Landlords close to the RPZ become fearful that at some point they will be incorporated into it and they set rents at the rent review accordingly. It is a self-fulfilling prophecy because they raise rents repeatedly until the area meets the RPZ criteria. We also know from recent rent indexes from the Residential Tenancies Board and Daft.ie's quarterly reports on asking prices that some of the most significant rental inflation has occurred outside the urban centres, particularly in midlands counties and some parts of the western seaboard. I have a real worry that, because the Minister is leaving biennial rent reviews based on existing market rent in place, it could have a disproportionately negative impact in those areas. Again, all I am urging the Minister to do is to get his officials to monitor closely what is happening and intervene where necessary.

My colleague, Deputy Buckley, will speak to his own amendment but I want to make one point on it. I understand very clearly that the original legislation set the area as the local authority or local electoral area, LEA. However, as the Minister knows, there are a certain number of rental markets that spill over the edge of a local electoral area. That happened in Limerick and Deputies from Limerick city pleaded with previous Ministers to take action on that issue. It was

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only when rents spiralled out of control that RPZs were eventually expanded to the LEA. There has to be a way of taking sub-LEA data from the RTB rent index. The RTB has told us those data are available at the level of district electoral divisions, DEDs. Between now and when he next amends the Residential Tenancies Act, I ask the Minister to consider an amendment to that legislation to allow, in those small instances, the inclusion of DEDs that are clustered beside an LEA where there is clearly an increase in rental activity particular to the DED and which does not extend across the LEA. This would ensure people at the edges of cities and towns do not fall foul of unfair rent increases.

It is very important that renters have complete clarity. Is the Minister in a position tonight to tell us the date on which these changes to the legislation will take effect? That clarity would be helpful. As I said, we are not opposing this legislation. We have a different view on what should be done now but we certainly would not oppose anything that gives any level of relief to renters, even if it is not the full level of relief we would prefer.

Deputy Cian O’Callaghan: Likewise, I will not be opposing this legislation, although I do have a different view as to what the best approach is. As the Minister is aware and as Deputy Ó Broin has noted, there is a lot of commentary at the moment suggesting we might be heading into a period of significant increases in inflation. We all hope that will not happen but KBC is reported today as saying we are heading into a “noisy and nasty period of inflation”. This commentary and analysis is based on the increase in the price of raw materials, how that is affecting crude oil prices, and utilities then putting their prices up. It is also due to the household savings that have been built up by some households and the pent-up demand that will be released as we come out of Covid. That will happen in the context of rents already being too high and unaffordable. It would also be a huge injustice if renters face increased rent and utility prices on the back of inflation from pent-up demand and household savings when most renters will not be participating in that extra spend at all. They would not have those household savings and they will be hit with increases in utility bills at the same time as potentially higher rent increases. What measures will be in place to monitor inflation increases? When will the Minister step in if inflation increases beyond a certain point? How quickly will he act on that? That is what people want to know.

There are issues around what happens outside rent pressure zones. Is this something on which the Minister hopes to act in the autumn when he brings forward additional legislation on renters? There are ways around these rent protections for tenants, in which some landlords participate. People have come to me who have been evicted and then the property is renovated - or sometimes just repainted - and it goes back up on the market at a much higher rent. That is a problem. Is that something that will be dealt with in the legislation the Minister is hoping to bring forward in the autumn?

Deputy Paul McAuliffe: I welcome this Bill. It will effectively mean that people who are renting will pay less of an increase than they would have if this Bill were not passed. Like other Deputies, I am very happy to support that. The Minister has also capped the upfront payments for new tenants at one month’s rent and one month’s deposit and he is working on other measures for later in the year to support renters. This says a lot about his commitment to people who are renting. The Bill we are passing today will effectively replace the current model of renting with a cost rental model, which it is to be hoped will become the predominant model in this city and across the State.

I have two questions for the Minister. First, when will this legislation take effect? Second,

while in reality the 4% figure for rent increases was often higher, when tenants got their increase they knew the landlord was not allowed increase the rent by more than 4%. That was well understood. If all the Members of this House were asked what the current rate of inflation was, they might not be able to pin it down. It is important we communicate with tenants and make that figure easily understandable. Perhaps there should be an annual publication of it and some element of an advertising or social media campaign around it would also be important to allow tenants to know what ballpark they are in. My fear would be that a well understood limit of 4%, albeit higher than what the Minister is proposing, might be replaced by a figure that is not well understood, and thereby landlords could slip increases that were higher than this legislation intends through the cracks. I welcome the great progress in this Bill, which will see people pay less of an increase than they otherwise would.

Deputy Richard Boyd Barrett: The 4% RPZs were a total failure. I do not doubt that this is an attempt to improve matters and hopefully it will do so somewhat. I want to flag that there should be no rent increases for tenants in the present situation or any time in the foreseeable future, particularly in the areas most affected by completely unaffordable rents. That is where the RPZs are located. Against the background of rents of €2,000, €2,500 and €3,000 per month and even more for pretty basic private rented accommodation, even rent increases that are less than 4% and linked to the HICP are not acceptable.

I will not vote against the Bill because it is a marginal improvement on the current situation but I want to flag that we will still find ourselves in a significant crisis. Let us not forget that the inability of people to find affordable rental accommodation is directly contributing to the homelessness crisis.

It may be of interest to the Minister to note some encounters I had. They are straws in the wind. When I was walking into Leinster House this morning, I was randomly stopped by two people. The first one was somebody who was outraged about the stamp duty issue and the second one was a building worker who said that he was in a place where he was paying about €500 or €600 per month in rent, which was manageable, but that he had to leave that place. He had started looking around for places to rent and he could not find anything for a single individual that was less than €2,000, which is completely unpayable. This Bill will not address that. Does the Minister have a plan to deal with that fact in the short term?

Deputy Darragh O'Brien: We addressed it in the affordable housing Bill.

Deputy Richard Boyd Barrett: That will not deal with it in the short term. I have mentioned the St. Helen's Court residents on multiple occasions to the Minister, the previous Minister and probably the Minister before that. They are banjaxed. They are waiting for the vulture fund that has successfully evicted them *en masse* from an apartment complex and they are overholding because the eviction date has passed. They have nowhere to go, they are vigorously looking around and they cannot find anything even remotely close to being within HAP limits or their income limits. Their landlord has evicted them because it wants to increase the rents. They were all paying roughly €1,000 per month and the previous vulture fund tried, before the RPZs came in, to increase their rent by 60%. It has used various mechanisms to try to get them out over the last four years and it has finally succeeded. These people now have nowhere to go and to me that is unacceptable. If they are waiting for the vulture fund to seek an enforcement order on the RTB adjudication, they will be in the District Court, the judge will tell them they are out and the council will say it has nothing for them. I ask myself what we will do about this. Given that situation, we should have a complete ban on evictions until we

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can address that. If the Minister says his affordable housing scheme will sort it out for them he should ban evictions until it does. The problem is that in the immediate term, that building worker I met on the street and those people in St. Helen's Court simply cannot find affordable rental accommodation. They are working people and they may be in homeless services in a few weeks because of that fact.

I would be interested to hear if the Minister has any view on another matter. Along with Deputies Ó Broin and Cian O'Callaghan, I took part in a debate with *thejournal.ie* the other day about housing policy and it had an expert group that was meeting beforehand. Those experts were recommending that there should be maximum rents based on square meterage and this is in line with People Before Profit policy. That happens in other countries and that is what should happen. Rent boards of local authorities should simply inspect any properties that are being put up for rent in their area and they should state what the maximum that can be charged for it is. Roughly speaking, those ceilings on what can be charged should be aligned to what is affordable for people on modest and average incomes. There can be exceptions around that but that should be the broad principle. That is what is necessary.

I accept that this is an effort to try to improve things but it will not deal with the rental crisis or the homelessness that is flowing from same. It should deal with that. The Minister has often said that he wants to stop people going into homelessness. I can promise him that they will continue to go into homelessness until we address that, and for the moment at least, ban evictions that are no-fault or economic evictions.

Deputy Pat Buckley: I want to be clear on why we put in the amendment because I want it on the record. We tabled the amendment because of the fact that the RPZ legislation was based on the electoral areas. I mention two areas in particular - Carrigaline and somewhere in Meath. One half of the Main Street in Carrigaline will be in an RPZ and the other half will not because of the redrawing of the boundaries. That is not intended to be a loophole or anything but we wanted to flag it. The bonus in this, which was probably not intended, is that we have given the Minister the extra power to make the decision on the basis that the electoral boundary cannot be split in two, with one half of a town exempt from RPZs and the other facing high rents. I thank the Minister for his patience today. It is more about inclusion than exclusion when it comes to the RPZs.

Deputy Darragh O'Brien: I thank Deputy Buckley for his amendment. I have addressed the Government amendments I have brought forward but I want to deal with a number of the questions that have been asked. The issue of Carrigaline has been brought to my attention by the Deputy, by my colleague, the Minister for Public Expenditure and Reform, Deputy Michael McGrath, and by others. We will have an opportunity to deal with this in the autumn. This is the fifth tenancy Bill I have brought forward within a year and in fairness to all Members, most of them agreed to the Bills unanimously and they were supported by all parties and Independents, which is good. We need to strengthen the rights of our tenants and strengthen our tenancy market. Within this Bill are significant changes to deposits, with maximum deposits to the value of two months and that is something we need to do. There will be a maximum of one month's advance one month of a deposit. I mention student rents and the notice period students would have to give. These changes would apply to all tenants. I also mention the extension of the eviction and rent increase ban for those most acutely affected by the Covid pandemic up to January next year.

In response to a number of questions on when this will happen, I emphasise that there is an

urgency with this. Should the Bill pass this evening, which we hope it will, it goes to the other pillar of the Oireachtas, which is our Uachtarán. I would imagine the Bill will be enacted as expeditiously as possible but I cannot speak for the President. We want this Bill in action as soon as is legally possible. Once the Bill passes this House, it will go to the Áras.

Deputies O'Callaghan and Ó Broin have raised an issue with regard to inflation and the harmonised index of consumer prices, HICP. They said we need to watch it, which we do. Over the past three years, we have seen an average of a 0.73% increase in the HICP but, of late, that figure is approximately 1.9%. That has happened for a number of reasons, including Covid-19, Brexit, the blockage in the Suez Canal and other things. I will monitor that. I needed to bring in something relatively quickly that can be independently verified. That is what we have done. The Deputies will see within the Bill and in my response to the amendments that I have left open the option to look at other indices as well. That will provide the basis for me should we need to put in another cap.

These are good steps towards comprehensive change and they build on some of the other changes we have brought forward in previous Bills around flagging rent arrears at the very first stage they happen and other things such as that. We are intent on reducing rents for people. We have just brought in cost rental and it was passed by most here today. That is in place. We want to increase secure rentals.

The issue of tenancies of indefinite duration is still something which I intend to address. I am not sure whether all that work will be ready by the autumn but I hope to be able to advance it. There are many other good things we can do. I was not being facetious when I said the affordable Bill has some solutions for the rental sector that are not immediate but will build a cost rental system. That is important. A number of things are going to work together.

I have addressed Deputy Buckley's amendment. There will be an opportunity in the autumn to look at a potentially better system of doing this. I do not mind saying that I would like to see a rental control system for the private rental market that is fair and operates throughout the country. We can look to continental Europe to derive some of the better examples of how we can do that. I have been conscious to ensure anything I have done up to now has been proportionate, particularly considering we have been through a pandemic. I also recognise the fact we have lost quite a lot of stock in this space. When that happens, we see homeless numbers increase. Those numbers have, thankfully, continued to decrease of late. That is not being complacent about it. I have a particular focus on ensuring we keep driving down homelessness.

I very much appreciate the constructive nature of my colleagues' engagement on this important legislation. We have moved it as a matter of urgency through the Seanad and the Dáil. We had a good debate in the Seanad and another here. These are some of the amendments that have come forward. I hope I have addressed all of the questions that have been asked me of me. We will have to keep the inflation piece under review and look at other indices. We will be coming back in the autumn with a more comprehensive piece to add to the five pieces of rental legislation that I, as Minister, and the Government have brought forward in a short time. That legislation contains significant changes that have strengthened and enhanced tenants' rights. We are now reducing rents. Only a few weeks ago, Members of the Opposition rightly raised the issue of the 8% increases and those increases will not pertain with the passing into law of this legislation. We do not want to see that. Rents are high enough and too high in many areas. That is why linking rents to the HICP, which is effectively linking them to inflation, is the fairest way of doing that.

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Seanad amendment agreed to.

Progress reported; Committee to sit again.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): 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 Paul Donnelly - to discuss the current status of the move of Danu Community Special School school in Dublin 15 to Riversdale Community College; (2) Deputy Thomas Pringle - to discuss the Brandon report and the HSE response or otherwise to it and its implications; (3) Deputy Pádraig O'Sullivan - to discuss the lack of water and waste water infrastructure in rural areas of Cork North-Central; (4) Deputy Jackie Cahill - to discuss the blanket ban on peat harvesting for the horticulture industry and the delay in issuing a licence for harvesting for summer 2021; (5) Deputy Bernard J. Durkan - to discuss cases (details supplied) of parents unable to find a suitable educational place for their son; (6) Deputy Joe McHugh - to discuss difficult circumstances for a family in Donegal due to mica and their request to remain in their home; (7) Deputy Dessie Ellis - to discuss the increase in young adults across Dublin being made homeless as a consequence of family circumstances; (8) Deputy Kieran O'Donnell - to discuss plans for the roll-out of a pilot antigen testing scheme for aviation; (9) Deputy Joan Collins - to discuss the suspension of the north inner city drugs and alcohol task force; (10) Deputy Patrick Costello - to discuss the sodium valproate inquiry which the Minister committed to holding last October; (11) Deputy Colm Burke - to discuss if the temporary assistance payment scheme, TAPS, for nursing homes will be reinstated; (12) Deputy Jennifer Murnane O'Connor - to ask the Minister for Health when the assisted human reproduction Bill will be published, the steps he is taking to create a legislative framework to govern surrogacy in Ireland, and if he will make a statement on the matter; and (13) Deputy Cathal Crowe - to ask the Minister for Finance if Clare homes with confirmed cases of pyrite defective blocks in their structure will be exempted from payment of local property tax.

The matters raised by Deputies Paul Donnelly, McHugh, Pringle and Cathal Crowe have been selected for discussion.

Residential Tenancies (No. 2) Bill 2021: From the Seanad (Resumed)

The Dáil went into Committee to resume consideration of amendments from the Seanad

Seanad amendment No. 2:

Section 4: In page 4, between lines 26 and 27, to insert the following:

“Amendment of section 12 of Act of 2004

4. Section 12(1) of the Act of 2004 is amended in paragraph (i)(iii) by the deletion of “(4)”.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 5: In page 5, between lines 2 and 3, to insert the following:

“Amendment of section 19 of Act of 2004

5. Section 19 of the Act of 2004 is amended—

(a) in subsection (4), by the substitution of “Subject to subsections (4A) and (5)” for “Subject to subsection (5)”,

(b) by the insertion of the following subsections after subsection (4):

“(4A) Notwithstanding subsection (4), and subject to subsection (5), inseting the rent under a tenancy of a dwelling in a rent pressure zone in respect of which the landlord serves a notice under section 22 on or after the coming into operation of *section 5 of the Residential Tenancies (No. 2) Act 2021*—

(a) an amount of rent shall not be provided for that increases the rent last set by more than any rent increase calculated in accordance with subsection (4B), or

(b) an amount of rent shall not be provided for that increases the rent last set where a calculation is made, in accordance with subsection (4B), that no increase in the rent last set has occurred.

(4B) Any increase in the rent last set shall be calculated by—

(a) calculating as a percentage any difference between the HICP value that applied on the date the rent was last set and the HICP value that applies on the new date, and

(b) applying the amount of the percentage calculated under paragraph(a) to the rent last set.

(4C) The Board shall—

(a) establish and maintain a rent pressure zone calculator to calculate any increase in rent in a rent pressure zone in accordance with the method set out in subsection (4B), and

(b) publish and keep up to date a table of HICP values published by the Central Statistics Office.

(4D)The Minister, for the purposes of subsections (4A) to (4C), may pre-
scribe—

(a) the means by which the rent pressure zone calculator referred to in subsection (4C)(a) shall operate to accurately calculate any increase in rent in a rent pressure zone by applying the HICP values to the rent,

(b) the information to be furnished in the table referred to in subsection (4C)(b),

(c) the form and manner of publication by the Board of that calculator and table, and

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(d) an index or indices, containing data corresponding to HICP values, as may be published by the Central Statistics Office to be used for the purposes of the calculation under subsection (4B).”,

(c) in subsection (5), by the substitution of “Subsections (4) and (4A) do not apply—” for “Subsection (4) does not apply—”,

(d) in subsection (6), by the substitution of “subsections (3), (4) and (4A)” for “subsections (3) and (4)”,

(e) in subsection (6A), by the substitution of “subsection (4) or, as the case may be, (4A)” for “subsection (4)”,

(f) in subsection (7), by the insertion of the following definitions:

“ ‘HICP values’ means the values contained in the most recent data available monthly in the All-Items Harmonised Index of Consumer Prices in relation to Ireland and published monthly by the Central Statistics Office in accordance with Regulation (EU) 2016/7921 of the European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No. 2494/95;

‘new date’ shall be the date of publication by the Board under subsection (4C) of the table of HICP values that occurs most recently prior to the service of a notice under section 22 by the landlord on the tenant;”.

Seanad amendment agreed to.

Acting Chairman (Deputy Bernard J. Durkan): Seanad amendment Nos. 4, 6, 9 and 13 are related and may be discussed together.

Seanad amendment No. 4:

Section 6: In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 20 of Act of 2004

6. Section 20 of the Act of 2004 is amended—

(a) in subsection (3)(i), by the insertion of “(within the meaning of subsection (5A) of section 19)” after “substantial change”,

(b) in subsection (5) by the substitution of “1 January 2025” for “1 January 2022”, and

(c) in subsection (6) by the substitution of “31 December 2024” for “31 December 2021”.

Minister for Housing, Local Government and Heritage (Deputy Darragh O’Brien): These are all Government amendments. Are we talking about amendments Nos. 4, 6, 9 and 13?

Acting Chairman (Deputy Bernard J. Durkan): That is correct.

Deputy Darragh O’Brien: I will go through those amendments briefly because it is impor-

tant that people know about these changes. Amendment No. 4 inserts a new section 6 into the Bill, amending section 20 of the 2004 Act. It provides that, generally, rent reviews are allowed to occur no more frequently than annually in a rent pressure zone, RPZ, or biennially outside RPZs. However, a rent review is allowed during a 12-month period in an RPZ or a 24-month review period outside if a substantial change in the nature of rented accommodation occurs that warrants an immediate change to the current rent.

I will address one point raised earlier by Deputy O’Callaghan about what have been termed “renovictions”. That is illegal, and we know that. I have charged the Residential Tenancies Board, RTB, with focusing on this area. If a landlord is erroneously stating a renovation is going to happen in a house which triggers somebody to move on and it is found that is not correct, that is an illegal act punishable under the law. There have been cases and there are investigations under way in that regard. I am not proposing to change anything in that regard but we have given the RTB additional staff to investigate incidences where complaints are raised. It can investigate those areas and complaints can be made by third parties, including, for example, an agent, a Deputy or anyone else on someone’s behalf should that person feel afraid or disinclined to do so.

The new section 6 provides a technical reference to ensure any rent review that occurs on foot of the substantial change in the nature of accommodation provided can only occur where substantial change, within the meaning of the 2004 Act, happens. The aim is to ensure such a rent review is only allowed when a truly substantial change occurs. The new section 6 also provides for biennial rent reviews to continue to operate outside RPZs during the period to 31 December 2024. That is an additional three years. The aim is to provide for rent certainty outside the RPZs for a minimum of two years. That is the biennial rent reviews.

Amendment No. 6 inserts a new section 8 into the Bill to amend section 24B of the 2004 Act, which provides for areas deemed to be RPZs. The new section 8 provides for an extension of the deemed RPZs in Cork city and Dublin local authorities to continue to operate until 31 December 2024. That effectively extends those RPZs for a further three years when they were to expire on 31 December 2021. Amendment No. 6 is specifically required to extend the operation of those deemed RPZs until 31 December 2024 to protect tenants during a sustained period when constraints apply in the private rental sector.

Amendment No. 9 introduces a new section 12 to the Bill to amend section 8(2) of the Residential Tenancies (Amendment) Act 2019 to provide for RPZs designated under section 24A of the 2004 Act to continue in operation. This is another time extension until 31 December 2024. The aim is to continue rent controls in these areas until the end of 2024.

Amendment No. 13 proposes consequentially to amend the Long Title of the Bill to reflect that, under amendment No. 18, section 8(2) of the Residential Tenancies (Amendment) Act 2019 will now provide for designated RPZs to continue in operation until 31 December 2024, which is an extension from 31 December 2021.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 6: In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 22 of Act of 2004

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7. Section 22(2A) of the Act of 2004 is amended—

- (a) in paragraph (e) by the deletion of “and”,
- (b) in paragraph (f) by the substitution of “not apply, and” for “not apply.”,
- (c) by the insertion of the following paragraph after paragraph (f):

“(g) where the dwelling is in a rent pressure zone (within the meaning given by section 19(7)) to which section 19(4A) applies, state how any increase in the rent last set under the tenancy of the dwelling was calculated or, where section 19(4A) does not apply, state why it does not apply.”.

Amendment No. 1 to Seanad amendment No. 5 not moved.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 6: In page 5, between lines 29 and 30, to insert the following:

“Amendment of section 24B of Act of 2004

8. Section 24B of the Act of 2004 is amended by the substitution of “31 December 2024” for “31 December 2021”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 11: In page 6, between lines 21 and 22, to insert the following:

“Amendment of section 115 of Act of 2004

11. Section 115(2)(b) of the Act of 2004 is amended—

- (a) by the deletion of “subsection (1) or (4) of”, and
- (b) by the substitution of “with section 19” for “with either of those subsections”.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 11: In page 6, to delete lines 22 to 26 and substitute the following:

“Amendment to Schedule 2 of Act of 2004

12. Schedule 2 to the Act of 2004 is amended—

- (a) in paragraph (a) by the substitution of “(4), (4A) or” for “(4) or”, and
- (b) by the insertion of the following paragraph after paragraph (b):

“(ba) the seeking by the landlord of a payment to him or her of an amount or

amounts in contravention of section 19B.”.”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 12: In page 6, between lines 26 and 27, to insert the following:

“Amendment of Residential Tenancies (Amendment) Act 2019

12. Section 8(2) of the Residential Tenancies (Amendment) Act 2019 is amended by the substitution of “31 December 2024” for “31 December 2021”.”.

Seanad amendment agreed to.

Seanad amendment No. 10:

Section 12: In page 6, between lines 28 and 29, to insert the following:

“(2) *Section 5* shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.”.

Seanad amendment agreed to.

Seanad amendment No. 11:

PREAMBLE: In page 4, between lines 5 and 6, to insert the following:

“AND WHEREAS the Oireachtas has, with regard to sections 2, 3, 5, 7, 11 to 15 and 17(b) of this Act, taken account of the matters referred to in the forgoing recitals;”.

Seanad amendment agreed to.

Seanad amendment No. 12:

TITLE: In page 3, line 8, after “tenants;” to insert the following:

“to provide for changes to the manner of determining rent increase restrictions in rent pressure zones;”.

Seanad amendment agreed to.

Seanad amendment No. 13:

TITLE: In page 3, line 8, after “2004;” to insert the following:

“to extend the period during which areas shall stand prescribed as rent pressure zones; for that purpose to amend the Residential Tenancies (Amendment) Act 2019;”.

Seanad amendment agreed to.

Seanad amendments reported.

Acting Chairman (Deputy Bernard J. Durkan): Agreement to the Seanad amendments

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is reported to the House. A message will be sent to Seanad Éireann acquainting it accordingly.

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

Question again proposed: “That the Bill be now read a Second Time.”

Acting Chairman (Deputy Bernard J. Durkan): Deputy Boyd Barrett was in possession when the debate adjourned. There are ten minutes remaining in that slot. The rest of the time may be taken By Deputy Bríd Smith.

Deputy Richard Boyd Barrett: I do not think she is going to be here.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Boyd Barrett is quite prepared and well capable to fill the space. He may proceed.

Deputy Richard Boyd Barrett: I will briefly recapitulate on a few points from yesterday and add a few points on behalf of Deputy Smith, who could not make it along. A parents and children’s schools charter is not a bad idea in principle. It is a very good idea in principle to have proper grievance procedures and transparency about the expenditure of school funds and voluntary contributions, even though, frankly, they should not exist. I will come to that point in a second. It is a good idea for people to have information and real engagement with parents in their school communities about that charter. These are all reasonable things in and of themselves.

The problem, however, is that, to my mind, much of the focus of this Bill gives the Minister the right essentially to instruct school boards and schools to do certain things. The focus seems to be all internal rather than putting a charter of rights in place for education, children and pupils in education, and their parents which puts real obligations on the Government, Department or Minister to deliver a quality education.

Many of the things this Bill seeks to do are, in fact, already mechanisms to deal with issues, such as the Teaching Council, boards of management, parent-teacher associations and so on. As I said yesterday, I would like to see a charter that essentially guarantees high-quality education and the resources necessary to deliver it for all children. That is not what this Bill is about. The fear is, therefore, that it ends up being a league table with schools competing with each other like the kind of neoliberal model we have seen in the UK. That is a concern, notwithstanding the fact the things the Bill is trying to achieve are not in themselves problematic. It could lead to that logic, however.

The charter I would like to see is one that says pupils have a right to be in a proper size class and not oversized classrooms, and a right to proper school buildings, amenities and services, special needs assistants, SNAs, when they need one, free school meals and school books and free public transport. A staff member should have the right to ongoing professional development to deal with things like difficult emotional behaviours, special needs issues and so forth. That is the sort of charter we must have.

As I and quite a few others mentioned yesterday, people should have the right not to have to fundraise to provide basic services, equipment or whatever in classrooms. A demand that really emerged very clearly from the pandemic is the right not to do stressful, archaic exams such

as the leaving certificate, which put immense stress on pupils and teachers. These exams are anachronistic at a time when we should be trying to make sure everybody has a right to move on to higher and further education rather than having a gatekeeping exercise, which is essentially what the leaving certificate is. It is a one-size-fits-all exercise that does not really deal holistically with the individual abilities and differences that exist between people in education.

Those are the sorts of things we should have in a charter rather than focusing too much on the internal regime of schools. I want to get on to this particular issue because I made most of those points yesterday. This is one of the really scandalous things, although I do not know the picture all over the country. A basic ability for a school community to deliver a quality education for our children and to involve parents and so on is to have the basic building - a quality building - or to have a building at all.

It is amazing we have this system where we recognise there is a need for a school in a particular area based on census or demographic information. We have a system then for the local community to decide what type of school they will have in their area, whether it will be a Gaelscoil, an Educate Together school or another type of patronage for a particular school. We do not, however, plan to provide the location and deliver the building for that school once it is established. There are many examples of this in my area and it seems to be replicated elsewhere. It certainly seems to be the case with a number of examples Deputy Smith asked me to mention in Dublin South-Central. This may reflect the picture across the country and I suspect it does. I have heard many other Deputies speak about similar issues in their areas and refer to the number of schools that use prefabs and temporary buildings and so on or that lack recreation and sports halls, canteens, proper sports facilities, playing fields and things they need. We need a charter that guarantees those things to all schools, schoolchildren and the parents who are fighting for the best-quality education for their children.

I will mention a few examples. St Mary's Boys National School is in my area. There is a recognised need for an autism spectrum disorder, ASD, unit in that area. A parish hall right next door to the school has been identified as suitable and the parish which owns it is willing to sell the hall to the school. The application has gone in to the Department and there has still been no decision received from the Department. There is a recognised need here and a physical building available yet an answer cannot be got from the Department about the use of this parish hall by the school for children with special needs and for other uses. Dún Laoghaire Educate Together has finally been recognised as a school after a big fight, a hard campaign and much pressure on local politicians. Eventually it was given a permanent location for the school but it is going to take another couple of years. That is a long fight followed by another couple of years before we actually get the school. Gaelscoil Laighean is in a temporary site and must fight and fight to find out which temporary site it is going to be in this year. It had to fight and fight to get a permanent site which it finally got, although interestingly it is going to come at the expense of Traveller accommodation and social housing, which is a conflict that should not happen. Obviously it meets the school's needs but nobody there has any idea when they will actually get the physical school. Sallynoggin Educate Together has now been given a temporary location. Up until a couple of weeks ago it did not even have that. Now it has been given a temporary location outside its catchment area. It is not in Sallynoggin but in Dún Laoghaire, in a building where there is no play area for the students. No permanent location for that school has been identified at all. The Red Door School is a special school that has been in temporary accommodation for more than a decade. Gaelscoil Phádraig in Ballybrack has been waiting for a permanent location for I do not know how many years now, I think it is about 12 or 13. Those are just a sample

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of the lack of planning and of provision for basic things like a physical location, a building or the special needs provision necessary to give the quality education we need.

Deputy Bríd Smith has asked me to mention some cases from her area. In Ballyfermot there has been amalgamation of St. John's College, Dominican College and Caritas College. A new location has been got at the St. John's College campus but the 1,000 male and female students there will have no gym and no canteen in an area where there is considerable disadvantage, obesity and so on. The national school at Goldenbridge in Inchicore is in a very dilapidated building in one of the poorest areas in Dublin. It is a fantastic school, where teachers and the principal are concerned, but there is serious neglect of the infrastructure that should be provided for the school. In Dublin 10 and Dublin 12 there is also desperate demand for a gaelscoil in what is a very densely populated area of the country. The community is crying out for it but for some mysterious reason the Department will not grant the area a gaelscoil.

Charters inside a school are all very well but unless we deliver the resources, buildings, facilities and the supports charters mean very little.

Deputy David Cullinane: I thank the Minister of State for bringing this Bill forward. I welcome it and offer my support for it. It is a welcome development that will undoubtedly create a better relationship between students, parents and school officials and will, all in all, create a much better environment in schools all around the State. Giving stakeholders a say is always the best approach in any scenario and so this legislation represents progress for all in the education sector.

I wish to revisit an issue I have raised in the House a number of times, namely, the need to provide a second-level Educate Together school for Waterford city and county. There are currently two primary-level Educate Together schools in the county. One is in Tramore and the other in Carrickphierish in Waterford. Once students have completed their primary education in those schools there is no follow-on for them into second-level education. This is unacceptable in this day and age and must be addressed by Government. To ask parents to seek out a different model of education for their children's secondary years makes zero sense and undoubtedly upsets the children's educational rhythm. There is an organised group of parents seeking the building of an Educate Together school in Carrickphierish and I again express support for their call. The Minister previously responded to me via parliamentary question in February that previous demographic exercises have not identified a requirement for a new school in Waterford city or county. However, the requirement for additional school places is kept under ongoing review and work on an updated exercise to assess needs for the coming year is at an advanced stage. My understanding is that since then it may be recognised that there is a need for an additional secondary school in Waterford, if not two between the city and the county. Carrickphierish is now earmarked for a significant increase in residential development in the next few short years. It is also an area bordering the industrial area of Waterford where global pharmaceutical companies, amongst other enterprises, employ thousands of workers. I extend an invitation to the Minister to come and visit Waterford over the summer recess period or at least to engage in a virtual meeting with the parents' group seeking the establishment of a second-level Educate Together school to see if it is something that can be delivered. As I said, there are hundreds of parents sending their children to a primary-level Educate Together school in Waterford and logic would dictate a second-level option should be made available to them. The Government should support that call and work with that group to ensure this happens. We live in a pluralist society and it is an option for more and more parents and they are taking it. The only way we can ensure that transition is available to them is to ensure that secondary school is supported

and built at some stage in the future.

Deputy Verona Murphy: There are some points I must make about the Bill but I will be supporting it as it is time we had this on a statutory footing.

Currently schools do engage with students and parents and one will find most schools already have a charter. An example from the website of a County Wexford second-level school states:

Working together as a school community, the Board of Management, parents, staff and students aim to provide an environment that will allow each student to develop intellectually, physically, morally, socially and spiritually so that she will be able to fulfil her role in society.

Obviously this is a second-level girls' school. There are also parents' associations which do great work and naturally they have a vested interest.

The Bill proposes to set out a framework as to how schools engage with students and parents and it will be put on a statutory footing, which is appropriate for the times we are in. Essentially, what is in the Bill is being done but not in a structured way, so it is appropriate to regularise that. In short, the Bill sets out what is and is not to go into a charter. It will bring consistency and uniformity among schools as to what parents and students are entitled to know, how to pursue a grievance and to allow parents to have their say in how their children are educated and to have all that be put on a statutory footing, which is only fitting. The Bill also updates the 1998 Act with various amendments. It includes the Ombudsman for Children as a stakeholder which is also appropriate. Importantly, section 27C gives the Minister power to issue directions to the board of management if the new charter requirements are not implemented and to give a board a time limit within which to comply. Thus the Bill is, in effect, a compliance measure.

However, there is an issue many of my constituents have raised with me, namely, they are requesting a review of the board of management structure.

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They are asking that this happens sooner rather than later. I have a number of constituents; some of whom are current board members and others of whom have resigned from the board. Some are clergy and many are parents and professionals. These are ultimately the go-to people seen as board of management material, as it were. The one thing they have in common is they no longer wish to serve on the board of management and those still serving have expressed great difficulty in recruiting members. There is also a feeling that the extent of legislation and regulation today is beyond that of a volunteer structure.

A review in this regard is timely and it may take the form of a consultation process to begin with. It has also been suggested that the cluster model used to deal with secretarial skills and shared teacher substitutes might be expanded to a human resources footing on a similar basis. In fairness, human resources today is a science in itself, and post Covid it is anticipated that this scenario will become much worse.

I would appreciate it if the Department might engage with me on this. Given the day that is in it, unfortunately, newspaper reports have emerged over the past month indicating that students will be at an immense disadvantage, leading to disappointment, because points may rise

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for preferred courses. As the Minister, Deputy Foley, is a schoolteacher, she has great insight as to how the system works. There is disappointment every year but I expect the Department will formulate a solution, if at all possible, and I ask that whatever needs to be done should be done to reassure students. I ask that on a human level with mental health in mind.

I can attest to the fact that all is not lost if a person does not get into the course he or she wishes to attend at third level but I am almost 50 years old and know how to deal with this. It can be very difficult, especially when we consider the strain that Covid-19 has caused for students. It has really been hard to bear for many of them. I have no doubt it is in the mind of the Minister and departmental officials. I ask her to take care of that in the best way possible.

At this stage I invite any Minister or Minister of State from the Department to County Wexford. Not unlike other colleagues, I can name a number of schools in the county that do not have physical gym buildings, which students should certainly have if they are doing physical activity. One such school is CBS Secondary School, New Ross, but there is also the Holy Faith school, Our Lady Of Lourdes Secondary School, Rosbercon, and Ramsgrange Community School, which expects to submit planning permission for an extension. I hope that school will be successful in getting that permission.

There is another matter that must be raised. When we get our children back to school in September, we should not have to look at pods and similar types of separation. The anxiety levels of primary school children have been raised and this will cause serious damage in their development, both socially and mentally in future. I am serious in saying that the Department must consider this potential damage and, I hope, conclude that it will not be appropriate in September to have such separation. I hope we will have a good handle on Covid-19 by September, particularly in that age category, so we can look at ways other than separation and social isolation for small children at primary school level.

Deputy Mattie McGrath: I was to speak on this with my colleague, Deputy Michael Collins, but he is as láthair today and sends his apologies. We badly need reforms right across the education sector from na naíonraí or playschools to third and fourth level. As far as I am concerned, education goes from the cradle to the grave. The Minister of State is very understanding and is always top of her brief. She might come from the same stable as I do in dealing with such matters.

There is a wide range of education available. We mentioned today in speaking about a Bill with the Minister of State's Government colleague, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, the question of public private partnerships. This also applies to schools as well. I have been on the boards of management of vocational education committees and national schools but it all ended when I came to Dáil Éireann in 2007. There have been changes and there is a diverse range of needs to be dealt with and embraced. The job of principals and boards of management remains very important. It is why I said public private partnerships are good.

There is a school in Carrick-on-Suir and the principal, Mr. Kevin Langton, is excellent. The numbers at his school have doubled in the two and half years since it opened. It is a second level VEC school and it is a public private partnership. Beside Mr. Langton's office is the manager's office and the manager has nothing to do with students, tuition or learning. He or she has the job of maintaining the school from the front gate right to the back gate, upstairs, downstairs, inside or wherever else. It does not matter if the problem is a tap, a slate or something

happening with the grass. It is a fabulous system. It may be BAM Ireland - I could be wrong - that is the consortium that has it leased. It provided and built it, along with a sister building in Tramore, down the road. It is a magnificent building and addition to the town of Carrick-on-Suir. It serves south Kilkenny, south Tipperary and that part of County Waterford down as far as Portlaw and beyond. There is a special needs unit for people with different learning issues.

I could not believe the sheer size of that state-of-the-art building but this would be useless without an excellent teaching staff under the principal, Mr. Langton. His wonderful staff is expanding all the time. There will be great reports coming from there. The chairman of the board of management is Councillor Kieran Bourke and there is a voluntary board. It is very important to have all those factors working together. *Ní neart go chur le chéile*. They must all pull and work together. It can be onerous to ask people, such as lay people or local authority or VEC members, to do that job. When I was on the board of Coláiste Dún Iascaigh, Cahir, the Sisters of Mercy had amalgamated the VEC school and the convent, along with St. Joseph's, a school I attended myself. Two pioneers from County Cork, the late Mr. Tom McGrath and Mr. Vincent Russell, cycled on their bikes to the town of Cahir to set up a school with little or no support from the Government. It was a very poor building but some great people came from it. There were great teachers, including a maths and science teacher who is still alive and *an-chara liom anois*. We can contrast what they operated with - on a shoestring - with what we have now. My brother was a teacher in the VEC sector and it has been well-funded for the past 25 years.

The school in Carrick-on-Suir I referred to was 30 years in the making. The late Councillor Denis Bourke and Councillor Jimmy Hogan, among many others, fought for decades to get it over the line. It is a pity the two other schools did not amalgamate but they chose to stay on their own, namely, the "Greenschool" and the convent. That was their entitlement. In many cases such schools did amalgamate. The schools amalgamated in Cahir and in Lismore out the road over the mountains. They have been working hard together and they are building an extension. There are two issues with regard to getting people. It will be hard in schools that do not have a system like that. It is the *crème de la crème* of schools' operations because the principal, who does an awful lot of work to look after the teachers and pupils and to deal with the representations from the board of management and the parents' council - he or she looks after the well-being of *na daltaí* above all - does not have to worry about a light bulb or a leaking roof. However, many school principals have no support whatsoever and must look after everything. They will tell us that they are not qualified for much of that work, especially at national school level. They never set out to be architects, engineers or health and safety officers or to deal with the many issues that go with those roles. I mention three roles, but they also have to be the doctor, the nurse, the specialist and the counsellor. They have to try to bring the teaching staff with them while being responsible for all the children and their parents or guardians. It is an onerous job and it needs to be respected. We should have time for walking principals. While they do not have much time on their hands, to be honest, they should be given time to deal with the never-ending reams of paperwork. Their role has become more bureaucratic with more schemes, rules and regulations. I cannot imagine how they have managed with Covid. I have not set foot inside any school since the Covid pandemic began. I cannot understand how they have managed with that, but they have. They got the exams completed this year. I wish all *na daltaí* the very best for their results, no matter what model or blend of results they have chosen. I wish them well in the future.

It needs to be recognised that there is no continuity for school secretaries even though they may have been in place for many years. In many cases the secretary is as good as the princi-

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pal because he or she represents the front line for many of us as parents. Secretaries deal with students and everybody else. We should consider the caretakers too. Mr. Paddy Lonergan, the caretaker in Coláiste Dún Iascaigh, is a wonderful man. A caretaker might be a jack of all trades and master of none, but it is an exceptional and dedicated job. One can imagine being the caretaker on one's own in a school with 830 pupils. It is a huge job. When they want to put on a pantomime or a sports day in the hall, the place is transformed with some help from the students and others. The caretakers must be cognisant of all of the guidelines, rules and regulations around health and safety. It all needs huge evaluation. I have great respect for an tAire Oideachais, an Teachta Foley. The Minister has an understanding of na múinteoirí freisin, and she has a willingness to engage. Like the Minister of State, Deputy Fleming, she is happy to talk about issues and deal with them without the high-powered, highfalutin stuff.

I wish the Minister and the Minister of State well. They make a very good team. There are huge issues to deal with, without even going near the issues in the Educate Together sector and other issues in this area. I am not saying these are not normal issues, but it will always be a task to deal with the normal, straightforward and simple issues that always exist. We have had a plethora of changes to the syllabus in the area of sex education, which is vital and important. I have heard alarm bells about some of the things that have been introduced in the syllabus. I do not mind saying it here. This is the place to say it. I believe the whole push for new issues to be introduced has been too quick. There has been no proper training or resources for school management, teachers, back-up staff or families. Some parents and guardians are not happy about what is happening, and they should be listened to. Bullying is a huge issue in this regard. If they raise their concerns, they are often demonised as backwards or too conservative. They are entitled to raise their children, once they are safely minded and reared. Children in preschool and national school, in particular, should be allowed to develop themselves without being told that they might be something else or being investigated, or told they might be happier if they were something else.

The Minister of State has a great deal on his plate. The slow pace of delivery of new projects is alarming. Roadmaster in Johnstown, which is not far from the Minister of State's own county, is a great facility - I have often used their demountables to house people during a build - but the money that is spent on prefabs and temporary buildings is shocking and mind-boggling. Why can we not grasp it and deal with it? It has mushroomed in the past 30 years. What is paid in rent for these buildings would build schools all over the place, if we could just cut out the rent and put the money into bricks and mortar, public private partnership projects or whatever. I was taught in a prefab and I often went into prefabs when I was speaking to classes and so on. I also attended meetings in prefabs. While some are better than others, generally a prefab is not a suitable building for learning and tuition in which people can disseminate information.

While there are lots of things to be done, if the Minister and the Minister of State could do anything, the full extent of the prefab issue needs to be investigated and understood. Hospitals and many other places are also getting these quick builds. They will not be standing in 20 years. We are solving a short-term problem, but these will not last structurally. I am involved in construction and I know they will not last. The Minister of State also knows they will not last. It is also so hard to heat them, and yet we talk about energy savings. That area is totally left without any proper oversight. We should deal with this. It is like the housing crisis: we should have dealt with this. They were a necessary evil when we did not have the money and a school could get a prefab. Now, however, and even in the boom, we cannot manufacture them fast enough to get them into places. They are not the safest from the perspective of fire safety,

which I have not mentioned.

Lifelong learning, from the cradle to the grave, is wonderful. I salute the adult learning schemes of the education and training board in Tipperary and elsewhere. I salute the people who work there, including Mary Roche and Mary Mullaney, and the many people I have worked with, and the way they have engaged with people. This includes getting theory tests. Many fairly senior adults do not have literacy skills because they went through their own education, limited as it was, without anyone ever picking up that they did not have the learning skills, including writing skills, they needed. Many of them are geniuses who can their own businesses and are self-employed. They have that difficulty, however. More funding should be put into further and continuing education to try to ensure more of them are helped. I salute the tutors in this area. I know how difficult it is. There is another múinteoir in Cathair Dún Iascaigh, Niamh Ní Chillín from Baile Átha Cliath, who does a lot of voluntary work with our newcomers, as I call them. We have many of them in Cahir, probably more than one third of the community, and they are being helped to learn the English language.

I would also like to mention Kathleen Ní Loingsigh of the wonderful naíonra i gCathair Dún Iascaigh. I was stunned when I arrived in the square one day and she was putting on a play. I think there were 15 different nationalities there. Some 20 years ago there was only the one nationality, and ten years ago there were maybe only three or four. She said to me that they can learn Irish easier than they can learn English. If a person can learn the Irish language, he or she can learn any language. My own area of Caisleán Nua was a breac-Ghaeltacht up until 1957. My own late seanmháthair did not have any English. Deputies might say that my English is not the best either, but that is fine. It is what I have, but she did not have English. We have a wonderful naíonra in Caisleán Nua, which I was proud to be involved in setting up along with Helen Duggan some years ago. It is flourishing and oversubscribed. It is wonderful. There are 20 jobs in it, and it is in a small village. Cars come from all areas in the morning, over long distances, to come to this flourishing development. It is now in the process of buying an adjoining house to expand. Along with the preschool service, there is an after-school service to mind the children. My own grandchildren, Orlaith, Cara Rose and Aodhán, are ag foghlaim sa naíonra sin. The care they get from Joanne, Mary Dowling and the whole team is second to none. It is a wonderful facility to be in any small village.

There is a wide circumference of all the different aspects of education. When I was in school, and when the Minister of State was in school, national school and secondary school, some of the family might get to university, but now one can embrace the whole remit of services, including the teaching staff and the voluntary boards. I mentioned the nuns earlier. The parish priests, lets us be fair to them, are also stretched as are their boards of management. I would defend them anywhere. People in this House have attacked the parish priests and the nuns. It is fashionable now to attack them. There were a few bad apples, as there are in every society, but I want to defend the sisters. They educated us when we had no schools. Before Tom Mac Craith and Vincent Russell cycled from Cork, the nuns did the educating. They did it voluntarily. There are such expensive wage bills for schools and hospitals because the sisters are no longer there. I learned so much from them. They were exemplary in their knowledge of teaching and people's experience, dealing with people sensitively and humanely and doing voluntary work on boards and interview panels. We can never forget our history. We must of course look forward, but we can look back to where we came from.

There are many criticisms of the education sector. What has happened in the third level sector over the past year due to Covid is shameful. I have direct experience of this with my

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youngest daughter, Caelainn. Students had so little life. They had to study online. Money was taken from them. We are lucky and are able to afford to pay, but other people have struggled. On Friday evening, they were told that from Saturday they would not be allowed on campus.

The system of fairness in terms of the student and parent charter is important. A charter for students and education providers is needed. I do not ever demonise landlords. There are some bad ones. People provide infrastructure and take a risk. There must be a student and landlord charter. We recently introduced legislation to cap the charges for deposits. A lot of money is involved. There is pressure on families and students. There must be a charter that respects students. They have enough pressures on them without worrying about rent and everything else. We need such a charter.

The charter for pupils and parents is important but the biggest charter of all for parents and children is teach abhaile, the home. That is where the biggest charter is. That is where contracts are signed and children are born and reared. There are dysfunctional families and difficulties and issues, but that is an area we have to stimulate and nurture. Not everything is a big issue. There are charters for this, that and the other and there is often little common sense. Níos minic, we do not have common sense. Education is a huge area, as I said, from the cradle to the grave. I wish the Minister of State well and support her efforts with this Bill. I thank the Acting Chairman for allowing me to speak.

Acting Chairman (Deputy Bernard J. Durkan): As there are no Government or other speakers, I invite the Minister of State to reply.

Minister of State at the Department of Education (Deputy Josepha Madigan): I thank the Acting Chairman. I thank Members for the interest they have shown in this Bill and their contributions yesterday and today. This is an important Bill. Its core aim is to improve communication and engagement within the whole school community. It is important that students, parents and school staff are part of a school environment and culture that are inclusive, connected and transparent in how they listen to the views of all and communicate information and decisions on many important matters relating to how the school operates.

The Bill endeavours to provide a cohesive approach to enhance how schools can engage with the school community. The existing legislative provisions that attempt to set out what the school community can expect from schools are limited and those that do exist are not supported by an overarching framework which could guide practice and increase the extent to which schools are responsive to the needs and expectations of the school community.

The approach the Government is taking in this Bill is to put in place a set of legislative measures that will establish that framework and help to support and foster a culture change in schools in terms of engagement across the whole school community. As has already been outlined, the Government intends to bring forward a number of amendments to the Bill on Committee Stage. A key amendment will be to change the Title of the Bill to the Education (School Community Charter) Bill. This amendment reflects the spirit of inclusivity with which the Government is bringing this Bill forward.

A school's charter is, of course, for the whole school community, including students, parents and school staff. Many schools already engage very well with the school community. For the schools, the Bill will help to underpin and build on this work. It will also help schools that have not been as strong in this area by providing a clear framework to guide them in establishing

and implementing good practice. It will facilitate and support that shift in how those schools engage with the community by inviting feedback, comments and observation from students, parents and school staff and by developing a listening culture in the school.

We need to move away from concentrating on reacting to problems in schools after they have given rise to grievances to an approach which improves the day-to-day experience that students, parents and staff can and should expect from schools. The national charter guidelines will be key to the successful implementation of this Bill's aims and objectives and in that regard the consultation process with the education stakeholders will be particularly important. The comprehensive consultation process on the development of the guidelines should help to ensure that all schools will have charters that are clear, workable and practical for the whole school community.

These guidelines will also put in place new standardised complaints procedures that will have to be followed by all schools. The guidelines will set out the details of the new complaints procedures and these will focus on dealing with complaints from students and parents efficiently, effectively and, as far as possible, informally. Under the provisions of the Bill, the guidelines may require schools to provide information to students and parents on the number and types of complaints received and information on their particular outcomes.

As the complaints procedures will be developed in consultation with all education stakeholders, including parent and student representatives, this should help to ensure that the national complaints procedures are straightforward, fair and easily understandable by all, including parents and students. It is vitally important that all public bodies which deliver services to children, in particular schools, listen to student voices and actively invite and respond to comments and feedback from children and young people. We have seen the power, clarity and maturity of the student voice in the past year and the benefit that listening to these voices can bring as we navigate through these challenging times.

To conclude, I am very pleased that the Bill and its aims have been broadly supported in this House and I acknowledge the detailed consideration by Members of the Bill. I am confident that the provisions in the Bill will be discussed in more detail again on Committee Stage.

Question put and agreed to.

Education (Student and Parent Charter) Bill 2019: Referral to Select Committee

Minister of State at the Department of Education (Deputy Josepha Madigan): I move:

That the Bill be referred to the Select Committee on Education, Further and Higher Education, Research, Innovation and Science, pursuant to Standing Order Nos. 95 and 181.

Question put and agreed to.

Consumer Protection (Regulation of Retail Credit and Credit Servicing Firms) Bill 2021: Second Stage

Minister of State at the Department of Finance (Deputy Sean Fleming): I move: "That

the Bill be now read a Second Time.”

This Bill will implement the key recommendation in the November 2018 review of personal contract plans, authored by Mr. Michael Tutty, which was to extend the relevant provisions of the Central Bank’s consumer protection code to all the providers of hire purchase and personal contract plan agreements to consumers. Personal contract plans, which are generally referred to as PCPs, have become particularly prevalent in the financing of new car purchases by consumers.

Mr. Tutty made a number of clear recommendations in his review. These concerned issues such as establishing whether PCPs come within the definition of “hire purchase” and the collection and publication of hire purchase and PCP statistics. With regard to the former, the Office of the Attorney General has confirmed that PCPs do fall within the definition of “hire purchase”. With regard to the latter, additional provision is being made within this Bill to provide that the Minister for Finance may request the Central Bank, using its existing powers, to collect and publish information on credit, hire purchase, including PCPs, and consumer-hire agreements.

While many, if not the majority of, consumers taking out hire purchase and PCP agreements do so from entities regulated by the Central Bank, Mr. Tutty highlighted in his review that consumers were not covered by the consumer protection code because providers of hire purchase and PCP agreements were not required to be authorised by the Central Bank. The possibility of including hire purchase and PCP consumers in the consumer protection code despite the position that not all such providers are regulated was investigated. As this was found not to be possible, the simplest solution is to require that all providers of hire purchase and PCPs be authorised by the Central Bank. This change means that the Central Bank will have the power to apply its consumer protection code, in particular the part that requires firms to assess the suitability of the product for the consumer and the ability of the borrower to repay the debt over the duration of the credit agreement, to such providers.

In addition, the Bill will require providers of indirect credit to consumers to become entities regulated by the Central Bank. Indirect credit, which has become much more available in recent years, is so called because the lender provides credit to the borrower by paying a retailer for the purchase of a good, often as part of a buy now and pay later offer. Providers of indirect credit are not regulated at present because the current definition of “retail credit firm” in the Central Bank Act 1997 requires that credit in the form of a cash loan only must be advanced directly to the borrower. The Bill changes the definition of credit to add a deferred payment or similar accommodation to the existing cash loan and by adding “directly or indirectly” to the provision of credit. The Bill will also provide for the regulation of entities that service or own these agreements. This is to ensure that the provisions that already apply to the sale of credit agreements for cash loans will also apply in respect of sales of hire purchase or consumer hire agreements.

The Bill makes some consequential and related amendments to the Consumer Credit Act 1995. These include extending an existing cost of credit cap of up to 23% APR on credit provided to consumers by certain firms to all entities within the scope of the Act that provide credit or hire purchase - other than moneylending agreements, which have their own regulatory framework - to consumers.

A letter of consultation has already been sent the European Central Bank, ECB. This process is required because the Bill will affect the Central Bank by increasing its responsibilities

and workload. I anticipate that the ECB will respond prior to the commencement of the autumn session of the Dáil and its response will be outlined to the House before the closure of the Second Stage debate. Given the relevance of PCPs for the new car market, the Government intends, with the co-operation of the Houses, to complete the passage and enactment of the Bill in time to have the new authorisation regime implemented by the end of year and in advance of the major sales peak that occurs when the registration changes next January.

The Bill contains 17 sections, which I will run through briefly. Section 1 defines the Consumer Credit Act 1995 and the Central Bank Act 1997 as the “Act of 1995” and the “Act of 1997”, respectively. These are the two main Acts that will be amended by the Bill.

Section 2 amends section 28 of the 1997 Act by inserting additional definitions and amending definitions. These include expanding the range of agreements that fall within the regulated business of a “retail credit firm” and a “credit servicing firm”. As a result, other forms of credit, such as the indirect provision of credit, hire purchase, including PCPs, and consumer hire agreements, will be added to the existing authorisation requirement in respect of the provision of credit in the form of a cash loan.

Section 3 makes a technical amendment to section 29 of the 1997 Act. It confirms that any entity that is covered by any of the new subsections (5)(a) to (d) is not prohibited from carrying on such a regulated business.

Section 4 amends section 29A of the 1997 Act, which provides limited discretion to the Central Bank to exempt certain entities or classes of entity from the requirement to become authorised as retail credit firms in respect of the provision of credit in the form of cash loans, to take account of other changes being made in this Bill and extend it to cover the additional types of financial agreements that will come within the regulated business class of “retail credit firm”.

Section 5 inserts a new section 34EA into the 1997 Act to provide for the transitional arrangements for firms that will for the first time come within the scope of Central Bank authorisation as retail credit firms. The section, which mirrors similar provisions in the past, provides that, subject to applying to the Central Bank for authorisation within a period of three months from the commencement of the relevant provisions, they will be deemed to be transitionally authorised by the Central Bank and that authorisation will continue until the Central Bank has granted or refused authorisation.

Section 6 amends section 34FA of the 1997 Act to take account of changes in the definition of “credit servicing firm” as set out in section 2 of the Bill.

Section 7 inserts a new section 34FB into the 1997 Act and mirrors the provision in the new section 34EA in respect of transitional arrangements for firms that will for the first time come within the scope of Central Bank authorisation as a credit servicing firm. As with section 5 in respect of retail credit firms, subject to applying to the Central Bank for authorisation within a period of three months from the commencement of the relevant provisions, existing credit servicing firms will be deemed to be authorised by the Central Bank and that authorisation will continue until the Central Bank has granted or refused authorisation.

Section 8 amends section 34G of the 1997 Act to take account of the wider range of financial agreements, including hire purchase and consumer hire agreements, that will now fall within the scope of “credit servicing firms”.

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Section 9 inserts a new section 36EA into the 1997 Act to provide that the Minister for Finance may request the Central Bank, using powers it already has under the Central Bank Acts, to collect and publish information on credit, hire purchase, including PCPs, and consumer hire agreements. This will facilitate the publication of statistical data on the level of financial accommodation provided by regulated businesses.

Section 10 amends section 2 of the Consumer Credit Act 1995 by inserting additional definitions and substituted definitions. Currently, the Act provides that the Central Bank may prescribe individual firms to be a credit institution for the purposes of that Act. The amendment will provide that the authorisation category of “retail credit firms” will replace this provision, as such an individual listing will become redundant in light of the new authorisation requirements provided for in section 2 of the Bill. A limited technical change is also being made to the definition of “APR” in the 1995 Act as well as a cross reference to the Central Bank Act 1997.

Section 11 amends section 9 of the 1995 Act to make clear that the APR provisions shall apply to credit and hire purchase, including PCP, agreements and that the Central Bank may, by regulation, amend the method of calculating the APR in respect of credit or hire purchase agreements.

Section 12 amends section 12 of the 1995 Act to provide that a contravention of Part IIA of that Act constitutes an offence.

Section 13 inserts a new Part IIA, which comprises sections 28A and 28B, into the 1995 Act. The purpose of these new sections is to confirm and extend a provision in the Act that limits the cost to consumers of credit provided by certain retail credit firms to 23% APR. Accordingly, section 28A provides that, in respect of a credit agreement, other than a moneylending agreement, that falls within the scope of the 1995 Act, the APR on the agreement shall not be greater than 23%. It also provides that a creditor shall not be entitled to enforce a credit agreement against a consumer where this requirement is not met except where a court is satisfied that a failure to comply with such a requirement is not deliberate and has not prejudiced the consumer and that it would be just and equitable to decide that the agreement shall be enforceable. Section 28B provides that the requirements, as contained in section 28A in respect of credit agreements, will also apply to hire purchase agreements. Section 14 inserts a new requirement in section 58 of the Consumer Credit Act 1995 to provide that the hire purchase agreements shall, along with other information specified in that section, state the APR. This enables confirmation that a hire purchase agreement complies with the new section 28B. No such amendment is needed for credit agreements because they already require the statement of APR under the Act.

Section 15 amends section 3 of the Central Bank (Supervision and Enforcement) Act 2013 to provide that a “hirer” in respect of a hire purchase or personal contract plan, PCP, or consumer-hire agreement shall be a “customer” for the purposes of that Act. Section 16 amends section 2 of the Financial Services and Pensions Ombudsman Act 2017 to provide that a “consumer” for the purposes of that Act includes a consumer who was in respect of, *inter alia*, a hire purchase, including PCP, or a consumer hire agreement, a customer of the financial services provider in the case in which a credit servicing firm undertakes credit servicing in respect of that agreement. Section 17 sets out the Short Title and provides for commencement provisions.

This Bill tackles a gap in consumer protection identified in the Tutty report in the protections available to consumers entering into hire purchase and PCP agreements, as well as those entering into indirect credit agreements.

Deputy Bernard J. Durkan: Sinn Féin's slot is next. Deputies Martin Kenny and Patricia Ryan have 20 minutes

Deputy Martin Kenny: I am deputising for Deputy Doherty. I welcome the opportunity to speak on the Bill. It had a long gestation and its being brought to Second Stage has been facilitated by the finance committee's waiving of pre-legislative scrutiny. That is in recognition of its importance and the fact its provisions are long overdue. The general scheme of the legislation was considered by the finance committee in 2019, when it received 14 submissions, as part of its pre-legislative scrutiny of the Bill. As explained by the Free Legal Advice Centres, FLAC, in its submission, a core issue the Bill seeks to address is that while certain agreements, such as hire purchase agreements, are regulated, the credit provider is not. As a result, they cannot be subject to the consumer protection code.

The legislation comes on the back of numerous reports published in 2018 on the regulation of personal contract plans and the PCP market. These reports were by Michael Tutty on behalf of the Department of Finance and by the ESRI, the Central Bank and the Competition and Consumer Protection Commission, CCPC. Sinn Féin welcomes this legislation and it is overdue.

In the past number of years, there has been an explosion in the PCP market. The number of personal contract plans for car finance alone between December 2014 and February 2020 increased by 528%, while the total outstanding credit in the PCP market by 2020 stood at €1.7 billion, which represents a 573% increase since December 2014. This sharp rise in the PCP market and PCP credit has raised justified concerns regarding financial stability and consumer protection. PCPs have become the prevalent feature in the Irish motor finance market. A personal contract plan is a type of hire purchase financial arrangement in which the customer is not the owner of the car until the final payment has been made.

PCPs are often characterised by the final balloon payment at the end of the contract which is often much larger than the previous repayments. Unlike other arrangements, the borrower can choose to either return the car to the seller, make a final payment to assume ownership or enter into a new PCP, which is the norm. It has been noted this balloon payment can prove to be expensive. As a consequence, as outlined by Michael Tutty in 2018: "In practice, the tendency in a PCP is that it is rolled over into a new contract at or before the end of the monthly payments."

As the CCPC noted in its 2018 report on PCPs in the Irish market: "The low monthly repayments, while making new cars appear affordable, may in some cases cause consumers to enter contracts which may become unaffordable when the final payment is taken into account." In the view of the commission, "There is potential for detriment in the absence of mandated affordability or suitability checks, particularly given the complexity of PCP products." Given the explosion of the PCP market, the complexity of the products and the risks posed to consumers, a legislative overhaul of this market is timely and long overdue. This Bill seeks to respond to those concerns.

At present, credit intermediaries, defined under the Consumer Credit Act, require annual authorisation by the CCPC but not the Central Bank. Credit intermediaries are normally engaged in leasing or hiring out goods, selling on credit or arranging credit finance, but may also arrange PCP agreements. This Bill seeks to augment the Central Bank's authorisation requirements to those who carry on business relating to hire purchase or consumer-hire agreements. This is done by an amendment to the Central Bank Act 1997. As a result, those entities which are authorised will then be subject to the consumer protection code. That is to be welcomed.

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Section 9 will insert a new section into the Central Bank Act, allowing the Minister to request that the Central Bank collect and publish information on credit, hire purchase and consumer hire agreements. This follows a recommendation of the Tutty report and will allow for comprehensive and systematic data to be collect and published. However, it is not guaranteed this data will be collected and published regularly, as subsection 36EA(5) of section 9 provides that they may be requested on a once-off basis.

I ask that consideration be made to make the collection of these data a regular occurrence, at least once every six months. Section 9 does not specify the particulars to be collected and published in those data. These particulars are left to the discretion of the Minister in the request that he makes under the section. As part of the pre-legislative scrutiny of the heads of the Bill in 2019, a number of stakeholders recommended that a span of items be included in the data collected and published.

FLAC recommended details of deposits required for entering these arrangements and the range of penalties and interest which may be charged in the event of default, be included. The Money Advice & Budgeting Service, MABS, suggested the data also include the number and value of such loans in arrears and pointed out that frequently published data by the Central Bank on mortgage arrears is of great use to the agency as it supports borrowers in the services it provides. This legislation does not include such particulars and I ask the Minister to clarify what he intends to request of the Central Bank under section 9.

Sections 10 to 14, inclusive, seek provide for a limit on the interest rate that consumers can be charged under credit and hire purchase agreements, but with some exceptions. It is these provisions I will comment on in the time I have remaining. Section 14 provides that hire purchase agreements shall state the APR charged under the agreements. Of course, this is welcome, but I want to focus my attention on section 13 and the interest rate restriction it will apply. The section will apply that APR, under hire purchase and consumer credit arrangements, cannot exceed 23% with the notable exception of moneylenders. While I welcome this provision, it contradicts the arguments made by the Government and the Minister for Finance with respect to Deputy Doherty's Consumer Credit (Amendment) Bill 2018, which would place a cap on the cost of credit moneylenders can charge.

The Government permits moneylenders to charge APR of 187% or 288% when collection charges are included. When the Minister came before the committee as part of the pre-legislative scrutiny on that Bill, he said the APR was an unsuitable measure for the purposes of a restriction, because of it how behaves in the duration of a loan. Sinn Féin has made clear our intention to move to away from an absolute cap based on APR, to a relative cap based on the total cost of credit charged. The Minister has departed from his argument when it comes to this Bill, opting for an absolute cap based on APR.

In its submission in 2019, FLAC recommended that the Central Bank carry out a review of the merit of differential rates of APR-based on loan duration. I ask the Minister of State to respond to this view. As I mentioned, section 13 exempts moneylenders from the APR cap. In that regard, I draw the Minister of State's attention to proposals published by the European Commission two weeks ago to revise the rules on consumer credit in order to safeguard consumers. Among the proposals was a requirement for member states to introduce caps on the interest, APR or total cost of credit charged by lenders, including moneylenders. As the Commission noted in its proposal, "The fixing of caps on interest rates, on annual percentage rates of charge and or the total cost of the credit to the consumer is a common practice in a number of

Member States. Such capping has proved beneficial for consumers.” These proposals highlight the Government as an outlier in failing to protect low-income borrowers from high-cost credit, which underlines the importance of Sinn Féin’s legislation to impose a cap on the cost of credit that moneylenders can charge. These proposals give fresh impetus to Deputy Doherty’s Bill and I ask the Minister of State to co-operate and work with the finance committee on Committee Stage of Bill in the interests of the common good, rather than delay the necessary changes for narrow party political reasons.

Returning to the Bill at hand, I welcome its progress in the Dáil. Sinn Féin supports the objectives it seeks to meet. We will engage with the legislation as it progresses through the Dáil and we are open to tabling amendments to the Bill contingent on the Government and the Minister of State addressing the issues I have raised and the recommendations made by stakeholders such as FLAC and MABS, which are not addressed in this legislation.

Deputy Patricia Ryan: Three years after the Tutty report, we finally have legislation which, hopefully, will deal with the concerns expressed in that report. This Bill implements the key recommendation of the Government-commissioned Tutty report that was published in 2018. Many people will be surprised to learn that providers of credit are not yet regulated by the Central Bank. This Bill will require providers of hire purchase and PCP credit lines to become regulated entities. That will give the Central Bank the power to apply the consumer protection code to such firms, particularly the part that requires firms to assess the suitability of the product for the consumer and the ability of the borrower to repay the debt over the duration of the credit agreement. I have, through my office, assisted many people who are dealing with legacy debt. One of the recurring problems is constituents who have been lured in by six-month interest-free credit deals, only to find themselves locked into a four-year high-interest arrangement because companies have made it as difficult as possible to repay the balloon payment at the end of the arrangement. This has to stop.

In addition, the Bill will require providers of indirect credit to become entities regulated by the Central Bank. Indirect credit is so called because the lender provides credit to the borrower by paying a retailer for the purchase of a good. This will significantly improve the level of protection available to the consumers of such agreements. It will also see the existing interest rate cap on credit and hire purchase agreements extended to all entities under the scope of the Consumer Credit Act 1995 through some amendments to that Act. As Deputy Martin Kenny said, moneylenders do not fall within its remit. We must have urgent progress on the Consumer Rights Bill 2021. This is a long overdue Bill to consolidate and modernise consumer protection legislation. The need for that Bill has never been greater.

Deputy Ged Nash: I welcome the opportunity to speak on this important Bill. The number of personal contract plans for new cars has sky rocketed since data were first recorded in 2014, from just over 10,000 PCPs then to over 62,000 outstanding PCPs in February 2020. That is an increase of over 500%. Not only has the number of unregulated PCPs risen rapidly, but the outstanding level of PCP debt attached to these car finance loans has also risen, from just €174 million in December 2014 to €1.7 billion in February 2020. That is an increase of 573%. On the basis of the latest data available, PCPs now represent one quarter of all car financing loans by outstanding number and nearly 40% in terms of outstanding value. These are staggering numbers, yet until now there has been no apparent protocol or system put in place to protect consumers, for example, in the event of loss of income and to allow for reduced payments in such circumstances.

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Regulation of these entities cannot come quickly enough. The lack of regulation over the last few years will have had dire consequences for many individuals and their families over the last 18 months since the outbreak of Covid-19. Many people with outstanding PCP debt in February 2020 would have been hit very hard by the pandemic, with some losing their jobs and others seeing a significant reduction in their income. Unlike with other regulated loans under the Central Bank, PCP customers, many already facing a staggering amount of debt, would have had little recourse and even less protection, with the Competition and Consumer Protection Commission citing PCPs as “among the least flexible forms of finance”. A consumer in financial difficulty cannot sell the car without permission from the financial institution or dealership, while those acting as a guarantor may be liable for repayments in the event of a default. Repossessions are also allowed without a court order in cases where less than one third of the PCP is repaid. The so-called final balloon payment that is needed to secure ownership of the vehicle, which is prohibitively expensive at the best of times, would have been nearly impossible for many of those struggling financially during this period.

This also had a direct and noticeable knock-on effect on other second-hand car buyers, with one report last March from *Cartell.ie* highlighting that there is now a one in three chance of a one-year-old and three-year-old vehicle, respectively, being offered for sale with finance still outstanding. That is extraordinary. This suggests a clear trend of people stuck in PCPs desperately trying to sell cars they can no longer afford. The consequence of this is that many unsuspecting buyers of second-hand car face the prospect of having their new vehicles seized by the lending institutions that are owed money. Lenders are currently legally entitled to take those cars. In such situations, the person who has handed over thousands of euro is left with nothing. In short, ordinary people have been left out of pocket while the unregulated PCPs continue to profit regardless of the outcome.

We very much agree with the intent behind this Bill and what is trying to be achieved. In the aforementioned context, with the impact of Covid-19 and the exponential rise in PCP car financing arrangements since 2014, it is pity that action is only being taken now. I and my colleagues acknowledge the work done in the production of the Tutty report. As FLAC and others have noted, repeated attempts have been made over the years to have this issue addressed but, yet again, when it comes to consumer protection and putting ordinary people before the interests of lenders, we have been very slow to act. The Central Bank will have an important role to play, particularly with regard to the interest rate that consumers may be charged under hire purchase and credit agreements. I am pleased that efforts are being made in section 13 of this Bill to deal with interest rates. We hope to analyse that properly on Committee Stage to try to ensure there is a more robust regime in managing the APR and to ensure we do not have a scenario arising like we have, as others have mentioned, in respect of out-of-control moneylenders.

Regulation should go beyond the mere stating of terms and conditions to a deeper recognition of the power and information disparities between big financial institutions and ordinary people. Many who sign up for these PCP products in some circumstances may not have the wherewithal, whether it is lack of time or lack of knowledge, to properly scrutinise these often deliberately complex arrangements and compelling and attractively packaged products. That relates back to a hobby-horse of mine, which is financial literacy and financial information. We have a job of work to do in this country to ensure people are equipped with the skills and information they need to make informed decisions about complex financial products such as these.

8 o'clock

Far too often, people get absolutely nailed because of these kinds of arrangements. In some cases, they have had the wool pulled over their eyes and they may not fully understand what it is they are getting themselves into. We have a responsibility to ensure that financial education and financial literacy are a priority. I confirm Labour Party support for the Bill, which we hope can be further strengthened on Committee Stage. We would like to see it speedily enacted to make sure those with outstanding PCP debt and those who engage in these types of arrangements in future are given the best protection they can possibly have.

Deputy Ruairí Ó Murchú: I reiterate much of what has already been said, particularly by my colleagues, Deputy Martin Kenny and Patricia Ryan. It has also been said by Deputy Nash. That is hands across the constituency but it might not continue. It is very difficult to speak against a consumer protection Bill. In fairness, most people have dealt with the dangers of personal contract plans. These are something that, no pun intended, have absolutely ballooned since 2014 when records were kept. We are now speaking about credit of approximately €1.7 billion. The difficulty is PCPs can seem affordable to many people due to what look like affordable repayments at the beginning but the problem is it is all put to the end in a balloon payment. There are incredible difficulties. Any extra protections, and anything from the point of view of further auditing or protection provided by the Central Bank and others, are fully required.

We accept the protection with regard to the limit of 23% for the annual percentage rate, particularly with regard to these types of hire purchase arrangements. A serious difficulty with the Bill is the fact that it does not deal with moneylenders. We all know the issues with moneylenders as we hear them in our constituency offices. If we were in a different period of time canvassing it would be coming up. I add my voice to the fact we will need to look at some of these pieces on Committee Stage. We could also possibly look at Deputy Doherty's legislation on moneylenders. It is absolutely necessary. There are protections in this and we just need to strengthen them.

Seeing as I have the Minister of State here, it would be remiss of me not to raise another issue. The answers to these questions are pertinent and take precedence but I have had a number of issues with regard to public liability insurance in the past fortnight. I will give the example of a community centre in my constituency that was charged €11,000 for its insurance payment for a year. Luckily there was an online funding campaign that delivered. We have dealt with the need for guidelines and for the Government to get more people into the market, particularly with regard to public liability insurance. We are now at a critical stage, particularly with regard to companies, community centres and businesses.

Deputy Róisín Shortall: I draw attention to the fact that yet again Government speakers have failed to show. There was insistence that an extra slot be provided before the Social Democrats slot and we have another occasion when nobody has showed up. Perhaps the roster needs to be reviewed.

The Social Democrats are very happy to support the legislation. Our only criticism is that it is coming so late and has taken so long. We have known about this for many years. Many agencies and advocacy groups have drawn attention to the fact that the law in the area of protecting consumers in respect of indirect credit and personal contract plans has been very weak. Many recommendations have been made over the years to address this issue and it is only now we are getting around to doing so. It is welcome nonetheless.

Indirect credit is a growing issue. The prospect of being able to purchase something, and it

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can be anything from a pair of trousers to a fridge freezer, with what seems like a painless way of repaying the cost is very enticing for people, yet it ends up not been painless in terms of the type of interest rates charged and the fact people are not given sufficient time or advice to consider the wisdom of proceeding with such a purchase. Many people end up bitterly regretting having done this and there is not much protection for them.

We are seeing this increasingly from all types of stores, particularly with regard to online purchases. Harvey Norman, which sells all kinds of furniture, and other outlets such as DID Electrical and Compu b, have the same credit company, Humm, providing finance to them. It is incredible that we would have an entity providing such an enormous range and quantum of credit, and we can only imagine the scale of the sales of these three major companies, and that one credit company is not regulated by the Central Bank. It makes no sense whatsoever.

The promotion of this type of indirect credit is particularly enticing to people on low incomes who are not in a position to buy things outright. They might be taken in by the heavy marketing of products to be brought under this type of credit. Very often, it is those on the lowest incomes who end up having products that are repossessed or who are pursued, often relentlessly, by these credit companies. This is completely unacceptable. It is not before time that these indirect credit companies are brought under the remit of the Central Bank.

The other area covered by the legislation is personal contract plans. This is an area that has absolutely exploded in recent years. It has exploded in the context of the general public being very poorly informed about how PCPs operate. At the point when people are considering buying a car and the type of credit terms on which they buy it, PCPs seem very attractive but we know from surveys that a significant number of consumers do not understand the manner in which the PCP system operates. Very often, after making substantial repayments over the period of the agreement and taking care of the vehicle, they are shocked to discover the price they must pay to take ownership of the vehicle. It is not a good deal for people in the main. What is key is that people are so ill-informed about what is entailed. The PCP market is now worth close to €2 billion. It is absolutely enormous. I was interested to read a study done a few years ago by the Competition and Consumer Protection Commission. It was done in conjunction with the Economic and Social Research Institute, ESRI, and it involved asking people to make decisions on PCP offers based on the available market advice. It was clear a very substantial number of people would not make sound financial decisions in that regard. The study also drew attention to the absence of clear, independent advice for consumers.

I very much support this Bill. It brings hire purchase finance and PCPs under the remit of the Central Bank. It requires providers of buy now, pay later credit to become entities regulated by the Central Bank. As part of the consumer protection code, this regulation will have to apply to people who avail of that kind of credit, particularly in regard to the suitability of the products for consumers and the ability of consumers to repay the loan. That is important. The Social Democrats support the legislation.

Debate adjourned.

Saincheisteanna Tráthúla - Topical Issue Debate

Schools Building Projects

Deputy Paul Donnelly: I want to raise the issue of Danu Community Special School and its proposed relocation to Riversdale Community College. Several years ago, parents of children with additional needs in Dublin West worked hard and relentlessly to ensure their children's needs were met. They campaigned for and won the right to establish a special school in the area. The next task they faced was to find a temporary site, which they did at Hansfield Educate Together Secondary School. They then looked forward to pupils' future needs being met by the provision of a new, purpose-built school.

During negotiations on a permanent location, the Dublin and Dún Laoghaire Education and Training Board, ETB, made a commitment that a new school would be built in Dublin to accommodate Danu Community Special School. The ETB management identified Riversdale Community College as a potential location and the management of that school agreed that a section of its land would be used for a new school for Danu. A plan was put in place, involving both schools, for the construction of the new school. On a temporary basis, approximately 40% of Riverside Community College was to be used to accommodate Danu students, following an extensive refurbishment.

Recently, however, a bombshell was dropped on both schools when they were informed by the ETB that the temporary classrooms would become permanent and there would be no new school built on the lands. A huge amount of confusion, stress and distress has been caused by this decision. The parents and children at both Riversdale and Danu schools are very upset and concerned for their future. The dismissive way in which the concerns of all of those involved were treated, especially in Riversdale, is also very concerning. The school has a new and dynamic management team, the members of which I have met. It is working hard to build up the numbers and had significantly increased its first year intake for 2021. Since the bombshell was dropped on the school and all this confusion arose, it has seen some of the numbers fall off.

The current Riversdale school building is 35 years old and in dire need of refurbishment if it is to serve the students and teachers in the Corduff and Mulhuddart communities for another 35 years. There is a need to look at alternatives that put students, parents and teaching staff at the centre of the decision-making process. Students' needs must be front and centre rather than, as seems to be the case, the financial needs of the Dublin and Dún Laoghaire ETB. That is very important and it is not too late to do it. The work that was due to start in July will not, in fact, begin until September. The management of Danu Community Special School was informed just yesterday that its students will not be moving into the previously temporary, now permanent, classrooms in Riversdale school until December, rather than September. There is a window of opportunity for the management of both schools, the Dublin and Dún Laoghaire ETB and the Department to sit down together and figure out a way forward for the students, parents and boards of management of the two schools. There was an agreement in place and it was broken by only one side, namely, the ETB. The schools deserve answers and they deserve what they were promised.

Minister of State at the Department of Education (Deputy Josepha Madigan): I thank the Deputy for setting out what is, in his view, the chronological series of events in this case. Some of the timeline he gave is correct but I will give him a different view on a number of points. It is important to stress the Government takes the care and consideration of children with additional needs very seriously. The Deputy noted that finance is not the only issue to be

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considered. Funding is important, nevertheless, because it will help to build the schools we need for children with additional needs. This year, we have a budget of €2 billion and it is important it be used across the board and throughout the country.

I will deal with the Deputy's pertinent questions relating to Danu Community Special School. This is a good news story. I echo his sentiment in terms of the incredible work done by the parents in Dublin West, and the work of the Tánaiste, in setting up the school in 2019. It was originally established to cater for 40 students. The current enrolment is 23 and it will need additional capacity. As the Deputy knows, Danu school is currently situated in Hansfield Educate Together Secondary School. I am very pleased to say the latter has agreed to facilitate Danu to remain *in situ* on its premises until such time as phase 1 of the new project is completed. We hope to commence phase 1 as soon as possible. The design team has been appointed, the architectural planning process has started and approval has been given in the past fortnight for a contractor. The space that Hansfield Educate Together Secondary School is providing at present is not sufficient for Danu school to expand. If it wants to reach its capacity of 40 students and, indeed, exceed it in the future, which we hope it will, then it needs to move to Riversdale Community College in the first phase and share its 1,150 sq. m premises.

At that stage, there will be a review. It is not correct to say that any permanent decisions have been made in regard to any accommodation. We need to look first and foremost at the best interests of the children with additional needs. That is a given. The Department will review the long-term needs of both Danu and Riversdale schools. I have visited Riversdale and seen the location and the land that surrounds it. I believe we will be in a position, from a long-term perspective, to facilitate both schools in a way that caters for their particular needs, especially the pupils of Danu Community Special School. Children with special needs must be looked after in a very particular way and we need to ensure they will have all the supports, space and staffing they require. In phase 1, there will be six general classrooms, a staffroom, a principal's office, a general office, a meeting room, a multisensory room and a general purpose area. This provision will be of value to the students in the short term.

Deputy Paul Donnelly: Reflecting on some of the answers given by the Minister of State, it is the opinion of the Danu Community Special School, Riversdale Community College and the parents that the agreement made stipulated that there would be temporary classrooms in Riversdale Community College, those classrooms would be refurbished and then a new school would be built on the site. The parents themselves strongly believe that it is not suitable for children with additional needs to be co-located in the long term in the same building as a post-primary school with more than 1,000 students attending. I spoke to those parents again just today, including to some who have been part of this process all along, and they believe that even the site which has been proposed adjacent to Riversdale Community College is not going to be a suitable site for the students concerned. Those parents have made a request in respect of the site of the current Edmund Rice school located on the site of the old Institute of Horology. The school is moving from that site in September 2022, hopefully, if the relevant building works commence soon and are completed on time.

The parents I was talking to today hope that site at the old Institute of Horology could be looked at as a much more suitable location for the Danu Community Special School because it is secluded, secure, has a peaceful and serene atmosphere around it in the Tolka Valley and is also very accessible from Blanchardstown village, which has many services. It would mean students could also learn social skills by being brought out into the village because that site is so close. The parents concerned do not believe that Riversdale Community College is an ap-

appropriate location for a permanent future site for Danu Community Special School. I gather from the Minister of State's comments that this is not a done deal in respect of a permanent site being located at Riversdale Community College and that there is potential for another site to be acquired elsewhere. It is necessary to sit down and agree on such an approach.

Deputy Josepha Madigan: We agree regarding the temporary nature of the proposed move of Danu Community Special School to Riversdale Community College. However, this is still phase 1 of the process and not phase 2, which will involve the review of which I spoke concerning long-term needs. I have no doubt that the consideration of other possible sites, as mentioned by the Deputy, will be taken into account in that regard. As I said, however, Riversdale Community College has a great deal of space and land in its environs and I see no reason the two schools could not coexist there quite comfortably. As the Minister of State with responsibility for special education, it is important to me that those children with additional needs in Danu Community Special School, and those children who will be attending the school in future, be looked after and I want to ensure that they are.

For that reason, we cannot have a situation where they are remaining in Hansfield Educate Together Secondary School for any length of time, even in the short term. That is why I am glad that the contractor will start these works before 20 July at the latest. At least the children can then go into Riversdale Community College and avail of the additional space there. I state that in case there are other children with additional needs who may need a place there. The Deputy will be aware that it is always an issue to ensure that we can cater for children with special needs in respect of obtaining a place in a special school. If we can bring extra children into Danu Community Special School while that school is temporarily accommodated at Riversdale Community College, then I think we should do that. At that stage, then, a review will be undertaken of the long-term needs of Riversdale Community College and Danu Community Special School in respect of the best interests of the respective children.

Defective Building Materials

Deputy Joe McHugh: I welcome the Minister of State, Deputy Peter Burke, the House. I acknowledge his participation and commitment, and also that of the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, in respect of the ongoing conversations to try to bring a conclusion and successful outcome to the mica situation playing on the minds of so many people and interfering with so many plans. We must move forward in respect of the vacuum which exists regarding this matter now. Therefore, I acknowledge the Minister of State, the Minister and their team of officials on the mica action group for the work they are trying to do to make progress on this issue.

Regarding this specific issue, I forwarded the details to the Minister of State. I refer to a large family, where some of the children have medical conditions, living in a house which will need to be demolished because its structural fabric contains mica. However, this family is not in a position to be able to move out of their house. They are unable to avail of accommodation which will facilitate the large numbers of family members. The specific medical conditions involved in this case are another factor complicating the situation. Therefore, I am asking for flexibility. There is a willingness on the part of officials in Donegal County Council. They are sympathetic and understand the situation. They certainly want to facilitate this family. There is also an understanding and a certain degree of sympathy within the Department in respect of

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trying to facilitate some sort of arrangement to enable this family to stay living in their house until a new house is built.

The Minister of State will cite the regulations and specifics concerning houses having to be rebuilt on their original footprint. I appreciate and understand that is in the regulations. What we need to hear, however, from the Minister of State is not just a bit of common sense but also some sort of acceptance that there are going to be hard cases and exceptions concerning people trying to access the mica redress scheme. We have many examples. I refer to young men and women who had to emigrate between 2008 and 2011 through no fault of their own. Their houses are being rented out now and are not covered by the scheme. Elderly couples and people in the later stages of life cannot access mortgages. Therefore, there are hard cases and what we need to address this situation is a protocol regarding facilitating exceptions to the general rule. We have something like that in the Department of Social Protection because not everything is an exact science when dealing with individuals and families.

The Minister of State, then, will be citing the reason that what I am requesting cannot be done now. However, I ask the officials in the local authorities in Mayo and Donegal, the officials in the Housing Agency and the Department's team of officials to sit around a table and consider a protocol which will have the requisite flexibility to deal with people's unique circumstances. One such unique situation involves this large family. They cannot get a house that will cater to their needs while their new house is being built. The family has the land and space to build adjacent to the existing house, so I again call for flexibility in respect of such cases and an acceptance that we do have exceptional cases of this kind to deal with. My colleague, Councillor Bernard McGuinness, in Culdaff has been raising this issue with me for several weeks. The Minister of State and his officials are also aware of this issue, so hopefully we can make progress with devising some sort of protocol to bring this situation to a conclusion and to give the family peace of mind as they move through the next phase of trying to reconstruct their home and their lives. I ask that we endeavour to meet them at least halfway.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank Deputy McHugh for raising this very important issue and for keeping me updated with details regarding many of his constituents whose lives have been so negatively affected by the scourge of mica. The Deputy puts forward a very strong case concerning this family in a very vulnerable situation. I am acutely aware of the distress this issue with defective concrete blocks has caused to people. What happened was wrong and I assure everyone affected that Minister Darragh O'Brien and I are committed to having an effective grants scheme in place to support these people.

As Deputy McHugh outlined, there are some very difficult cases and flexibility will be required. I met dozens of families from Donegal, Mayo and beyond when the protest concerning mica took place here at the convention centre. There can be no doubt of the devastation and pain these families are experiencing because of this issue. The Government is committed to providing solutions to homeowners affected by this issue of defective concrete blocks. The remedial options provided for under the current defective concrete block grant scheme constitute a material alteration to an existing building. This was provided to remediate the issue of defective blocks and return the building to a condition it would have been in had it not been affected by the use of mica or pyrite in the blockwork. Remedial option 1 specifically provides for the demolition of the house and its subsequent rebuild on the original foundations. I am advised that the option of building a new home outside of existing foundations would not be supported by the current legislation underpinning the grant scheme. This legislation specifically provides

for the payment of a grant for the improvement of the existing dwelling and not the construction of an entirely new dwelling on a new set of foundations. Under the scheme currently formulated, homeowners choosing to build a new home in a different location on the site and not on the existing foundations would disqualify themselves from grant assistance.

However, we have established a time-bound working group with representatives from our Department, local authorities and homeowner representative groups to review quickly and address any outstanding issues relating to the operation of the defective concrete blocks scheme. Deputy McHugh has made his feelings about this case and other cases very well known to the group and to officials in our Department and he passionately articulated them when he addressed the group that came up to Dublin recently. The working group will also examine grant caps, homeowner contributions, allowable costs and qualifying works. It will be a requirement that the review be completed by 31 July and recommendations from this group will inform the changes that are required. Following receipt of the report of the working group, consultation with the Minister for Public Expenditure and Reform and the Attorney General's office will have to take place. Hopefully, proposals will be brought to the Government on foot of that.

I fully understand the frustrations Deputy McHugh is articulating as regards this vulnerable family. One of the reasons we get into politics is to provide solutions for vulnerable people like them. There must be flexibility in some of these very difficult situations. I assure the Deputy that we will not be found wanting in trying to resolve these issues. We will do our very best. These are very difficult circumstances but we will do our very best to resolve them and I will be using my influence as best I can within the Department to resolve this issue, in conjunction with Deputy McHugh.

An Ceann Comhairle: That sounds very positive. I call Deputy McHugh.

Deputy Joe McHugh: I thank the Ceann Comhairle. His Kildare colleague was here for a few minutes. During that protest by Donegal people, I met a friend of the Ceann Comhairle's from Kildare, who was there in sympathy with the many families from Donegal and to support them. That protest highlighted the national tragedy of this issue. Irish people from all counties now have a full understanding of what it is like because of the recent campaign. Over the last number of weeks many people have tried to put themselves in the shoes of these families in Donegal. Even though I am a Donegal man, and I know people affected in my own parish and throughout different parts of the county, it is very difficult to understand unless the person has lived it and has spent the last year and a half in lockdown while many people were upgrading and enhancing their houses. So many people with mica have had to look at cracks in the walls getting bigger and deal with that devastation.

I agree with the Ceann Comhairle that the Minister of State's response was positive. I welcome that and appreciate it. We need regulations and guidelines, because we are going to be dealing with such large amounts of taxpayers' money. That being said, we have to take on board the full nature of this national tragedy and disaster. This is about individual lives and families trying to deal with this hour by hour and day by day, living the nightmare. We as legislators owe this to them. We are united as a House. We are in unison. We want people to access this scheme and we want 100% funding because the 90% scheme is not working. We want to work this out and bring this to a conclusion. The only way we can do that is to look at families like this one in Donegal. It is a large family and they are only looking for one thing, that is, for their medical needs and personal circumstances to be taken on board. Let us work with local authority officials and Department officials to come up with a commonsense solution, taking on

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board this family's unique circumstances. I am hopeful that we can do that together.

Deputy Peter Burke: I again thank Deputy McHugh for all the points he has raised. Like him, I met many of the families affected at the protest adjacent to the convention centre. I heard their stories first-hand and listened to them, which is key. I heard the frustration and the anger they have felt over the last number of years. The lockdown really put that in focus, as many people were doing up their homes and going to different hardware stores. Many of the things people enjoy within the comfort of their own homes were denied these families.

I assure the Deputy and the House that the Government is committed to improving supports for homeowners affected by defective concrete blocks and is acutely aware of the particular difficulties and unique challenges faced by many of the families. I reiterate that the current scheme is under review and the issue of qualifying works is within the scope of that review. The issue is being prioritised within the Department and as I said, the group is due to complete its report by 31 July. I understand that this can be frustrating for people but the Deputy will appreciate that we have to engage with the Department of Public Expenditure and Reform, as well as the Office of the Attorney General, subsequent to the report's publication, in order to devise a scheme that will work for people. It is very important that we make those critical changes. As I said, I will do my very best within the Department and will work with Donegal County Council to provide as much assistance as possible to this specific family. The Department remains in constant dialogue with Donegal County Council in an attempt to find a resolution in this specific case. It is of paramount importance that we find a solution for this family so we can enable them to access the full benefits of the scheme and allow them to live in a home that is structurally sound, in order that they can safely plan for their future and that of their children.

An Ceann Comhairle: Deputy McHugh made reference to meeting Seán Hegarty during the protest. He is an adopted native son of Kildare at this point but he has never lost his affinity with County Donegal.

Health Service Executive

An Ceann Comhairle: I thank Deputy Pringle for his correspondence with me today in respect of this matter. I know he will tread carefully as he deals with what is obviously a sensitive issue.

Deputy Thomas Pringle: I thank the Ceann Comhairle. I hope to deal with this issue in a sensitive way. I wish to discuss the Brandon report. This is something I have been raising with the HSE for some time. I had hoped it could be dealt with sensitively, delicately, privately and professionally. Unfortunately, this has not been the case and I feel I have been left with no choice but to raise this publicly.

The Brandon report contains an investigation into multiple incidents of sexual abuse that took place at Ard na Gréine disability residential home in Stranorlar, County Donegal, and details poor management at this facility. Initially, the HSE in Donegal conducted an internal report into the matter. At the same time, I had discussed this issue with the previous Minister of State, Finian McGrath, who requested a separate report from the HSE in Dublin. I am very glad I did this. It is clear that the HSE management in Donegal could not be trusted. It seems they attempted a cover-up, due to the fact that the two reports did not match up. Following this, the matter was referred on to an independent body, which drafted the Brandon report. The report

was then passed on to the HSE, which has had the report since February 2020 and has chosen to take absolutely no action on it.

A whistleblower first raised this issue in 2008 and since then has been in touch with the HSE, HIQA and the Garda in relation to it. This person had great faith in whistleblower procedures and in the system but the system has let them down because I am standing here 13 years later, having exhausted all possible avenues, and still nothing has been done. This fact is incredibly concerning. I was first approached by this whistleblower in October 2016. I was appalled to hear of the shocking incidents that had taken place in this home and I was even more appalled to hear that no action had been taken on this. The whistleblower informed me of the sexual assaults of up to 19 different residents. When HSE management was made aware of this, it isolated the alleged offender and following this the incidents stopped. The alleged offender was then inexplicably returned back among fellow residents and the abuse began again.

To my knowledge, this report has gone to the highest level in the HSE. Those at the highest level in the HSE have known about this for over a decade and they have decided not only just to sit on it, but to make an effort to cover it up. I would call on the Minister of State to find out who exactly in the HSE is aware of this report and whether this has gone to the board of the HSE.

Although these incidents took place a while ago, the cover-up is still ongoing. Not only is it completely outrageous that this has been allowed to happen, but how can we expect future whistleblowers to feel supported, protected and listened to when disclosing possible wrongdoings if this is not being acted on? How can we expect people to trust the system and trust these institutions if they are all choosing to ignore such astonishing wrongdoings?

I call on the Minister of State to address this with the upmost urgency. I call on her to read the Brandon report and investigate why action has not been taken on this issue. I call on the Minister of State to put in place procedures to ensure this does not happen again, which is most important. We must do this in order to protect the integrity of institutions and procedures in this country, and most importantly, we owe it to the families of all who have been affected. These are families that have been left in the dark and have had no acknowledgement of the terrible wrongdoings that have occurred at Ard na Gréine. These families need and deserve to see the full report and people need to be reassured that something like this can never happen again.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank Deputy Pringle for raising this issue, and most importantly, for bringing these matters to the attention of the HSE in 2016 on foot of concerns raised with him by a whistleblower. These concerns relate to the care and safeguarding of vulnerable service users in a HSE residential service for adults with a disability located within community healthcare organisation, CHO, 1, which comprises the counties of Donegal, Sligo, Leitrim, Cavan and Monaghan.

As the Minister of State with responsibility for disability, I stand here simply shocked at what I have learned has occurred, some of which the Deputy has also detailed. In addressing such a sensitive issue, it is important that I am as open and transparent as I can be, while also protecting the identities of vulnerable people involved. I am mindful that I do not provide further detail which would otherwise identify the location and service users concerned. In addition, it is important to note that these matters are also the subject of an ongoing Garda investigation.

In terms of a timeline of events, in December 2016, in light of concerns raised by Deputy

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Pringle, CHO 1 commissioned a look-back review. The purpose of the review was to investigate these concerns and a serious incident management team was established in CHO 1, consisting of the head of social care, the general manager and the disability services manager. In November 2018, the look-back review report was accepted by the HSE. It found that there were serious safeguarding concerns impacting service users in the residential service between 2003 and 2011. This resulted in open disclosure workshops being held for the staff involved in making disclosures arising out of findings in the look-back review and open disclosure meetings with the families of those affected with living relatives during November 2018.

In December 2018, in light of the findings of the look-back review, the HSE national director for quality assurance and verification commissioned the national independent review panel, NIRP, to carry out the Brandon report. A key remit of the NIRP is to seek to determine what the relevant services in the case might have done differently that could have prevented significant harm or improved the quality of life of the persons concerned. Although the NIRP is part of the HSE, it is independent of all HSE operations at both national and community level. It utilises the HSE's incident management framework to examine circumstances related to people who use community health and social care services where there are major concerns about how the services involved managed the care of an individual or group of individuals.

In August 2020, the Brandon report was submitted to the HSE. In mid-October 2020, Deputy Pringle approached me about the report. In early December 2020, I held a video call with the HSE to discuss the concerns raised with me by Deputy Pringle and sought a copy of the report. The HSE informed me at that point that a number of internal processes associated with the findings of the report were still in train and that this was not possible at that time but would be done in due course. In April 2021, in a meeting with the HSE, I was provided with a list of five recommendations stemming from the Brandon report. To ensure the recommendations were commensurate with the findings of the report, I once again requested a copy of it. Over recent weeks, both the Department and I have written to the HSE to request a copy of the report but it was not forthcoming. Earlier this week, on Tuesday, following correspondence with the HSE CEO, a redacted version of the report was finally shared with me for viewing on a screen. I understand that this process was similar to that provided to the board of the HSE, which recently also had an opportunity to view the report on a screen.

Today, I wrote to the chair of the HSE board once again seeking a physical copy of the report. From what I read on Tuesday, I found the report to be stark. The scale of the abuse detailed and the seeming breakdown of policies and procedures at the site were both appalling and devastating. The HSE has assured me that there is no ongoing risk to service users and that national governance and accountability structures to oversee implementation of the recommendations arising from the report are in place. My overarching concern is a question over whether the current system is safe and appropriate, not just in the CHO, but more broadly across all the health and social care systems, and that those who have been victims and their families are being supported.

To paraphrase from the letter I sent to the chair of the HSE board earlier today, and as the Deputy has said himself, I remain extremely concerned with the length of time that it has taken the HSE to reach a conclusion regarding the examination of these serious and significant matters, including the process of concluding the NIRP report. Therefore, I am again seeking definite confirmation of the timeline for publication of the report's findings and recommendations, as well as the process in place for engagement with the service users and families affected by these matters and the supports that have been put in place for these individuals.

Deputy Thomas Pringle: I thank the Minister of State for her frank and honest response. It is quite stark that a Minister of State has to come into the House and make a speech like that in response to this issue. This should never have got to this stage and it should have been dealt with long before now. It is a serious problem when the HSE behaves like this towards a Government. We all want this to be dealt with and resolved and for the families to be protected.

It is also vitally important that a future whistleblower can feel confident that he or she can come forward and have his or her concerns listened to. I thank the Minister of State. I hope the HSE is listening to this and that it will respond now because this has gone on for too long and it cannot be allowed to continue. It is mind-boggling that the Government of the day cannot get answers from the HSE on this and cannot get a resolution to it. That is shocking and maybe it signals that there is something more wrong in an arm of the State. I know the HSE has some semblance of independence but there has to be something wrong when it will not respond in a proper and timely way. There are also other organs of the State that have questions to answer around how this was dealt with and that all has to be examined.

I want to pay tribute to the whistleblower, who has paddled their own canoe on this for years and has tried to raise it solely from the point of view of trying to improve a service and benefit the service users. That has to be commended and I would like to pay tribute to the whistleblower for that because it is important. I thank the Minister of State for her frank response. I know this will probably keep going because we will have to try to get answers from the HSE. I hope the HSE is listening to this debate and that it will come forward because that is the right, honest and decent thing to do.

Deputy Anne Rabbitte: I thank the Deputy for his persistence on this matter. I also acknowledge the role of the whistleblower.

I confirm to the House that I have been given an assurance by the HSE that there are new policies and processes in place in CHO 1 to manage safeguarding concerns, including in the residential service that was the subject of the Brandon report. The independent review carried out by the national independent review panel is critical and I am keen to see the learnings from the report made public and acted upon. It is also important to outline to the House that, taking account of the HSE board's governance and oversight responsibilities, I have sought, by way of letter to the chair of the HSE board earlier today, to provide the Department of Health with its consideration as to the robustness of the fitness for purpose of the HSE services on critical incident reporting; incident management processes; safeguarding systems and process; and the HSE's oversight of safeguarding systems for services provided in sections 38 and 39 organisations, including arrangements in place through service level agreements.

In addition, I have, as a matter of urgency, requested that the HSE, taking account of the HIQA national standards on safeguarding, conducts a review and audit of the current implementation of the safeguarding standards. As a Minister of State, I need the reassurance that standards on safeguarding are being met right across the country. The independent review carried out by the national independent review panel is critical and I am keen to see the learnings from the report made public and acted upon so that we can better inform how we care, support and safeguard our most vulnerable service users in the future. For any of the affected families that are watching these proceedings, I want to send my assurances that I will not stop working until the report is published.

An Ceann Comhairle: I thank the Minister of State and Deputy Pringle for raising this

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matter. The Minister of State talked about the parents who may be watching these proceedings. Any members of the public watching these proceedings will wonder if they live in a democracy or an autocracy when a State agency can deliberately and protractedly frustrate the efforts of a Minister of State to get information about a fundamentally serious matter that would cause anyone with any humanity to respond with alacrity. I thank everybody in the Chamber who is involved in this matter.

Defective Building Materials

Deputy Cathal Crowe: I thank the Ceann Comhairle for facilitating this important Topical Issue debate. I also thank the Minister. He has had a busy day and I appreciate that he is in the Chamber tonight during one of the final speaking slots of this week in Dáil Éireann. I hugely appreciate his attendance to deal with this matter.

Many Clare families have pyrite in their homes. Those houses are cracked and ready to fall in. Many of them are watching proceedings to hear the matter addressed on the floor on the Dáil. They are hoping for positive responses.

Many of us were outside three weeks ago when a cohort of people arrived on North Wall Quay. Many of them were from counties Donegal and Mayo. There was a smaller contingent from my own county of Clare. They were protesting about the presence of pyrite in their homes and the redress scheme that has been in place for the past 14 months or so to address it in counties Donegal and Mayo. In particular, they were highlighting some of the deficiencies in the redress scheme. We heard earlier this week that homeowners in Donegal and Mayo who are participating in that redress scheme will now benefit from six years of an exemption from paying local property tax. It is not much in the greater scheme of things but every little bit counts. It is wrong to take money from these families when they are hard pressed and their houses are, effectively, falling in around them. Thousands of protestors arrived from Donegal and Mayo. I read in the media that 45 buses came from Donegal alone. There was also a contingent from Clare.

An expert group in 2016 estimated that 5,000 houses in Ireland are affected by pyrite. That did not factor in what is emerging in County Clare. There is a group run by Dr. Martina Cleary with 52 homeowners affiliated to it. We estimate there are several hundred homes, possibly including 34 council houses, in Clare with pyrite in them, all structurally defective and at risk of serious damage or falling down. It is estimated that 1,000 council houses nationally are similarly affected and that the redress could cost anything up to €2.4 billion. That is stark.

Under the current regime, the State pays 90% of the remedial works but there is a need to move quickly to a 100% model. I noted during a previous Topical Issue debate an undertaking that the review group looking at the redress scheme at the moment will report back by the end of the month. There is a major role for quarries to play. Cassidy Brothers in Donegal are culpable of selling blocks *en masse* to house builders throughout Donegal. Those blocks are now crumbling. In County Clare, we too have a quarry that is still trading healthily. I do not think it has ever had a bad day of trading, not even during the recession. It has been experiencing a boom for a long time. There has to be a major role for those quarry operators when redress is fully paid out.

Those are my questions. I will come in again with some supplementary remarks. The

people of Clare do not want to be the poor relations who are left without any redress. If an initiative is under way in counties Donegal and Mayo whereby those affected by pyrite will not pay local property tax this year or for five subsequent years, I do not see why Clare homeowners should lose out. I ask the Minister for Finance to look favourably on my request that a similar scheme of exemption would operate for those in County Clare who have confirmed pyrite in their homes.

Minister for Finance (Deputy Paschal Donohoe): I thank the Deputy for raising what I know is a very serious matter. I have experience of this issue from working with colleagues in trying to respond to the huge stress and anxiety that I know has been caused to many homeowners in Deputy Crowe's county and in counties Donegal and Mayo because of the damage that was done to their homes due to the presence of pyrite.

The case at the moment is that the exemption criterion for accessing the local property tax exemption is that a home must be accepted into the defective concrete blocks grant scheme. I understand that the scheme at the moment only applies to homeowners in Donegal and Mayo and, therefore, because the scheme only applies to those counties, the families, constituents and homeowners on behalf of whom the Deputy is raising this issue would not be able to access this exemption. However, the Minister for Housing, Local Government and Heritage is currently looking at the Government's broader response to the issue of pyrite. Part of that review will be the breadth of the defective concrete block grant scheme. I am going to raise with the Minister the issue the Deputy has raised here. I know the Deputy will press for his constituents to be included in this scheme and thereby be in a position to access the local property tax exemption. As he said, while the exemption from local property tax is but a small contribution to the challenges those homeowners have lived with for so long, it is nonetheless important for us to give it. It is important that we recognise that the properties affected by pyrite have been affected fundamentally and have not been a home in the way these families and homeowners would want.

The case at the moment is that a homeowner needs to be in the concrete block grant scheme to avail of this exemption. The question I will raise with the Minister, Deputy Darragh O'Brien, is what should be the breadth of that scheme and how it will feed into the Government response to this issue that I know the Deputy is concerned about and raising on behalf of his constituents.

9 o'clock

Deputy Cathal Crowe: Exemption from paying local property tax is not a new phenomenon. It has been there for a number of years for new builds but also for houses in what were deemed to be unfinished estates. What we are talking about here in terms of defective blocks, pyrite and homes that are cracking from the gable end down is much different. It far outweighs any other category of exemption we have had heretofore. People in County Clare need some undertaking that when an application for a county is lodged, and it is imminent, the same positive undertakings that have been given this week from Government relating to counties Donegal and Mayo would stand in principle for those in County Clare.

Overall, something is fundamentally wrong with the redress scheme. It is cumbersome. There is a redress scheme for counties Donegal, Mayo and Limerick. There have been defective blocks in County Louth as well. It is run off on a county-by-county basis. I cannot for the life of me fathom why there is not a nationwide scheme for this. It is conceivable in any county that when someone built a house in the 1980s or 1990s, that person drove over the Border with a pick-up truck, brought 300 or 400 concrete blocks and used them in the construction of a

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house. People do not source materials only from within their own county. This goes around the country. The remediation scheme also needs to be a nationwide scheme, not county by county.

People in County Clare want a redress scheme more than anything and that will be coming very quickly. It should not be as cumbersome, however. The scheme in counties Donegal and Mayo took years to devise and implement and now we are seeing it is again coming up short. People are also somewhat aggrieved. I know some of this falls under the remit of the Minister, Deputy O'Brien. I appreciate that. I have been speaking to him almost daily lately.

The expert review group, which looks at some of the flaws and functionality of the redress scheme, will conclude its work by the end of the month and County Clare has been left out of that. Those people need to be very much brought into the room. In my book, there is no point in reinventing the wheel. Schemes in counties Donegal and Mayo are going to be overhauled, it is hoped to positive effect. The Clare scheme should not be left behind, however.

I am of the view that a major public building in a certain county has pyrite in it. Many people hope it does not. I hope it does for the simple reason it will advance the cause of County Clare. It will ensure we are no longer laggards and we will be going to the top of the list. I hope that is proven because in every Irish property from the traditional cottages of the 1800s, the cornerstone was where the building got its strength. In County Clare, they are cracking from the cornerstone up. You can put your hands through the gaps. If they are not dealt with, these buildings will collapse like that apartment in Miami, Florida last week in which lives were lost. That is where it is down to. I thank the Minister for his time and his reply this evening.

Deputy Paschal Donohoe: I thank Deputy Crowe. Some of the very important issues he raised are outside the remit of the answer I have been able to give him. I know the Minister, Deputy O'Brien, will be well aware of the issues raised by the Deputy on behalf of his constituents. I will engage with the Minister, as the Deputy has been doing. The Finance (Local Property Tax) (Amendment) Bill 2021, which will be in front of the House next week, is trying to be a nationwide scheme. It needs to be a nationwide scheme because it is a tax measure. Because of that, the access to the scheme needs to be very clear, simple and definitive, which is why access to the grant block scheme is the way in which we have designed the access criteria.

I thank the Deputy for raising this issue. He has acknowledged that the figures and costs involved in this are huge. Equally, however, the harm, anxiety and damage that has been caused by the presence of pyrite is equally huge. The working group that is being led by the Department of Housing, Local Government and Heritage will be working hard to come forward with comprehensive proposals in the coming weeks to respond to the issues raised by Deputy Crowe.

Proceeds of Crime (Investment in Disadvantaged Communities) (Amendment) Bill 2021: Second Stage [Private Members]

Deputy Mark Ward: I move: "That the Bill be now read a Second Time."

I will share time with Deputy Ó Murchú. The vast majority of the money seized by the Criminal Assets Bureau, CAB, has been ripped from communities in which the criminals have been most active. It must, therefore, be returned to these communities. I represent Dublin Mid-West and I grew up in north Clondalkin. Parts of my constituency have been ripped apart by drug use and criminality over the years. It is no coincidence that some of our most disadvan-

tagged communities are those most affected by crime.

Years of cuts and stagnation in funding for community-based services by successive governments have eroded community resilience. Sinn Féin has always advocated that any money seized by CAB should be put back into the communities to rebuild resilience and enhance existing community services. My comrade, Deputy Ó Snodaigh, raised this issue more than ten years ago.

A response to a parliamentary question I tabled recently confirmed that CAB seized almost €65 million in cash and assets in 2019. This is a huge increase on previous years and it is very welcome news. If passed, this Bill would require the Minister for Finance to carry out a review of the financial supports required for disadvantaged communities affected by crime and to reinvest the money generated through the seizures of assets by CAB in those communities with a view to alleviating the impact of crime and enhancing crime prevention measures.

It is vitally important that additional money invested in our communities needs to be on top of allocated resources and not seen as a replacement to the normal funding channels. It does not happen by accident that most of the money seized by CAB originates in areas that are highly disadvantaged, like my own. In my community, the best deterrent to crime is early intervention, which leads to prevention. Pockets of areas in my constituency have been the victims of very visible criminal activities. These activities range from what is seen as low level antisocial behaviour to intimidation to open drug dealing. The people involved in this activity seem to be operating with relative impunity. This has given a sense of lawlessness to the people living there, many whom have been living there for 40 or 50 years or more. They have to put up with this behaviour every day. It is not good enough. There is a real sense of fear and abandonment in our communities. Residents report a lack of police presence in our areas, particularly at night-time. The dogs in the street know the hotspots in my area. In fairness to the Garda, its members react and call out to these areas. As soon as their backs are turned, however, these people go back to the criminal activities they were doing before the gardaí came out.

If the money seized by CAB was reinvested into community groups that could provide early intervention to these young people, this could have a positive impact on all our communities. It could literally save these young people from a life of crime, addiction, prison and debt. Family resource centres, youth organisations, unemployment services, sports clubs, drug task forces and others - I could go on - that work in these disadvantage areas should benefit from this fund. We have all seen the documentaries about the glamorous lives these criminal gangs live, with fast cars, big houses and flash lifestyles. There are young people in my area throughout the State who are attracted by this lifestyle. They want the money in their pockets. They want the status and the brand new jackets and runners. If we could reinvest the money seized by these unscrupulous criminals, who are at the top of the pyramid, back into the communities in which these young people live, it could broaden their horizons and give them better options to escape poverty. They could move from being burdens on society to being productive members of our society.

Most things in life have a way of filtering down but dirty money also filters up. The money a mother borrowed from the credit union to pay the drug debts of her child flows right up to these criminal gangs. I have met parents who have been forced to pay drug-related debts their children had accumulated. These debts their children apparently owe to these unscrupulous dealers are frequently exaggerated and these parents end up paying exorbitant amounts back to these dealers for fear of reprisals. To me, there is a certain karma in knowing the money that

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came from the poor mother's purse would be returned back to the communities instead of funding the lavish lifestyle of these criminal gangs. I have raised this issue before in the House and have had promising sounds come from the Government and across the Chamber. I would like to see cross-party support for the Bill.

Deputy Ruairí Ó Murchú: I add my voice to what Deputy Ward has put very eloquently. What he said is from the heart. He is talking about the community he comes from, which has been absolutely ravaged by the organised criminal gangs that prey on really good people.

This is all about natural justice. We do not for a second believe that this one small item of legislation or one very small solution is going to deal with the wider pandemic of drugs we are all constantly and consistently dealing with. However, this is about natural justice in the sense that we all welcome the work done by the CAB, we welcome seeing its officers on streets and the people who live in the areas in which the raids happen all welcome that too. It is about the fact that criminals who have been seen to operate with impunity are taken apart and what the criminals love, that is to say the money and the lifestyle, is taken from them. Obviously, there is a need to follow up with coherent and strategic policing operations in order to basically put their lights out, from an operational point of view. I welcome much of the work that has been done by the Garda, including in my constituency. That said, we still have an issue with resourcing and with resourcing the courts and we still have a huge number of serious criminals who continue to walk the streets on the basis that they have not been processed through the courts.

We must look at this situation in the context of the drugs pandemic. I have even heard a positive narrative from the Government regarding the need for a multi-agency response - a whole-of-Government response. I say this while knowing about the current situation of the Family Addiction Support Network in Dundalk that deals with counties Louth, Meath, Cavan and Monaghan. It has a really strong relationship with the Garda and plays a part not only in providing supports to the families of those suffering from addiction but also has a major role in the reporting of drug debt intimidation. That is absolutely necessary work and, unfortunately, it is something that I and many others deal with on a daily basis. I have spoken to the Minister of State, Deputy Feighan, about this. It is a matter in respect of which action is really needed. We are talking about many organisations. We all know of the lack of funding for the likes of the North Eastern Regional Drugs Task Force. We know that there are many organisations, such as Turas and the Red Door Project, which do a huge amount of work but are utterly under-resourced. The Family Addiction Support Network is operating on the basis of volunteerism and this must be addressed.

Deputy Ward has already spoken of the 2019 figure for assets and cash seized amounting to €65 million. If that is added to moneys that exist, then it is a worthwhile endeavour. Last year, something of the order of €8 million in cash was seized. We know that things have changed logistically for drug dealers when it comes to laundering money. As much as we want to get ourselves out of the pandemic, I hope that problem continues for them into the future. As stated, I will always welcome any pain that can be visited upon the people who have hammered our neighbourhoods, communities and the families that must live with the impact of their activities.

I recall the story of the man in County Kerry who asked for directions only to be told "I wouldn't start from here". This State has absolutely failed to deal with this situation for many years. Now we have all got to the level where we are aware that the drugs pandemic runs right through all social strata and every part of society. We have seen the recent Health Research Board, HRB, report. We are aware of the figures from last year relating to seizures of drugs,

namely, €9.5 million worth of cocaine, €7.5 million worth of cannabis and €5.3 million worth of heroin. Anyone who deals with gardaí or community workers will be aware of the plague of crack cocaine we are dealing with. We have a huge issue with this, and not just in disadvantaged communities. Disadvantaged communities suffer the most and are where these dealers and organised criminals prey and where many of them operate out of. However, I am also aware of, and have dealt with, many instances where middle-class families which probably thought they were protected and insulated from this sort of situation had the knock on the door, the petrol bomb through the window, the car burnt out and much worse, and the threats were far greater. Anyone who saw the reports in the news about the situation in Drogheda three years ago will know that it went absolutely out of control because those in the criminal gangs had a rush of blood to the head. Luckily enough, they bit off more than they could chew. The State, through Operation Stratos, and, obviously, the significant work done by many people in the Drogheda area played a huge part. This is the reality in every town throughout this State, this island and beyond. Thus we must have a holistic means of dealing with this particular issue and it must involve a multi-agency approach.

I reiterate what Deputy Ward said in respect of early interventions. This money should indeed be added to regular channels of funding, which are currently insufficient. It definitely needs to come in addition. Beyond that, we must ensure we take a holistic approach to communities and what is lacking. Certain individuals and families require a greater level of support. I recall the words of the chief superintendent of the Louth Garda division who has spoken many times in the media and whose expressed fear of losing a whole generation to cocaine has been reported widely. We have a major issue. I reiterate something else he said when he spoke of his absolute frustration at arresting low-level criminals who were out robbing and stealing - carrying out criminal acts - but who were doing so to pay back a dealer. They were looking for addiction services. Those services do not exist. As a result, those to whom I refer are put into the criminal justice system and that is done at a huge cost. Eventually, after a while some of them will go through prison at huge cost to the rest of society. Then they will be back out on the street and it will all start all over again because we are never addressing the problems. Early intervention is what is necessary. This is straightforward. It is literally about us going after these criminal gangs, taking their resources and putting those resources back into communities. We need a much wider conversation and more comprehensive solutions.

I welcomed what I saw in the programme for Government regarding the idea of a convening a citizens' assembly on the drugs pandemic. We have seen the HRB report and are aware of the major number of people who partake in illegal drug use. We have seen the letter from the community workers who operate in this field. What I take from that is the fact that there is a massive issue with drug addiction and its impact on society and that we do not have a solution at this point. Previous citizens' assemblies have shown what can happen if we can get normal, regular people into a room. We can even do it via Zoom or whatever means are necessary in the circumstances in which we find ourselves. Those people could interact with experts and look at best practice throughout Europe and the world. I do not doubt what many experts say, namely, that the Twenty-six Counties - and, indeed, the Six Counties - are very small and that we might need to look at a solution that works on a wider European level. However, we must have this conversation. Otherwise, we will be constantly at it.

I sound like a broken record. I have made this speech many times before. I welcome that we have legislation before us and that it involves a natural justice element such that we can take a slice off these drug dealers and put it back into those communities which have been absolutely

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ravaged. Like Deputy Ward, I am absolutely sick of going to homes in which people are under pressure. I could start giving out people's first names and everybody in Dundalk would know who I was talking about. People get the rap on the door and it is a case of them being asked if they want to start their payment plan at €300. Alternatively, one might hear of a granny who goes down to the home of X, Y or Z and then tells you afterwards that they have reached an arrangement. Granted, I know of situations where people have been given support and have stood up to the intimidation. It is what I would always say, but it is very difficult to do. We definitely need them to report it. We need the Government's support on this but we need a wider solution in dealing with the drugs pandemic that is absolutely ripping apart our communities.

An Ceann Comhairle: The Minister of State, Deputy Hildegarde Naughton, is dealing with this Bill. She has the graveyard shift like the rest of us.

Minister of State at the Department of Justice (Deputy Hildegarde Naughton): It is a good shift. I thank the Deputies for introducing this Bill and their contributions this evening. Organised crime has destroyed lives and undermined communities all over Ireland. It affects every community but those that are already disadvantaged have borne the brunt of the harm. It is absolutely right, therefore, that we recognise and seek to alleviate that harm through increased investment into those communities. I welcome and look forward to the debate this evening.

The Garda and the Criminal Assets Bureau have had very significant success in recent years hitting the criminal gangs that have spread such misery. As the Deputies have mentioned, in 2019, a record €65 million was frozen on foot of CAB's work, up from €8.3 million in 2018. This dramatic increase reflects a one-off seizure in 2019 and there is a very significant difference between assets being initially frozen and those assets being disposed of and their value realised but the amounts involved are nonetheless very substantial. In a reflection of the importance of CAB's work, an increase in funding of almost 10% was approved in its budget for 2021.

To ensure successes are reflected in increased community investment, in April my colleagues, the then Minister for Justice, Deputy McEntee, and the Minister for Public Expenditure and Reform, Deputy Michael McGrath, announced agreement in principle to establish the community safety innovation fund to support vital projects and ensure this money is used for the benefit of disadvantaged communities. This fund will be included in the justice Vote as part of the Estimates process for 2022 and the allocation to it will reflect the amounts returned to the Exchequer from the proceeds of crime.

The establishment of the fund will provide additional money for investment in important community projects but it will not replace existing sources of funding. It is being designed to encourage and recognise the efforts of local communities on the ground based on their local experience and unique perspectives and to support communities in building resilience and enhancing existing community services. The establishment of the fund will ensure that the best proposals to improve community safety will get the funding they need and encourage the development of innovative ways in which to improve community safety from those people who understand local community safety needs best. It will also allow best practice on community safety to be shared with other partnerships around the country as new proposals get developed.

In practical terms, while the Proceeds of Crime Acts provide for the return of assets seized by CAB to the Exchequer, this does not happen at the time of seizure. A court determination is required and a seven-year period must elapse before ultimate confiscation. It is only at this point that the money is returned and available to the Exchequer. The seven-year period may

only be waived if all relevant parties consent and potential delays can and do arise through legal challenges.

Given the uncertainty involved in the amounts and the time that elapses between seizure and realisation of value, it is not practical or appropriate to directly link project budgets to such seizures. Such a direct link would not provide any certainty for projects or allow them to take any sort of a long-term view on their work, whereas the approach being taken by the Government will provide certainty and funding to local communities. Accordingly, as agreed with the Minister, Deputy Michael McGrath, the allocation to the fund will be made taking a longer term view reflecting the revenue that is returned from proceeds of crime actions.

This funding is expected to operate in a similar manner to that successfully used at present around dormant accounts funding, which operates on the basis of rolling plans and allocations for specific purposes, making it clear how the extra resources are being targeted and ensuring accountability. Enhancing community safety is a priority for the Government and this is reflected in Justice Plan 2021, which was published by the Minister, Deputy McEntee, earlier this year. The Government's goal is to provide more targeted and effective support to the most disadvantaged communities and foster safe local areas for families, residents and businesses in order to feel more secure. The objective is to link with other whole-of-government strategies and structures, such as the healthy communities initiative being developed under *Sláintecare* and the existing local community development committees, to allow these areas to develop and flourish and for areas to break the cycle of disadvantage.

While State services carry out their individual responsibilities, too often their interventions rely on a reactive response to emergency and crisis situations. The aim of community safety is to focus all relevant government services on prevention and early interventions and the impact that a shared approach to problem-solving can have in ensuring that situations do not develop to the point where they impact on the safety or feeling of safety of the community at large. This will mean State services working with each other and the community to ensure there is better co-ordination between services such as educational and youth work with young people, the availability of local health and mental health services, drug prevention, housing and the built environment and actions taken to combat alcohol and substance abuse, domestic abuse, youth crime, antisocial behaviour and hate crime. This policy will be supported by the policing, security and community safety Bill, legislation that will place a statutory obligation on Departments, local authorities, public bodies and agencies to have regard to harm prevention in their activities and to co-operate with each other to deliver safer communities.

Justice Plan 2021 contains a number of specific commitments to enhance community safety. These include publishing the scoping exercise on criminal activity in Drogheda, agreeing a cross-Department implementation plan and supporting and working with Dublin City Council to ensure the implementation of the report on Darndale, Belcamp and Moatview in north Dublin city. It also commits to establishing three pilot community safety partnerships in Dublin city, Longford and Waterford.

On the question of Drogheda, I welcome today's announcement by the Minister for Justice, Deputy Humphreys, of new national and local structures that will drive and co-ordinate a plan to increase safety and well-being in Drogheda. The Minister also today welcomed a commitment by Mr. Martin O'Brien, the chief executive of the Louth and Meath Education and Training Board, that the training board will host new structures to deliver services in Drogheda. The Drogheda implementation board will be the core driver and co-ordinator of change in Drogheda

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through the actions to be outlined in the Drogheda implementation plan, which will be brought to the Cabinet and published by the Minister, Deputy Humphreys, before the summer break.

The Minister also announced Mr. Michael Keogh, a former senior official in the Department of Education who is from Drogheda, as the chair of the Drogheda implementation board. The Government will agree the Drogheda implementation plan and the Minister will publish it before the summer break.

Local community safety partnerships will be piloted in Dublin's north inner city, Waterford city and county and Longford county. The locations of the pilots were chosen based on a number of factors, including population density, crime rates and deprivation. These locations allow the proposed structure to be trialled in a high population density area, a medium population density area and a low population density area with a regional distribution. The pilots will run for 24 months and be subject to a robust independent evaluation from the outset in order to ensure the proposed structures are fulfilling their objectives. The lessons from the pilots and their evaluation will be taken into account in the drafting of the statutory framework for community safety and will be applied to the national roll-out of similar partnerships in communities across the country.

At the beginning of the year, a chair was appointed to the local community safety partnership in the north inner city electoral area and last month I announced the chairs for Waterford and Longford local community safety pilots. These chairs bring extensive expertise and experience to their roles and I look forward to working closely with them and with the local communities over the coming months as the partnerships are established.

The local community safety partnerships will replace the joint policing committees, building on the work they have done to date. Each partnership will devise and oversee a local community safety plan that will be informed by the community itself. The plans will detail how best the community wants to prevent crime and will reflect community priorities and local safety issues. The goal is to make communities safer for families, residents and businesses.

These partnerships will operate at local authority administrative level and replace and build upon joint policing committees. They will bring together residents, community representatives, business interests, councillors, local authorities and State services such as An Garda Síochána, Tusla and the HSE to devise and implement local community safety plans.

Partnerships will support a strategic approach to this work so that issues arising can be dealt with in a co-ordinated manner, and addressed collectively by relevant service providers in partnership with the community.

It is not intended that the local community safety partnerships will replace or impede the functioning of successful local safety initiatives. The intention is that where local safety fora are active, the local safety partnerships will serve as a useful forum to which they can escalate any issues as appropriate, and gain access to a range of service providers. The pilots will inform the development of the roll-out of local community safety partnerships in every local authority area as part of the provisions of the policing, security and community safety Bill.

I will speak briefly in respect of the specific provisions of the Bill. I note that the Deputies' Bill suggests that the Minister for Public Expenditure and Reform would conduct reviews of supports for disadvantaged communities and prioritise the resulting recommendations. I suggest to the Deputies that this process of ongoing review and prioritisation would be more ap-

appropriately conducted through the community safety innovation fund as I have set out above.

As I have also mentioned, there are practical issues with the sort of ring-fencing that the Bill envisages. However, the Government and I support the principle behind the Bill that revenue from proceeds of crime seizures should support investment into disadvantaged communities. I believe that we are agreed across the House that this is the case. The question of how best to achieve this is one I am happy to discuss both now and in the future with Deputies and we will not be opposing this Bill on Second Stage.

An Ceann Comhairle: I thank the Minister of State, and I thank her again for being here at this late hour. We will proceed to the Deputies offering.

Deputy Mattie McGrath: Gabhaim buíochas leis na Teachtaí Mark Ward agus Ruairí Ó Murchú for bringing forward this important Private Members' Bill. It is nice to hear the initiatives being rolled out by the Minister of State also.

I honestly believe that the community policing and the different initiatives the Minister of State talked about are too little too late. Drugs, drug crime, and the money around it is just a whole epidemic in every town and village now. I spoke about my area several times in this House. There is intimidation, demonisation and striking of fear into mothers, dads, grandparents, aunts and siblings of those people who get sucked into what they think is a very salubrious way to live. They find out differently, however.

I am delighted to see the huge and massive successes of the Criminal Assets Bureau, CAB, in recent years, but we do not have half enough of them. I salute the work of CAB. The tone and import of the Bill is to try to get the seized funds back into the disadvantaged communities that have been terrorised by these gangs. With regard to the seven year waiting list, I understand there is a protocol, but I believe it is too long and too slow. We need that funding and we need much more funding with it.

We do not have enough gardaí. We are starved of resources for the Garda and starved of numbers. We had good numbers during Covid, but now they have gone back into Templemore. We need them. We have excellent people. In Limerick we had huge problems with crime with different gangs. I salute those people who did a huge clean up there. We could learn a lot from there for other areas from the Chief Superintendent Dave Sheahan and Superintendent John Courtney, and a whole plethora of good gardaí.

I believe that there are issues when people are convicted and imprisoned. There are huge issues in the Prison Service. I have written to the Minister for Justice, I have raised it in this House and I have written to the Secretary General of the Department. A blind eye was turned.

I listened earlier to Deputy Pringle reporting on the horrific cases of inaction in the HSE, but what is going on inside the Prison Service is quite shocking also. There are two prisons in my area. One is in Cork, which I never got a complaint from. I have a stream of people contacting me, whistleblowers too, about what is going on in Limerick. A cabal is operating there, I have said this before. They like to call themselves the mob. They like to be known as this. They terrorise families. It goes right to the very top of the Prison Service and right to the top of the prison officers' union. There are many good people there, and officers who try to stand up, but they get silenced, intimidated, bullied and sullied. Their good names are destroyed. This is shocking. Prisoners say things that are not right to the prison officers and spread things. We saw a prison officer recently who came out. Deputy Peadar Tóibín raised this also, as did Dep-

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uty Marc MacSharry. How will we deal with the crimes outside if we cannot deal with what is going on inside? There is supposed to be reform and retraining and so on.

I compliment Michael Clifford of the *Irish Examiner*, who has also exposed this many times, but to no avail. I wrote about an interview process that was going on too, where proper procedures were not adhered to. People are entering into relationships with each other. The Secretary General thinks this is okay and the Minister thinks it is okay. We must root out this rot that is inside in the Prison Service. As I said, Cork is impeccable. Other Deputies are getting it too, however, if they would care to raise it or not. This should not be going on. I would say that to whistleblowers. I knew a very beautiful young girl who lost her life and then, in order to intimidate a prison officer's family, her family name was impersonated. Horrible things happened, such as death notices being sent and horrible allegations about prison officers. This is despicable and has no place in a modern society or a modern prison service that needs to be reformed and needs to rehabilitate the prisoners who go in there. Some people make mistakes in their lives and end up there, but they try to get out of it.

The good staff try to stand up but they are bullied and their names are sullied. Awful things are said about them. When An Garda Síochána visited the prison to interview a prison officer who complained, the records disappeared, and the video footage disappeared of the gardaí entering the prison. This is how bad it is. It is very serious.

I am sorry for straying away from the Bill. The Bill is very important but we also need huge reform of the people inside the system. There were union members who decided to go for positions in the union and they have been literally destroyed as well because they challenged the chair of that union. There are huge issues and huge failures. The prisoners inside are being used by senior managers of the prison to tarnish good prison officers. This is unbelievable.

It is 100 years since the freedom of our State and our independence. I want action. The Minister of State, Deputy Naughton, is in the Chamber tonight. I want the Minister for Justice, Deputy Heather Humphreys, and the Secretary General to deal with this. Deputy Tóibín has called for this to be dealt with, as has Deputy Marc MacSharry, but it is futile. Good people's names are being sullied and destroyed. Very senior and female prison chiefs are also doing this bullying and intimidation. It is a cabal. They like to be known as the mob and they spread their fear that way-----

An Ceann Comhairle: Deputy, now-----

Deputy Mattie McGrath: I always read about mobsters in Chicago-----

An Ceann Comhairle: Deputy McGrath needs to be careful that he does not-----

Deputy Mattie McGrath: I am not. It is there. We can all be careful and go around the house and mind the dresser, but let us deal with this. How are we going to reform it? How will we get the likes of the legislation, which these good Deputies have put forward tonight, and people want to support it and have the debate-----

An Ceann Comhairle: Deputy McGrath-----

Deputy Mattie McGrath: Yes, I am going to finish. We need a thorough investigation into what is going on in Limerick Prison.

An Ceann Comhairle: I thank Deputy McGrath. We go next to Deputy Johnny Mythen.

Where is the Deputy?

Deputy Johnny Mythen: I thank the Ceann Comhairle.

An Ceann Comhairle: It is like being in the crow's nest off up there.

Deputy Johnny Mythen: It feels like it sometimes.

Gabhaim buíochas leis an Aire Stáit. I thank and commend my colleagues Deputies Ward and Ó Murchú on bringing forward this important proposed change in the legislation. If passed, this Bill would ensure that the proceeds of crime would be invested in social capital, primarily in disadvantaged communities, to help them improve services on the ground, and would be invested in much needed rehabilitation programmes.

This is really about rewarding the invaluable dedication of community and voluntary workers across the State who deal daily with the awful consequences of drugs and the appalling effects on local communities. It also takes a more holistic view of the problem of crime, in trying to create safer communities, through proper investment in deterrent measures and increased support for those most vulnerable from the coercion of these criminals.

One of the main reasons I speak in support of the proposed legislation today is my concern around drugs in my county of Wexford. Those who work at the coalface of addiction in Wexford have described a sea change of drug misuse, with a recent dangerous increase in fake benzodiazepines, specifically doing the rounds in the south east. The invasive nature of the pandemic of the past year and a half on people has resulted in a subsequent increase in mental health issues. We are now in an increasingly worrying situation with regard to drug misuse in my county. On the other side, there have been several drug raids there in recent months. I commend the Wexford Garda division on its vigilant and success rate in apprehending drug dealers and confiscating large quantities of drugs. However, it has said far more resources are required to combat the growing number of drug dealers and suppliers.

This is the perfect mix of the vulnerable in communities that are at the mercy of organised criminals. This Bill, if enacted, would go a long way towards building vital services and supports for communities across the State and would be much welcomed in County Wexford. The proceeds would be guaranteed to go through the proper channels where they will produce the best results.

There are many outstanding drug task forces, family resource centres, youth organisations, unemployment services and other community services in Wexford, which are acting as a safe-guard against criminals in our communities. We know they are under-resourced and go above and beyond in providing help and guidance. This Bill would help to ensure that they are properly resourced. It will help those in communities that need it most.

One final issue I implore the Government to listen to is accessibility of drug support services for those in rural parts of the county. Remote towns and villages are not serviced by public transport. People living with drug addiction in these communities need transport to get to the vital counselling and medical help they need. The Bill would go a long way to support people who have nowhere else to go. I urge all Members to support this worthy legislation.

Deputy Martin Kenny: I commend my colleagues, Deputies Ward and Ó Murchú, on bringing forward the Bill and thank the Minister of State and Government for not opposing

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it. It is important that all work together in the House to try to relieve the communities that are under severe strain the length and breadth of the country. Everywhere we go we come across families and communities that are under pressure because of the ravages of drug addiction and criminality that circles around all of that. It is particularly intense in many urban areas and more densely populated regions.

The truth is that most communities feel aggrieved when they see the spoils of what I often describe as the “Love/Hate” type lifestyle that some of these people live and how it is somehow or other romanticised, and young people can fall into that. Communities feel aggrieved when they see that going on around them, with the proceeds of crime and wealth being splashed around and young people being taken in by all of that. They would love to see CAB take action to capture more proceeds of crime and that money going back into their communities to ensure adequate responses and assistance are put in place for the many young people who need addiction services, counselling, assistance with employment and all so on.

Many young people who end up in prison, perhaps initially because of minor offences, get deeper and deeper into the spiral of criminality that exists around all of that. There is a big job of work to be done in our Prison Service to work with people when they come out of prison to ensure that they can make a break away from the criminal connections they made before going into prison, which are often waiting to bring them further down when they get out.

I acknowledge the work that has been done. The pilot schemes mentioned by the Minister of State are worthy and we need to see more of that happening. Many communities hear a pilot scheme is going on for two years. What about all of the other areas where everything is happening but they are not getting resources? People feel they have had enough pilot schemes, reports and analysis of the problem. They need to have action.

Many of the pieces of analysis on shelves, such as the one from Dr. Johnny Connolly on the south inner city of Dublin, present a scenario whereby there are almost two different lives and communities. There is a tiny criminal community comprising less than 1% of people and then there is the majority of decent people living in those communities who feel under pressure from the 1% that continue to create an atmosphere of fear and intimidation for many people.

For many young people who unfortunately get hooked on drugs and then get involved in petty and worse crime, they stand almost aghast as to what they can do. They feel helpless. The Government needs to put in place resources to help them. It needs to work with communities because there are genuine, decent and honest people who want to solve these problems. All they need is the assistance to do that. This Bill is about ensuring that the proceeds of the crime that happens in these communities, and, unfortunately, all over the country, go to provide those services everywhere and ensure that people are adequately looked after.

The point was well made by Deputies Ward and Ó Murchú that this money needs to be additional money. It cannot be about creating a pot that community groups can apply to for funding, and if they do not get it, they get nothing. We do not want that scenario to emerge from this Bill. We need this money to be in addition to what is there. However, what is there is not adequate, there needs to be so much more. In the areas of drug addiction and youth services, funding would need to be doubled to have any impact in many urban communities which are particularly under stress.

The import of what we are trying to do collectively – I hope we can all work together -

would be to change the future for so many people. All of us get up in the morning and have the opportunity to make a new day and future, leave the past, whether it is negative or positive, behind us and look to a new future. Most of us can do that because we are fortunate enough to live in communities where we have support and are affluent enough to have a few bob and are able to get on with life.

For many communities people are not in that position. They are not able to create a new future. They do not have the supports, money or opportunity and, therefore, they do not have the ambition. That is what we need to change. That can only change if the Government provides the services to do that. This Bill is about ensuring that the money these thugs have is taken from them and put back into communities. It has to be on top of what the Government already needs to provide to make a clear and lasting difference.

I welcome the support for the Bill from the Government. I hope as it goes to Committee Stage all of the various issues can be teased out and that we can work together to reach a good solution for everybody.

Deputy Imelda Munster: I acknowledge the fact the Minister of State said the Minister for Finance announced a fund would be created to provide additional money for investment in community safety projects, the community safety innovation fund, from the proceeds of CAB. We also need additional funding for social services to build resilience in communities. It is vitally important that they are community-focused and based and are in communities. They need to come from within communities that have been directly affected. I hope the idea is not to set up a type of forum such as joint policing committees. They have their place, but many feel they do not reflect the communities that are in the thick of this issue. Sometimes they are made up of the great and good. Some have an opinion that they are a talking shop.

During the recession many services were cut or closed and we are now seeing the consequences of that. In my home town, Drogheda, we endured savage cuts to local services, policing and local government. We now need to build up youth and addiction services, in particular, to protect our young people from getting dragged into this type of crime scene all over again. Drogheda is the largest town in Ireland, but it is fair to say it has probably suffered more than most large towns. We experienced serious problems when the drug feud erupted. There was violence, extortion, arson, assault and murder. It ripped communities apart and sucked young people into lives of drug addiction and crime. The fear and terror that instilled right across the community is something we never want to see again.

The Minister for Justice, as we know, commissioned a report from Mr. Vivian Geiran on Drogheda which was published in March. The report laid bare for all to see the long-lasting effects of austerity and cuts to services in Drogheda. The two main findings were the need to improve inter-agency co-operation and the need for increased resources and additional services. We hear that over and over again. They are the two obvious recommendations, but there are more than 70 recommendations in total in the report. I welcome today's announcement of the establishment of the Drogheda implementation board - it will be headed by Mr. Michael Keogh - as a good first step. Another first step I welcome is the statement by Mr. Martin O'Brien that the Louth and Meath Education and Training Board, LMETB, will host the new structures to deliver services in Drogheda. However, there are concerns in Drogheda. The Minister stated today that the implementation plan would be published before the summer break, which is next week. I hope that the plan will clarify matters, as we have no clear idea of the plan, details, timeframe, funding or whether all of the 70 plus recommendations will be implemented.

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The Minister of State said that the Government would not oppose the Bill, which is okay, but neither will the Government go along with it. The chief superintendent of the Louth and Meath division stated publicly that he would be in favour of CAB's proceeds being ring-fenced for the communities directly affected by the drugs feud and gang wars. The joint policing committees, JPCs, have also stated that publicly. I take this opportunity to commend Chief Superintendent Christy Mangan and his team on their work throughout the feud. When we eventually got the additional resources, the team did Trojan work with Operation Stratus.

A great deal of work went into the report. There was widespread consultation. More than 70 recommendations were made, each and every one of which is as worthy as the next. The board is being set up and people have been tasked, but we have heard nothing. It is important that there be follow through. We need timeframes and we need to know exactly how many, if not all, of the recommendations will be implemented. If we are ever to get to the root of this problem, we must invest in communities and address the decades-long neglect of Drogheda. We must get community spirit back in the town, address addiction services and so on.

I will wait until the Minister's announcement next week. The devil is in the detail. We will see what the timeframes and proposals are and what funding will be provided to enact those proposals.

Deputy Gino Kenny: I commend Sinn Féin on this important debate. We broadly welcome the Bill and anything that addresses the spoils of crime, which devastates individuals and communities. The proceeds that CAB seizes largely come from the illicit drugs trade. I have a different view than most as regards drugs policy, which is antiquated and does not work. Criminalising people for drug use is counterproductive and we must do something different. We need a paradigm shift in how we treat people, determine why people take drugs in the first place, address the inequalities in society and so on.

There is obviously a large market for drugs and not only in Ireland. It is probably the most profitable industry across the world. People make enormous amounts of money and will use grotesque violence to get their profits. It causes chaos in communities. I have seen it in my community. Deputy Ward is from the same community as me. When I was growing up, I saw what drug addiction did to people and communities. It is pretty bad. The socio-economic aspect is significant. People turn to drugs for all sorts of reasons.

There is a vacuum in society and where a vacuum exists, people fill it. Usually, the black market and criminal gangs do that. The spoils of that market are enormous.

We could still be having this argument about the proceeds of the drug industry in five or ten years' time, so we need to do something very different. We need a grown-up debate about the decriminalisation, legalisation and regulation of certain substances that people use. This year alone, large amounts of money and drugs have been confiscated. One of the main reasons for this was that there were many gardaí on the roads, which cannot be sustained over a long period, but it shows that there is a significant demand for drugs. In September, I will introduce a Bill on the legalisation and regulation of cannabis. We will see what kind of support we get from other parties. Criminalising people for using cannabis is a complete waste of time. Locking people up is a complete waste of time. Some other countries, including a number of states in the US, have taken control by regulating cannabis. That has been a success. Instead of the revenue going to criminal gangs, it goes to the states. That could work in this country if there was the will, which I hope there will be.

Is the war on drugs about containment? Is it about keeping working people down? There are a number of factors, but the policy of this and previous Governments has been one of neglecting working class communities because this problem has not been on those Governments' doorsteps - if someone wants to die, go ahead; if someone wants to take drugs, go ahead; it is not the Government's responsibility.

We need to look at this in a different way because what we have been doing has failed. The demand for drugs is greater than ever. Even though the drugs in question are illegal, more people are taking them. Not everyone takes drugs, of course, but what does this say about our current laws? The laws make drugs illegal, but people are still using them. There is no deterrent. That is why we need to do something very different where this matter is concerned. I hope we will consider the issue differently than we have been for the past 45 years.

Minister of State at the Department of Justice (Deputy Hildegard Naughton): I thank the Deputies for their contributions. I welcome the debate and the opportunity to discuss these issues.

Targeting the money is central to fighting organised crime. Those who mastermind crimes such as drug trafficking, human trafficking and fraud depend on hiding and converting the proceeds of those crimes. By pursuing the proceeds, we can bring those responsible to justice and meaningfully reduce the incentive to commit the crimes in the first place. We can also use the proceeds to help with the damage that organised crime does to our local communities. The establishment of the community safety innovation fund will ensure that there is proper reinvestment into communities, reflecting the successes we have had in pursuing the proceeds of crime. I acknowledge the support of colleagues across the Government, in particular the Minister for Public Expenditure and Reform, Deputy Michael McGrath, in facilitating the establishment of the fund.

Enhancing community safety is a priority for the Government. It is reflected across the Justice Plan 2021, which was published by the then Minister for Justice, Deputy McEntee, earlier this year.

10 o'clock

Our goal is to provide effective support and allow areas to develop and to break the cycles of disadvantage. I emphasise, as I did in my opening speech, that the establishment of the community safety fund is intended to complement existing structures. It will not replace existing sources of funding. Rather, it will be an additional and alternative route to funding for important community projects.

I also wish to acknowledge the work of CAB. The bureau is widely regarded as a best-practice model in the context of combating organised crime. It works closely with law enforcement bodies at national and international levels and continues to relentlessly pursue the illicit proceeds of organised crime activity. The investigations conducted by the Criminal Assets Bureau and the consequential proceedings and actions resulted in more than €194.5 million returned to the Exchequer since its establishment in 1996.

I thank all the Deputies for their contributions and look forward to considering these questions further.

Deputy Mark Ward: I thank all the contributors to this debate. It was an informed and

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good debate but we also saw the need out there in our communities. I also welcome the support of the Minister of State for this Bill and for putting the moneys back into communities. While we may differ slightly on how that goes, it is a starting point and I look forward to this Bill proceeding through the proper legislative scrutiny. I will be seeking Government support on that.

As I mentioned already, I am from north Clondalkin. When I moved up there first, there was nothing. There were no schools, shops, transport or buses. There was nothing. Our community had to go out and fight for everything it had and has now. Young people, including family and friends of mine, fell into addiction and crime to escape the poverty inflicted on them. This poverty was created by Government policies. This is the same Government which went on to blame the people for falling into addiction and crime. As a young boy, I remember playing football and the parents getting together. We were like ragball rovers. They did the best they had with nothing; absolutely no resources whatsoever but they did the best they had. That is the community resilience we need to build on and start supporting and resourcing.

I was on the board of the Clondalkin drug and alcohol task force for a number of years. We wanted to start an under-18 project for outreach with members of our community who were falling into criminality and drug use. It had not got the funding. It was as simple as that. The normal funding structures were not there. When the Minister of State mentioned long-term funding, this fund we are talking about today, to return the money back from criminality, would fund projects such as this. It would give projects such as this a kick-start and enable them to go out to meet the needs of our communities.

I was also on South Dublin County Council. The Minister of State mentioned the community safety forum, the local policing forum and the joint policing committee. I was a member of all of them while I was on the council. They do serve a good purpose within our community and I have no problem with any restructuring, additional funding or anything which will enhance community safety. I have no problem with that whatsoever. However, we need to get the balance right with regard to community safety - the structures are already there - and building the community resilience we were talking about earlier on by building up the likes of the Clondalkin drugs and alcohol task force, Ronanstown youth services and the services around Adamstown, Rathcoole, Newcastle and other areas in my constituency. We need to start building up those communities and giving them an opportunity to apply for funding which has been taken out of the pockets of criminals.

We also need to work on how we will engage with those on the margins of society, such as the young people who could be falling into criminality in our areas. With regard to those families I mentioned earlier on that have to look out their windows all the time and see this activity and open drug dealing outside their own front doors and who are afraid to look at these young people for fear of reprisals, we need to tell those families we are putting things in place which will support them and stop these families from moving out of the area because of the fear, reprisals and intimidation some of them are going through.

We also need to tell the mother I spoke about earlier on, who went to the credit union to get a loan to pay these unscrupulous drug dealers and criminals, that we are listening to her. We need to tell her that the money, which was taken from her and went to criminals but which was taken back from criminals, goes back into the community and will stop children such as her own falling into drug use or into the hands of these unscrupulous dealers.

The vast majority of people in my area are good, honest, hard-working people who do their

best on a daily basis to get on with their lives. It is the minority which upsets this majority of people in our community. This Bill takes away the money from the minority causing all the upset in our communities and puts it into structures, community safety programmes and services which will look after the majority of people in our communities. That is what I hope for.

I look forward to seeing how this proceeds from now on but today is a good starting point and we will take it from there.

Deputy Ruairí Ó Murchú: I thank everyone who contributed. Everyone is generally in agreement on the necessity of this legislation or type of solution. We all get the natural justice aspect of those people who have done harm to the communities, in that the money is taken and put back into those communities to add extra funding to necessary projects that make life better. I will not reiterate my whole point but while this will be insufficient to deal with all that needs to be done in terms of the drugs pandemic, it is a good start and part of an overall solution.

I welcome much of that the Minister of State says, even with regard to the justice plan 2021. I have had many discussions, especially with the Minister, Deputy McEntee, and the Minister of State, Deputy James Browne, and the narrative I am hearing from Government is positive with regard to the multi-agency response and what is required. Deputy Munster and I, following the Guerin report, spoke to a number of officials in a meeting arranged by the Minister, Deputy McEntee. The officials were keyed in and spoke about projects about which they were well versed, such as the Greentown project and projects aimed at taking young people who are falling into criminality and removing them from those situations. We need more of that carried out.

As Deputy Ward said, it is all about those early interventions. We are dealing with issues caused by poverty. We need to have overall change in society and to deliver upon that. We need to give people hope and we need community-based solutions across the board, such as family and early interventions. Some of these have been carried out. There are pilot projects. The problem is sometimes they do not move beyond pilot projects but we need that to happen. We need to ensure we put our projects in place with irreversible momentum to ensure we deliver.

I welcome what Deputy Gino Kenny said. While we may vary with regard to the outworkings, we all need to accept we need to have a real conversation. The war on drugs across the world and in this State is not working. What we are doing at present is not working, so we must have a wider conversation.

There is a need for the Government to establish a citizens' assembly. I also reiterate much of what Deputy Munster said. We have seen the Guerin report and we welcome the implementation board and the involvement of Mr. Martin O'Brien. We have congratulated Mr. Christy Mangan, the Garda and others on the massive work that was done, particularly through Operation Stratus. I am aware of much work that has been done in the Dundalk area, which has experienced high levels of criminality, including drug criminality, for many years. This has impacted greatly on communities. They are good communities but they do not have the resources. They have not been given the necessary resources and assistance. We have to give people those resources and work with them.

I welcome the new youth justice strategy. We must be able to deal with the fact that young people fall into and are being groomed by criminal gangs. We also need a strategic outlook and to be able to deliver. We cannot continue with the current situation where drug gangs can operate with impunity. For every one we put away, two more arrive on the scene. We have a

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massive problem and we must deal with it across the board. There must be a decent youth justice strategy. We must ensure there are greater community safety partnerships. I was involved with the local JPC and I know the JPCs in Louth contacted the Minister, Deputy McEntee, about this type of project. We accept and take for granted that the law and due diligence must be applied with regard to moneys taken. We accept that these are additional moneys. We are not particularly worried about what the solution is. We welcome the Minister of State's comment that there will be interaction on finding a solution that delivers for people. This is a simple first step that could make a huge difference. We should take the money from the drug dealers who have done massive harm to our communities and put it into projects that make life better in those communities.

Question put and agreed to.

The Dáil adjourned at 10.12 p.m. until 2 p.m. on Tuesday, 13 July 2021.