



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 15 Meán Fómhair 2021

Wednesday, 15 September 2021

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

Paidir.

Prayer.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: Táimid tagtha abhaile. It is good to be back. In welcoming Members back, I encourage them to continue to support the Covid guidelines, as they have been doing, to keep all the parliamentary community safe in the period that lies ahead.

Ceisteanna ó Cheannairí - Leaders' Questions

An Ceann Comhairle: We will move straight ahead with Leaders' Questions. I welcome the leader of Sinn Féin, Deputy McDonald, for the first question.

Deputy Mary Lou McDonald: I thank the Ceann Comhairle. It is great to be back in our natural habitat. Cuirim fáilte ar ais roimh gach duine.

This evening we will debate a motion of confidence in the Minister for Foreign Affairs, Deputy Coveney, over his handling of the appointment of Katherine Zappone as a special envoy, but for now I want to raise a very concerning aspect of this controversy, that is, the Minister's admission that he deleted texts between himself and the Tánaiste, Deputy Varadkar, regarding the appointment. He deleted these texts and failed to send the communications to his Department for filing and storage.

As the Taoiseach knows, these were no ordinary texts. These were communications between two of his senior Cabinet Ministers in relation to Government Buildings. They were official Government information and communications. The Freedom of Information Act is very clear. Communications carried out on electronic devices, such as phones, or by email relating to the official function of a Minister are subject to that legislation.

By way of explanation, the Minister tells us he routinely deletes texts from his phone when he considers a conversation to have concluded. It is not the prerogative of any Minister to delete official Government communications based on personal preference or judgments. The

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Minister, Deputy Coveney, was obliged to retain those texts under the law. That a senior Minister was so convinced that he had the right to delete Government records is extremely troubling because it goes to the heart of transparency, public interest and accountability in government. Freedom of information is in place to allow citizens to obtain information about decisions that affect their lives and our society. It is fundamental to democracy, journalism and activism, and it is critical in holding power to account. It is essential to good government.

Therefore, a Minister erasing Government records in such a fashion stinks to the high heavens. It is an abuse of office, plain and simple. It is corrosive to politics and insulting to people. This behaviour was unacceptable and it has angered people, not least because it demonstrates breathtaking arrogance. Tá fearg ar dhaoine. Bhí sé seo glic agus bhí sé mealltach. Tá damáiste déanta don pholaitíocht ag an Aire, an Teachta Coveney, agus ag an Rialtas. Is ábhar an-tábhachtach é seo.

This controversy raises further questions around how pervasive this behaviour is in government. This was not sloppy behaviour. It was about a Minister deliberately erasing Government records. I would like the Taoiseach to establish for us today how widespread this practice is within his Government. Who else in the Cabinet deletes texts, documents and communications in this way? What other Ministers are doing this? Has he spoken to each of his Ministers and has he asked them directly if they have deleted Government communications in this way? Will the Taoiseach tell the House what action he has taken as Head of Government over the past eight weeks to stamp out this behaviour and to guarantee it will cease?

The Taoiseach: First of all, I welcome the fact we are back in the Chamber to conduct our business as a Parliament and as Dáil Éireann, and I look forward to working with all parties in pursuance of the issues that challenge this country.

I agree with the Deputy that accountability and transparency is of great importance to the House and on issues of substance. The Minister for Foreign Affairs has provided a very full explanation to the Oireachtas committee and has gone before that committee twice in respect of this issue, which I remind people relates to the appointment of a part-time envoy, an appointment that did not go ahead subsequently.

In my view the procedure leading to that was wrong and should not have happened. The Minister has apologised, including to the Oireachtas committee twice, and he has apologised to me as to what and how it happened.

In the broader context, tá a fhios agam go bhfuil muintir na tíre buartha faoi seo ach tá siad buartha faoi an-chuid mar aon leis seo. Níl aon amhras ar bith agam ach gurb iad na rudaí is tábhachtaí atá os comhair an phobail anois ná an víreas corónach, cúrsaí sláinte agus cúrsaí tithíochta. Is iad sin na rudaí is tábhachtaí a bhaineann le pobal na tíre seo agus ní féidir linn éirí as sin. In other words the most important and substantive issues that people mention and are very concerned about are health services, housing, Covid-19 and many other issues. We need a fair, balanced and proportionate response to this issue. The tabling of the motion of confidence is not such a proportionate response from Deputy McDonald or her party, but that is their decision.

The Deputy might also look into her own cupboard in respect of the appointment of people to public positions because appointing its own to a range of public positions is the hallmark of the Sinn Féin approach when in government. The party has made the city of Derry its fiefdom

in terms of patronage. This party is not on steady ground when it is attacking others in respect of appointing people to positions. The position in question was a part-time one while Sinn Féin has appointed its own to very senior positions as a member of Government.

On the deletion of texts, any texts relating to public or Government business should not be deleted. I have made that clear to all of my Government colleagues. The Minister for Foreign Affairs, Deputy Coveney, was not acting in bad faith here and he has explained to the committee the circumstances and context in which he took that action. At all times I genuinely believe he has been acting in good faith. I know that when Deputy McDonald has been dealing with Deputy Coveney in respect of Northern Ireland or foreign affairs issues, there is nobody in the House who would argue that he has not acted in good faith and with sincerity and honesty. He can be faulted in certain respects - no doubt about it - in terms of this appointment; he himself acknowledges that himself. As I have said, however, any records pertaining to Government business should not be deleted.

Deputy Mary Lou McDonald: This is a substantive and serious issue. Last year the Tánaiste, Deputy Varadkar, admitted to deleting texts in respect of the leaking of a confidential Government document at the time, the GP contract. That scandal came to light on the Taoiseach's watch and yet here we are, 12 months later, and we have a repeat of that behaviour. It is very clear to me from the Taoiseach's answer that he has done nothing about this.

I put it to the Taoiseach very directly that he has conceded the point that his Minister, Deputy Coveney, breached the law. Can the Taoiseach clarify that is in fact the case? I ask him again what he has done or what he proposes to do about that by way of sanction. I ask him again to clarify for us which other Cabinet colleagues behave in this way. Which other members of his Government are also in breach of the freedom of information stipulations, and what will he do about that? The Taoiseach, after all, is in charge.

An Ceann Comhairle: Thank you, Deputy McDonald. Your time is up now.

Deputy Mary Lou McDonald: The Minister, Deputy Coveney, has breached the law; the Taoiseach has conceded as much. Who else is at this?

An Ceann Comhairle: Thank you, Deputy. The time is up.

Deputy Mary Lou McDonald: Is the entirety of the Cabinet at this?

The Taoiseach: I have not conceded anything about anybody breaking the law, and the Deputy should not try to put words into my mouth.

Deputy Mary Lou McDonald: Then what is it?

The Taoiseach: The Deputy has made an assertion in terms of breaching the law that I have no evidence of. She should play this one straight and fair in her assertions. She is not the person to conduct an investigation into the Minister in respect of the law or the breach of the law, but I have made it very clear-----

Deputy Mary Lou McDonald: Absolutely. I said that. The Taoiseach should be that person, though.

The Taoiseach: No I should not, actually, but I have made it very clear that the deletion of Government records in any shape or form, or in any format, should not happen. I refer to any-

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thing that relates to the conduct of Government business. The Minister for Public Expenditure and Reform is bringing forward to the Government a memorandum in respect of a review of the Freedom of Information Act and indicated that during the summer. That will come before the Government very shortly, perhaps next week, in respect of the broader operation and working of the Act.

Deputy Mary Lou McDonald: So the law was not broken.

Deputy Alan Kelly: It has been a turbulent summer for the Taoiseach and his Government, so I am glad to see they actually made it back here. There is a sense of some normality as we finally come back into this Chamber. That is what I want to ask the Taoiseach about. I have a direct question: What has changed since we left this Chamber last year? What has changed for the Taoiseach and his Government in how they will deal with things? We in the Labour Party believe that everything has changed in that year - how we think about things and, collectively, our political ideologies and philosophies. Everything has changed because Covid, quite simply, has been the biggest disruptor in 100 years - in our thought and in every other way. I therefore want to know what lessons the Taoiseach has learnt. I am not asking about the Zappone affair; I am asking him about what lessons he has learnt from Covid and how, collectively, the Government will ensure we change things for the better. I believe the public want to know this. Why? Because their priorities have changed in the past year. I refer to how they look after their families and their communities and what they expect from the State, particularly when it comes to public services. The need for investment in healthcare, education, housing - everything has changed. It has changed for me in respect of my time management, my work-life balance and my need to spend more time with my elderly parents, my wife and my children. I believe it is the same for many people. I 100% get the sense that the public's tolerance for short-termism and for a lack of consistency in political thought and action is absolutely exhausted. They do not have a tolerance for our not seeing through major reforms; they do not have a tolerance any more for a two-tier health system; they do not have a tolerance for an education system whereby students today cannot get accommodation to go to college; they will not have a tolerance any more for a hugely expensive private childcare system; and they will not have a tolerance for people no longer being able to get houses where they are from.

I therefore ask the Taoiseach genuinely what has changed for him and his Government since we left this Chamber a year ago. We know that the great white hope of Sláintecare is now at a standstill. The Government has launched Housing for All and I genuinely wish it the best in delivering that. However, what I am asking the Taoiseach, as we step back in here, is what has changed for him and his Government in how we can deliver for the people. Everything has changed, in our opinion. If the Government works towards the issues I have just spoken about, the Labour Party, for one, will meet it halfway on ending the short-termism and delivering for the Irish people. How is the Government going to deliver for the people in what has changed in the past year?

The Taoiseach: First, I agree with the Deputy and take the question in the very good faith in which it was articulated. The world has changed. It has changed most fundamentally and the long-term impact of Covid, in terms of how we live, work, recreate and experience and organise life, will be profound. That relates to all those areas. In respect of the lessons we have learned from Covid, the whole-of-government approach to dealing with Covid, with all hands on deck, is a lesson we need to apply to other key crises in our society. The national vaccination programme, for which we pulled together a national task force, has achieved phenomenal results. That is the biggest change in the past 12 months. Ninety per cent of our people over the age of

18 are fully vaccinated, as are more than 89% of those aged over 16. That now enables us to begin the journey of what some might call a new normal or a new or different way of living in regard to how the workplace develops.

As for the housing crisis, a key issue for many people, that whole-of-government model has to be applied to dealing with housing, and not just at national level between all the Departments. A Secretary General of my Department now chairs a group of other Secretaries General to ensure there is a cross-cutting approach to dealing with the housing issue. There are lessons to be learned from Covid because we did cut through on Covid in respect of a number of issues, which we had to do. Time was not an option. We have to try to inject the same approach into housing.

The same is true of climate change, which is quite profound. I recently read a global survey that showed the degree of anxiety among our younger generation about what climate change means for them and their lives into the future. The levels of anxiety among young people all over the world are very high - worryingly high, from our perspective - in terms of their health, mental health and well-being. Everybody in this House has to play their part in tackling that issue, and again it has to be cross-departmental and across society.

In respect of our health services, Sláintecare has not stood still. In fact, at last year's budget, about €1.235 billion was allocated purely for Sláintecare initiatives. The comments of the then director, Ms Laura Magahy, to the Oireachtas committee regarding the budget were very clear. She stated:

All the elements such as beds, community staffing, diagnostic care, social care expansion, etc., that were outlined in the budget, which we went through with the committee at our last meeting, have been funded. We are very pleased with that.

Deputy David Cullinane: Not delivered.

The Taoiseach: That was on the record of the Oireachtas committee at the time. There are other areas that have not yet been developed, and the regional structure is one, but there is a reason for that. We have come through a pandemic, a once-in-a-century event.

I take the Deputy's overall point. The pandemic changes the way we do things.

Deputy Alan Kelly: I deliberately asked the Taoiseach this question today because I wanted to give him the benefit of the doubt that there is a learning here for his Government as regards all the areas and how it does its work. It is also important that, as I stand here and ask the Taoiseach that question, I say quite clearly that short-termism has to end. We need to deliver on Sláintecare over the next four to five years. Within five years, I want to see a national childcare service and change in respect of balanced and regional development. Project Ireland 2040, for me, is out the window. Within two to three years, I want to see a living wage; the leaving certificate completely transformed and education made free at the point of entry and at third level; Housing for All, perhaps 2.0, delivered; and a situation whereby we are bulletproof in regard to climate change targets.

When I say the short-termism has to end, how is the Taoiseach going to ensure in all those areas he will change tack and deliver? This idea of "building back better" needs to be put in the bin. What was there before did not work. I hate the phrase. How specifically will the Taoiseach ensure, across government, he will make changes to deliver in this post-Covid, or as we come

out of Covid, environment?

The Taoiseach: First, quite frankly, I hate short termism. Throughout my political life I have always thought to do that which benefits the medium and longer term. That is why I initiated the first ever major public investment in research back in 1999, when I was Minister for Education and Science, with the programme for research in third level institutions, which in itself was transformative for the research environment. That is why I insisted that in the programme for Government we would establish a new Government Department: the Department of Further and Higher Education, Research, Innovation and Science. That is the kind of long-term thinking I engage in. I think that it is better for the public over the long term. I agree with the Deputy.

In health, we need a universal, accessible health care system. I subscribe to that and I will work with the Deputy. Sometimes, when the Government opts for the longer term, it will continually be hit on the Opposition side by short-term political imperatives which can undermine the more medium- to longer-term thinking and strategies. I do not think we can shy away from the work of the Commission on Pensions, for example. We will bring that to the Government shortly and we will publish it. It will need a debate across the House, as does the Commission on Taxation and Welfare. The State is going to get bigger. We have to tackle childcare, as well as universal access to childcare, in a proper national system. I will work with the Deputy on what he outlined.

An Ceann Comhairle: I thank the Taoiseach and call on Deputy Richard Boyd Barrett.

Deputy Richard Boyd Barrett: One of the depressing things about the instance of cronyism involving the Minister for Foreign Affairs, Deputy Coveney, is that it deflects attention at the beginning of the Dáil term from the issues that people expect us to be dealing with and the crises that they expect us to resolve. One of those issues will be highlighted at 5.30 p.m. this evening by the National Homeless and Housing Coalition. They will gather in a demonstration to appeal to this Government to break from the failed policies it has applied; to address the housing crisis; and to actually deliver the public and affordable housing, the affordable rents and the answers to the homelessness crisis that people are demanding. At that protest, there will be many groups who are affected by the ten years of failure by both Fianna Fáil and Fine Gael in government to address the housing crisis; those affected by the mica issue; renters who are paying extortionate rents; working people who have no chance of getting on the housing ladder because of unaffordable prices; those waiting a decade and sometimes two decades on housing lists; people who are actually homeless; and many others.

One group I particularly want to highlight in these few weeks is those affected by the student accommodation crisis. It is absolutely dire. We are facing an unprecedented crisis of availability of affordable student accommodation. The student unions in Dublin, Galway, Limerick, Sligo and many other places are now overwhelmed with thousands of students who cannot find affordable accommodation. The disease of unaffordable rents that has contributed so much to the housing crisis in wider society is now infecting our student population and, indeed, our on-campus accommodation. It is completely pricing students out of the market of affordable student accommodation. The consequences are record levels of homelessness among students who are sleeping on couches or in friends' homes and so on; being forced into hotels where they have to pay up to €400 per week for accommodation; or simply, being unable to find accommodation and having to commute two, three and sometimes four hours back and forward a day because they cannot get accommodation near their college.

Why is this happening? I put it to the Taoiseach that it is because of the failures of Government policy that now replicate themselves in the student accommodation issue. In UCD, which is a publicly funded college, they have increased student accommodation costs by 20% to 30%. In the newly constructed student accommodation, they are charging up to €15,000 per year for accommodation.

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

Deputy Richard Boyd Barrett: Similarly, around this city, we have private investor-built student accommodation where they are charging €1,000 per month and more for student accommodation. This is, in other words, housing for profit and not for students. It is creating a massive student accommodation crisis. What is the Taoiseach going to do about it?

The Taoiseach: The Deputy raised the homelessness issue in the first part of his question. The Government's Housing for All strategy has fundamentally changed the State's approach to housing. Some €4 billion per annum will now be allocated to increasing housing supply - social housing, affordable housing, cost rental and private sector housing. We need housing supply to increase under all headings. A wide range of measures will be introduced. The legislative underpinning for those measures has been already passed through the Oireachtas in the majority of cases. Part of the Housing for All strategy is the total elimination of homelessness over the next decade. We have committed and signed up to that. Progress has been made in the past year. Fianna Fáil, by the way, has been in government for only the past 14 or 15 months and has not been in government for ten years, as the Deputy glibly throws out all the time. We need to increase investment in housing to get supply. Supply is the big issue for us.

The number of people in emergency accommodation has fallen by 7% in the past year. The current number of homeless individuals is 8,132, which represents a reduction of 23% from the 10,500 people recorded in October 2019 which was the highest number recorded to date. The current level of family homelessness is 48% below the peak figure recorded in July 2018.

For us, the housing first strategy is the key instrument in dealing with homelessness. We are working with the non-governmental organisations and the approved housing bodies in the homeless area to significantly increase supply. We are providing them with the resources particularly through the housing first approach, which I think most people accept is the preferable way to deal with homelessness in this country. We are very committed to that and the Minister, Deputy Darragh O'Brien, is certainly committed to dealing with it.

Regarding student accommodation, the Minister introduced legislation, the Residential Tenancies Act, to protect tenants, including students. We are also giving the capacity to the institutes of technology to borrow in order to provide additional student accommodation supply for students attending the technological universities and the institutes. For many years they did not have that capacity, which the universities had. We will be keeping a close eye to ensure the third level colleges do not charge exorbitant rates to students.

Obviously, the broader housing issue impacts on this because the more housing we develop, the greater capacity we develop in the market for students to be able to access accommodation at an affordable rate. At the moment we do not have the supply we need. We need to be building far more units across the board than we are currently building. Housing for All sets out a programme to do just that with very significant resources allocated.

Deputy Richard Boyd Barrett: We will debate the detail of Housing for All another day. I

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am a member of the Committee on Budgetary Oversight. According to the Parliamentary Budget Office, there will not be €4 billion of Government expenditure on Housing for All. There will be about €2.5 billion of direct Exchequer funding and the Government is essentially hoping to get the rest from the private sector. I will leave that for another day.

My point is that the reason we have a housing crisis in general, and specifically a student accommodation crisis, is that what is being built is for profit and it is unaffordable. This city is littered with new developments of highly expensive, unaffordable, private investor-built, student accommodation costing €1,000 or more a month.

It is also littered with new hotels which are now being rented to students who cannot find affordable accommodation. Does the Taoiseach know how many additional hotel rooms will be built, which are in the planning system, over the next while? It is 18,000 new hotel rooms. In this city between now and 2023, some 24 new hotels will be built - we have already had many new hotels built - with another 4,500 rooms. All that building capacity is going into building stuff for profit, but not going into building the affordable student accommodation we actually need. Now that disease is spreading onto the college campuses, with UCD building student accommodation for €14,000 a year, which is completely unaffordable, what is the Government going to do about it?

The Taoiseach: I do not accept the juxtaposition of the tourism industry expanding and developing accommodation, and students. The tourism industry will grow and develop. We want that to happen to create employment and so on.

Deputy Richard Boyd Barrett: Renting hotel rooms to students.

The Taoiseach: We do not want students renting hotel rooms. We want proper, purpose-built, affordable accommodation for students. That is what Housing for All aims to do and that is the agenda. The most effective way of dealing with all manifestations of the housing crisis, be it student accommodation, homelessness or the lack of affordability is to build far more houses and apartments than we are currently building. That is the key aim. There is a comprehensive range of measures to do that in Housing for All. The issues will be capacity constraints, making sure that we have a workforce in place to build at the scale of what we want to build.

Deputy Richard Boyd Barrett: They are all building hotels.

The Taoiseach: Those are the challenges and why we have set up a delivery model to make sure that all aspects of delivering Housing for All are attended to and dealt with.

Deputy Denis Naughten: Budget 2022 must be different. We have a once in a generation opportunity, as we work our way out of this pandemic, to restructure our economy. The Deputies in the Regional Group are firmly of the view that this budget cannot just be about closing the gaps that have emerged during the pandemic; it must also implement the strategy and support structures that will ensure that every person in Ireland can grow and be supported in our recovery. First and foremost, we must ensure that we have a tax and welfare system where work always pays. Returning to work must be the most financially beneficial option for individuals and families. This is the most effective way to break the cycle of poverty in families. Every child should have a healthy environment, a home and an education.

While there are many ways to measure poverty, for me, the most basic measure is hunger. No child should go to bed hungry. A child will never reach his or her full potential if that child

sits at a school desk hungry. According to the study by the State agency, Safefood, one in ten of our population lives in food poverty. The best way to boost incomes of poor families is by removing cliff-edge barriers to work embedded in our tax and welfare codes, for example, by removing the anomaly where workers who earn in excess of €352 a week face a high marginal PRSI rate of 23.6% on additional income up to €424 or by introducing a sliding scale of welfare payments so that people do not find themselves better off out of work than in work.

We have all been contacted by employers who are finding it difficult to fill positions or where employees are refusing overtime or will only work three days a week. The fact is that both individuals and families are deterred from returning to work or accepting additional hours for fear that they will be penalised by the welfare system and related supports. For example, the income limits for social housing have not increased in a decade, while property prices have doubled over the same period, forcing people to turn down work or face the prospect of homelessness. This has to be turned on its head and our tax and welfare system must actively support people to return to the workforce in any capacity. Work must always be a better option than welfare and the first place that we should start is with a radical overhaul of the working family payment, both with regard to the exclusions and the rates of support, to always make it financially better for families to access employment regardless of their make-up.

The Taoiseach: I thank the Deputy for the question. I accept that work is always the best option and there is an onus to facilitate and incentivise opportunities for work in the economy. The successful reopening of the economy and sectors of society over the past six months is having a significant impact on the numbers of people at work. For example, the number of people in receipt of the pandemic unemployment payment is down to 114,000 this week. That is down from a peak of 602,000 last year, which is very good progress. Employment opportunities have been created. We need to do more. I take the Deputy's point in respect of the cliff-edge nature of payments; he referenced the PRSI rate for those earning between €18,000 and €22,000 per annum. Those measures were originally introduced to avoid an even sharper cliff edge that was present prior to their introduction. We established the Commission on Taxation and Welfare to deal with the broader tax and welfare systems and the interplay between them. Issues such as that will fall under the remit of the commission. It has been asked to review how best the taxation and welfare systems can support economic activity and income redistribution while promoting employment and prosperity. The commission is where many of these issues will, hopefully, be dealt with, and recommendations will come from it. In the interim, in the context of the budget, the Ministers for Finance, Public Expenditure and Reform and Social Protection will periodically review the existing measures and will look at anomalies or traps that could perhaps discourage or act as a disincentive for people to take up employment or move to full-time employment, for example.

I take the Deputy's point in respect of the income limits for social housing. Those thresholds are low. I have asked the Minister for Housing, Local Government and Heritage to look at them. They are under review. We have large numbers on the social housing list but the idea that people are not able to progress in work or get an increase in salary because that would marginally rule them out of eligibility for a social house needs to be relaxed. We need to take a more holistic approach to that issue. That is my view. There are complications around the implementation of it. The Minister for Housing, Local Government and Heritage and his Department are looking at the issue that is there.

The Deputy raised the issue of liability around social insurance contributions. He knows why that was brought in in 2016. As I said, both Ministers will keep those thresholds under re-

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view in the context of the forthcoming budget. This year's budget for the Department of Social Protection is €25 billion. There are exceptional items in it because of the Covid-19 pandemic but it has been an unprecedented year in respect of the social protection budget.

Deputy Denis Naughten: It is not all about reform. There are many supports to help people transition from welfare but they are of little use if we cannot get that message out. We need a single government interface that shows how starting work or increasing hours can increase income. Building on the Department of Social Protection's benefit of work estimator, we need an individualised income calculator that is much clearer on eligibility for a range of entitlements, which often causes confusion. We must make sure that a work always pays strategy is not focused on encouraging people into low-paid employment but about giving them the skills for today's economy so they have the ability to earn more and progress in their careers.

The welfare website must also provide a user-friendly interface that outlines the supports and options for education and retraining. Work always pay must be about giving people real hope and the opportunity to access education and employment and reversing these unacceptable levels of poverty.

The Taoiseach: I do not disagree with the Deputy. The pathways to work strategy we launched in July is very heavily weighted towards, and focused on, skills and upskilling. The key to work is more on the skills side than on the cliff edges and anomalies side. We have to do everything we possibly can to provide people with the wherewithal on skills education to enable them to access a wide range of employment opportunities. The apprenticeship programmes, including, for example, the national action plan on apprenticeships, is yielding results. There are incentives in that for employers. We want to get to 10,000 new apprenticeship registrations per year by 2025. We are on target to achieve that. The Department of Social Protection, SOLAS, working with the education and training boards, ETBs, and the further education sector, is the key nexus in terms of the skills, work and return to education agendas. We need to provide more flexible learning models and modules for people to access with a view to gaining employment. That is the key, in my view, to enabling people to get work that is sustainable in the future and allows progression.

An Ceann Comhairle: That concludes Leaders' Questions. I thank the Members for their co-operation.

An tOrd Gnó - Order of Business

An Ceann Comhairle: I remind Members the House has agreed that, for the duration of the Covid-19 emergency, that the rapporteur's report will not be read out but will be taken as read. It has also been agreed by the Committee on Standing Orders and Dáil Reform that a single question shall be put on the business arrangements for the week. Where a member of a party or a group appears in order to object to the Order of Business, no further contribution may be made by any member of that party or group, any objection shall not exceed one minute, the Government shall make a single response to any objections, and that response from the Government shall not exceed three minutes. Therefore, the question is: are the proposed arrangements for this week's business agreed to?

Deputy Cian O'Callaghan: They are not agreed. In June the Minister with responsibility for housing advised me in a reply to a question in the Dáil that the proposed shared equity

scheme had been approved and passed by the Central Bank. We now have confirmation that this is not the case. In fact, we know the Central Bank and the, Economic and Social Research Institute, ESRI, have both criticised that scheme indicating it would potentially push up house prices.

An Ceann Comhairle: What does that have to do with the Order of Business?

Deputy Cian O’Callaghan: I want the Minister with responsibility for housing to come into the House to make a statement and answer questions on why he misled this Dáil. He told the Dáil unequivocally and clearly that the Central Bank had approved and passed the shared equity scheme when no such formal approval had been given. The statement he issued on this today does not clarify his statements in the Dáil and why he told the Dáil that. I ask that he comes into the Dáil to answer questions on why he incorrectly misinformed the Dáil and said the scheme was approved by the Central Bank when it had not been.

Deputy Mick Barry: It is good to be back. The big dark cave up on the Liffey kind of suited the Government. There are fewer places to hide in here.

No. 16 on the Order Paper is the Comprehensive Economic and Trade Agreement, CETA. It gives power to corporations to sue governments for progressive policies. CETA must not go to a vote in this House without a proper prior debate on the floor of the House. Has the Ceann Comhairle sought assurance from the Government that there will be no attempt to slip this issue in during the business this week?

Deputy Pearse Doherty: On the point Deputy O’Callaghan raised, it is important the Minister with responsibility for housing comes before this House. It is important we get to the bottom of why the Minister has misled the House about a flawed scheme, about which the senior civil servant in the Department of Public Expenditure and Reform said it was being lobbied by developers because it would line their pockets and push up house prices. My colleague, Deputy Ó Broin, has clarified with the Central Bank that what the Minister put on the record of the Dáil was not true and that the Central Bank has not approved this scheme. The Minister not only misled the Dáil but also the people by appearing on “Prime Time” and reiterating that falsehood. With respect to the Government the Taoiseach leads, it is crucial he has the Ministers accountable to the House and that they are able to explain to this House and the public why this Minister continues to peddle this lie about a deeply false scheme that was lobbied for by developers and that will push up house prices.

Deputy Mattie McGrath: I am objecting also. I want the Taoiseach to arrange for a debate on felling licences for forestry. We are talking about building houses. Merchants cannot get a stick of timber. The price of timber has increased by more than 100% and it is just not working. We need legislation that will empower people to cut their forests in the same way as you harvest any crop. When you set a crop of wheat, you are entitled to harvest it. It must be the same for forestry even though it involves a 30-year timespan. This nonsense of a licence is a joke. We are being held up with objections. We must change the legislation; otherwise we will never get a house built.

Deputy Denis Naughten: We need to bring the Minister for Health before the House as a matter of urgency to find out why the HSE has been so slow to recognise long Covid as a condition. It is estimated that there is somewhere around 35,000 people affected by long Covid, but during the past 18 months patients have found it next nigh to impossible to get doctors to

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believe them, even though this condition has been recognised by the World Health Organization. The economic cost alone is in excess of €50 million and continues to grow yet our health service is not even counting the numbers. The physicians of patients with post-viral chronic syndromes most commonly refer them to the mental health services, suggesting that it is all in their minds. This is not good enough. This issue needs to be addressed immediately.

An Ceann Comhairle: I will just say to Deputy Doherty that it is completely out of order to accuse any Member of the House or a Minister of misleading the House or the public in circumstances other than by way of a substantive motion. I ask him to temper his remarks on that matter.

Deputy Pearse Doherty: It is just a statement of fact. It is not-----

An Ceann Comhairle: We are not here to adjudicate-----

The Taoiseach: May I raise a point of order?

An Ceann Comhairle: Yes.

The Taoiseach: I hope I will be corrected if I am wrong but it is my understanding that the word “lie” was used by Deputy Doherty. In the time I have been in this House, every time a Member has used the word “lie” he or she has been asked to withdraw it.

An Ceann Comhairle: It is not in order to use such terminology. It would also be preferable not to accuse people of misleading the House, other than by way of substantive motion. Would Deputy Doherty care to withdraw the accusation of lying?

Deputy Pearse Doherty: I have no problem withdrawing the accusation of lying but the substance of the matter is that the Minister did mislead the House. I stand over that. The serious question is whether the Taoiseach is again going to turn a blind eye just as he has with everything else. Is he actually going to lead in government? This cannot go on.

The Taoiseach: I will first make a point regarding the Order of Business. The Government wants to co-operate and engage with the House. I am very interested in seeing a balance that involves getting laws passed in the House rather than Tuesday, Wednesday and Thursday being simply about general debates, general statements and Ministers coming before the House to discuss this, that and the other. We have Oireachtas committees. The Minister for Health has no problem coming before anybody to discuss long Covid. Our Order of Business session has not started yet. The Business Committee is meant to order the House and decide what is discussed on Tuesday, Wednesday and Thursday but we now see a new parliamentary ruse every week. Members say that they do not want the Order of Business, which they have just agreed a short while ago at the Business Committee, to proceed because they want X, Y and X to happen. If X, Y and X are to happen, we will have no time to do anything. Then there will be the genuine issue of rushing legislation at the end of the year. I worry about the balance of time between dealing with legislation and taking legitimate questions to ensure accountability. Do not get me wrong but our timeline is an issue. That is a general point.

Deputy Cian O’Callaghan raised a point. The Minister, Deputy Darragh O’Brien, has been very accountable to the House in respect of all issues pertaining to housing and legislation. Deputy Doherty said the affordability Act was a flawed measure. It is interesting that he did not oppose it. The Opposition party did not oppose the Affordable Housing Act 2021, which in-

cluded the shared equity scheme. It huffed and puffed but did not oppose it. That is a fact. My point is that it was well debated in the House. I will talk to the Minister. If the Deputy wants the Minister to come before the House, I will talk to him about that-----

Deputy Mary Lou McDonald: He misled the House.

The Taoiseach: -----but the Minister, Deputy Darragh O'Brien, has never had an issue coming before the House-----

Deputy Mary Lou McDonald: Is this guy joking? Is the Taoiseach joking?

The Taoiseach: -----and engaging in debate-----

Deputy Pearse Doherty: Has the Central Bank approved it?

The Taoiseach: -----on a range of issues so that people can air their disagreement and so on. Deputy Barry raised the issue of the Comprehensive Economic and Trade Agreement, CETA. He said that we must not allow it to be slipped in. CETA has been on the agenda for years. There is no danger of it being slipped through. It has been before an Oireachtas committee for the last year. When we were in opposition, we had a Private Members' debate on CETA. It has been in practical de facto operation for three or four years. It will not be slipped through. I have no issue with a debate on CETA if it is requested. That can again be organised through the Business Committee.

As I have said to Deputy Naughten, there is no issue with discussing long Covid. I am sure the Minister will address the issue either before an Oireachtas committee or when taking questions here in the House. There is no issue with that. We take the matter very seriously by the way. I do not believe it is in anybody's head. It is a very serious issue that will be with us for some time to come.

An Ceann Comhairle: Deputy Barry asked me about CETA. All I can say is that I have full confidence in his group's representative on the Business Committee, even if he does not. I am sure nothing will be slipped through.

Deputy Pearse Doherty: Can I get clarification on whether the Business Committee can now meet to arrange for the Minister, Deputy Darragh O'Brien, to come before the House? It is a very serious issue, as it always has been, for a Minister to mislead the House. He has also misled the public in repeating the accusation on "Prime Time".

An Ceann Comhairle: If Sinn Féin's very capable members on the Business Committee want to bring up that at the next meeting of the committee, it will get full and adequate consideration.

Deputy Pearse Doherty: As we are dealing with the Order of Business for this week, I ask, given the comments of the Taoiseach, that the Minister make himself available and that it be arranged for tomorrow.

An Ceann Comhairle: What would the Deputy like to take off the agenda for tomorrow?

Deputy Pearse Doherty: I think we can sit a bit longer but that is up to the Ceann Comhairle and the other members of the Business Committee. A Minister has misled the House and the public after being corrected by Deputy Ó Broin and by a statement of the Central Bank. It

needs to be dealt with in the House.

An Ceann Comhairle: I will undertake to consult the Business Committee after this session.

The Taoiseach: We might have other issues then.

An Ceann Comhairle: You might, but I will undertake to consult the Business Committee. After all of that, are the proposals for today's business agreed? Agreed. I will call Deputies on the Order of Business, with one minute for a question and one minute for an answer.

Deputy Mary Lou McDonald: The Taoiseach said earlier, in response to Deputy Kelly, that Sláintecare has not stood still. Will he place on the record of the Dáil the reasons for the resignations of Laura Magahy, Tom Keane and Professor Geraldine McCarthy? Those are the Sláintecare implementation chiefs and the chair of the South/South West Hospital Group. Will the Taoiseach respond to the sense that, far from moving forward, health reform has slipped back? Has he spoken to these three individuals? I know the Minister for Health, Deputy Stephen Donnelly, has spoken to at least one of them.

The Taoiseach: They have issued public statements. I have not met the individuals yet. The Deputy is incorrect in saying that Sláintecare has slipped back. The opposite is the case. Over €1.2 billion was allocated in the last budget.

Deputy David Cullinane: Some €300 million was not spent.

The Taoiseach: In the public health area, consultants will be appointed for the first time ever. We committed to doubling the staff in public health and that is happening.

Deputy Mary Lou McDonald: Why did these guys resign?

The Taoiseach: Out of 255 appointments, 151 have been made. In home care alone, 5 million hours have been provided.

Deputy Mattie McGrath: Home care is a disaster.

Deputy Mary Lou McDonald: Why did they resign?

The Taoiseach: Just listen. It went from 7,000 on the waiting list in March 2020 to 1,400 in 2021 and the statutory home care legislation is coming. In the community diagnostics programme, some 70,000 scans have been carried out. Some €25 million was allocated to the GP access to diagnostics initiative. That is very important. There are 6,000 more people working in the health service than there were last year.

Deputy David Cullinane: You promised 15,000.

The Taoiseach: Critical care beds have gone from 255 to 296 and will be at 321 by the end of the year. Bed capacity has gone up 800. For the proposals in relation to elective hospitals, the business cases have been made.

Deputy Michael Healy-Rae: We have chaos in University Hospital Kerry.

Deputy Alan Kelly: I ask the Taoiseach about the comments of Judge Elizabeth McGrath in one of my local papers today relating to secure mental health facilities across the State. She

has called it a scandal. The issue relates to a young man whose mother I spoke to today. She lives in fear. Her son spent four and a half months in jail because, as a State, we could not find a place for him in a secure mental health unit. They would not take him in Dundrum or in Cork so he spent four and a half months in jail. In the last 24 hours he has been sent to Ennis, from where he absconded before. People are worried about this young man because of his situation and what he will do to himself or potentially other people. This is a serious issue. We do not have enough places. There are people afraid in case he ends up coming out, breaking out like he did before and hurting people. What comfort can the Taoiseach give his mother, who asked me to raise this today?

The Taoiseach: I do not know the circumstances and am always loath to comment on the comments of judges but the point the Deputy has raised is a serious one. It is not good enough that any person is in jail who should be in a secure mental health facility. That is not satisfactory. I will ask the Minister of State at the Department of Health, Deputy Butler, to examine that.

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: I would make one important point. We need to be careful. I can remember a previous era when the courts were ordaining institutionalisation for young offenders, for example, which was the wrong approach, yet it was raised periodically in the Dáil.

Deputy Alan Kelly: That is nothing to do with the issue I raised.

An Ceann Comhairle: I am sorry but we do not have time for a detailed discussion.

The Taoiseach: I know the Deputy is talking about something different but we just need to be careful of that.

Deputy Alan Kelly: It is a very serious situation.

Deputy Gary Gannon: Today we learned that 10,000 of the air monitors due for delivery in schools across the country are defective and now we have a scramble to see how quickly replacements can be found. The mid-September deadline will be missed, similar to the original deadline of the first week of September. The Minister, Deputy Foley, said at the end of August that the order was put in three months ago but there was international demand during a global pandemic that apparently could not be avoided. This has happened even though the Health Protection Surveillance Centre recommended the use of air quality monitors in classrooms back in October 2020 and the teacher unions were raising the issue of monitors in November 2020. When I asked the Minister about this in December 2020 in a parliamentary question, she replied that the Department “does not consider it necessary for schools to install such monitors in classrooms”, but it was “a matter for individual schools to consider whether they wish to use some of their minor works grant funding for this purpose”.

An Ceann Comhairle: The Taoiseach to reply.

Deputy Gary Gannon: I wish that was the only issue but it comes on top of the fact that 12,000 children are not in school because of being a close contact. How many parents does that mean are being forced to stay at home?

An Ceann Comhairle: The time is up, Deputy.

Deputy Gary Gannon: My question is whether the Taoiseach is satisfied that enough has

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been done to help schools.

An Ceann Comhairle: Thank you, Deputy. Your time is up.

Deputy Gary Gannon: Across the country, the suspicion is that the Government has failed our schools.

The Taoiseach: I think that is the wrong perception. We have moved heaven and earth in trying to provide resources, last year for the return of schools and likewise this year. We need to be balanced and fair about this.

In terms of the specific question, 25,000 CO2 monitors were ordered and will be provided to schools by the end of this week. This enables all schools to have some CO2 monitors, with the full allocation of monitors in 96% of primary schools and at least ten monitors being provided to the other 4% of medium to large primary schools and in each post-primary school. The manufacturing delay the Deputy speaks of with the last batch of 10,000 monitors is outside the control of the Department of Education. However, progress has been made on sourcing alternative supplier options to minimise the delay as much as possible. Lennox Laboratory Supplies Limited is managing the detailed arrangements and logistics for the supply and distribution of CO2 monitors to schools. The following is the expected position on the roll-out of CO2 monitors to schools by this Friday, 17 September: at primary level, 96% of schools, including all special schools, will have received their full allocation of CO2 monitors.

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: I have mentioned the 4% already. At post-primary level-----

An Ceann Comhairle: I call Deputy Barry.

The Taoiseach: -----each of the schools will have received at least ten CO2 monitors.

Deputy Mick Barry: Fifteen minutes ago, the Taoiseach told the Dáil we do not want students living in hotel rooms. However, the Government has failed to stop students being forced to do precisely that. It is not just hotel rooms. In Cork city, 100 students are living in one hostel on Wellington Road at the moment. Officers of the student union in UCC tell us that more than 1,000 students have no proper place to stay. Student unions across the country are reporting significant numbers deferring their courses simply because they cannot secure accommodation. It would not have taken a rocket scientist to foresee this crisis. Student unions have been warning the Government for some time as to what was coming down the track and that the residential tenancies legislation and the change in regard to the colleges was not going to sort it for this year.

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

Deputy Mick Barry: The Taoiseach seems to have swanned off on his summer holidays without taking action until it hit him straight in the face, and all he can say now is the dog ate his homework. What is he going to do, not in 2030 or next year but now?

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

Deputy Mick Barry: There is a crisis right across the country.

The Taoiseach: First, as I said, the broader issue in terms of housing is that we need to build

more houses and more apartments and units.

Deputy Mick Barry: What is the Taoiseach going to do now? There is a crisis now.

The Taoiseach: I know. I am saying to the Deputy that the most effective way to do it is to build more houses, apartments and units of different types across our cities and towns to deal with the housing crisis, which has many manifestations, not least in terms of student accommodation.

Deputy Mick Barry: What is the Taoiseach going to do now, this week?

The Taoiseach: We will work with the student union bodies and the colleges to see what we can do to alleviate and ameliorate the situation.

Deputy Peadar Tóibín: Earlier this week, RTÉ broadcast the testimony of a number of extremely brave women who, in the service of the armed forces, suffered decades of sexual abuse, bullying and discrimination. These women have sought justice from within the Defence Forces but they said they met with systemic resistance every step of the way.

3 o'clock

In 2017, a protected disclosure that detailed bullying, sexual abuse, victimisation and discrimination was sent to the then Fine Gael Minister for Defence. I understand no action has been taken. Shockingly, the current Minister for Defence, Deputy Coveney, has never met with the representatives of Women of Honour. This is incredible. Will the Taoiseach meet these representatives? Will he provide an amnesty to all those who have suffered sexual abuse, harassment or discrimination in the Defence Forces in order that they can tell their stories anonymously so that we can truly understand the size of this problem? Will he commission an independent and external investigation into abuse, harassment and discrimination in the Defence Forces?

The Taoiseach: First of all, I thank the Deputy for raising the issue. Women of Honour emailed my office yesterday, requesting a meeting with me, which I will facilitate. The Minister for Defence is also facilitating a meeting and I believe there has been interaction and he had offered a date. That is my understanding. He will be meeting the representatives. All members of the Defence Forces have a right to be treated with respect, equality and dignity and to carry out their duties free from any form of sexual harassment or bullying. We must facilitate the truth on this issue. I fully agree with the Deputy in that respect and I will do what I can to make sure that happens.

Deputy Mattie McGrath: I found out from the reply to a parliamentary question tabled to the Minister for Health that €3.84 billion extra has been spent throughout Covid. The people of Carrick-on-Suir, east Waterford and south Kilkenny are bewildered as to why St. Brigid's Hospital was closed in the middle of a pandemic when all this money was being thrown around like confetti. I am asking the Taoiseach to meet the action committee, which he has not done, and to meet Councillor Kieran Bourke and other councillors in Tipperary. The Taoiseach is coming to Ardfinnan this week to see a troubled bridge over tranquil waters. Will he please make time to visit Carrick-on-Suir or to accept the invitation to meet the hard-working committee? Supporters of the committee will be coming to Leinster House next week in their bus loads with a petition signed by thousands of people who want to be treated in that hospital. They have faith in it, its staff and management and, indeed, the nursing care provided there. The Taoiseach has refused to meet them, as has the Minister of State, Deputy Butler. Will he please agree to meet

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that group during his visit to Tipperary?

The Taoiseach: First of all, the €3.8 billion was not thrown around like confetti. It was income supports for the people who needed income supports as they had lost their jobs because of Covid-19. It was to protect jobs in terms of companies-----

Deputy Mattie McGrath: I was referring to spending on health.

The Taoiseach: -----and in terms of health services badly needed to deal with Covid. It funded a whole range of measures, so it was not wasted money; it was important money in that respect. The Deputy is correct that I will be meeting people in respect of Ardfinnan bridge. Deputy Jackie Cahill asked me would I meet with them.

Deputy Mattie McGrath: I asked the Taoiseach in July.

The Taoiseach: Councillor Michael Anglim has been consistently asking me-----

Deputy Mattie McGrath: Give them all a mention; good man.

The Taoiseach: I have been trying to facilitate my diary and get-----

(Interruptions).

The Taoiseach: I hope the Deputy does not object to me going to Ardfinnan-----

Deputy Mattie McGrath: I am delighted.

The Taoiseach: -----with Deputy Cahill and Councillor Michael Anglim in that respect. Again, there have been various requests to meet. I have refused nobody.

Deputy Mattie McGrath: The Taoiseach has not met them.

The Taoiseach: The only issue is to try to facilitate meetings and so on. I will do what I can in that regard.

Deputy Michael McNamara: The issue of hospital waiting lists was one of many to be resolved by the implementation of Sláintecare. The implementation of Sláintecare was supposed to be in the Taoiseach's office. It is not in that office but it ought to be. I urge the Taoiseach to take responsibility for its implementation.

My question is more specific. One reason, although far from the only reason, for hospital waiting lists in the mid west in particular is the use of theatres at University Hospital Limerick, UHL. The rate at which the theatre was used was far below the target rate, which is approximately 85% internationally. It was at approximately 75% at the time of the most recent election. That obviously worsened because of Covid, which is not the fault of anybody. What is the rate of use now? Unless we can get theatre usage up to the optimal levels, waiting lists will not be addressed. That is true for UHL but there is also the issue of theatre usage in Ennis and Nenagh hospitals. I do not expect the Taoiseach to have those figures off the top of his head. If he does not have the figures now, I ask that he come back to me with them.

On the bigger issue, will he take responsibility for Sláintecare?

The Taoiseach: It is a very fair point the Deputy has raised in terms of theatre usage. That is why the development of elective-only facilities is crucial, so that we have theatres that are not

impacted by trauma medical admissions and so on, which happens in the major tertiary hospitals. That is key. Proposals for three elective facilities will come to Cabinet in a short while in respect of Galway, Dublin and Cork in terms of new elective facilities. However, even within the existing suite of hospitals, we should ring-fence elective activity so that we can get optimal use of theatre space for clinicians so that they can get these waiting lists down. We have approximately 75,700 on the inpatient day case list at the moment, 652,000 on the outpatient list and 33,000 on the diagnostics list. Covid has had a huge impact on that.

Deputy Joe Flaherty: I ask the Taoiseach for an update on a proposal to extend the gas pipeline to Longford town from Ballymahon, where it currently services Center Parcs, under the climate change action plan. The council has made a submission for the extension to Longford town under the climate action plan and it is currently being reviewed. Local employers, including Panelto and Birds Eye, are keen to see it progressed as they are reviewing their energy usage and have plans for further development at their site. There are also imminent further expansions for both Technimark and Abbott Diagnostics in the immediate area, so it is timely and appropriate that the gas pipeline be extended to Longford town.

The Taoiseach: I thank the Deputy for raising the issue. I understand the importance in respect of Longford and the major frozen food facilities there. I will talk to Gas Networks Ireland and engage with it. Obviously, in the first instance, the routing of natural gas pipelines or the connections to towns is its responsibility and that of the Commission for Regulation of Utilities, but the Deputy has made a very fair point. We will pursue that.

Deputy Kieran O'Donnell: It is good to be back in the Dáil Chamber. I wish to raise the issue of mica and pyrite. At the moment, there are people coming to us in Limerick complaining of defective blocks. A working group has been established that is currently doing work with residents in County Donegal. I have requested that Limerick City and County Council make a submission to include Limerick under the defective block scheme, which covers both mica and pyrite. When will that working group conclude its deliberations? When will agreement be reached with the residents of County Donegal? More particularly, when Limerick residents become eligible for the scheme, will the same conditions apply as will apply in respect of the agreement the working group has with the residents of counties Donegal and Mayo, who are currently part the scheme? I refer to pyrite and defective blocks.

The Taoiseach: I thank the Deputy for raising the issue. The Minister for Housing, Local Government and Heritage has been engaging with the working group in respect of developing a scheme. As that group has been meeting, other areas of the country have also signalled potential issues. As the Deputy will be aware, a submission from Clare County Council arrived in the Department at the end of July. That is being reviewed. He will be aware of the Limerick interest at this stage as well. All areas where this manifests itself will get consideration. It is hoped that these discussions can be brought to a conclusion relatively quickly.

Deputy David Cullinane: Before the recess, the Dáil unanimously passed a motion calling for a permanent solution for our student nurses and midwives and for the publication of the independent report looking into the issue. My understanding is that the report could be with the Minister. If it is, it needs to be published. Those very same student nurses and midwives are going to be starting their placements again. Indeed, some of them have started. The Irish Nurses and Midwives Organisation, INMO, has called for fourth years to have their pay restored to 80% of the entry level of a staff nursing position, which should happen, and a bursary for first-, second- and third-year students. A permanent solution needs to be put in place. I ask

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the Government to publish the report, implement whatever recommendations it makes and ensure that there is a negotiation with the INMO and a fair solution put in place for student nurses and midwives.

The Taoiseach: As Minister for Health, I introduced a new nursing degree programme, which was a transformative development in nursing education. The idea was to free up nursing for education purposes. We developed new facilities in universities and institutes of technology across the country. Whatever we do, we must not damage that education space and aspect of undergraduate and postgraduate nursing education. I will talk to the Minister for Health in respect of where the report is now. Of course, we will publish the report and it will come to Government for decision and consideration. We will keep in touch with the Deputy on the matter.

An Ceann Comhairle: We are running out of time. I will take the questions from all the other Deputies if they confine them to 30 seconds each. Are they amenable to that?

Deputy Patricia Ryan: Yes. I was not sure whether I could contribute on an issue already raised. Deputy Tóibín has spoken already about the Defence Forces. I wonder why the Government is establishing an independent review into the abuse allegations - the terms of reference and nominations are being finalised this week - when there has been no engagement with those involved in the “Women of Honour” documentary or any other survivors of sexual abuse in the Defence Forces workplace.

Deputy Willie O’Dea: I want to raise the question of the early childhood education sector, which is in deep crisis and haemorrhaging staff. There are commitments in the programme for Government regarding an employment regulation order and a new type of model. I want to ascertain when these will materialise because the crisis is now. The whole sector is in imminent danger of collapse.

Deputy Bernard J. Durkan: I have raised this issue previously but it needs to be raised again with the Taoiseach. I am referring to the urgent need to have a debate in this House on human rights abuses globally. They are increasing at an alarming rate and without any major response. We should ensure the debate is used as a means of focusing attention, through the UN Security Council, on the issue and of ensuring the United Nations will take appropriate action as a matter of urgency.

Deputy Duncan Smith: The tentative recovery in aviation is under threat due to very genuine industrial relations issues involving air traffic controllers and craft workers in the maintenance section. It is beyond time the Government, including either the Taoiseach or Minister for Transport, took a hand in this to ensure the workers will be looked after, that their concerns will be met and that the tentative recovery will not be put at risk. I would be interested in the Taoiseach’s thoughts on both of those matters.

Deputy Mairéad Farrell: Galway city has been plagued by vacant and derelict sites for many years now. I am happy to see the demolition of the Corrib Great Southern Hotel is now finally happening, 15 years after its closure and many years after it was added to the derelict sites register. The reality, however, is that it is a much deeper issue in that we are still being plagued by vacant sites and derelict sites. As has been mentioned today, students are deferring courses in their thousands because they cannot get accommodation and there are council waiting lists. What we need now is action on derelict and vacant sites. Will the Taoiseach commit to addressing this in budget 2022?

Deputy Emer Higgins: This week, Sinn Féin councillors were forced to bow to public pressure on a vote for 620 homes in Tallaght, 80% of which will be social or affordable. Instead of following through on its opposition to these homes, it abstained in the vote. What assurance can the Taoiseach give to people that, despite Sinn Féin's opposition on the ground to homes, homes like those in question will be built?

Deputy Cathal Crowe: Husna Hasbeni is a two-year-old girl living in County Clare. She is an Irish citizen who has been stuck in Kabul since July along with her four-year-old sister, who was due to start preschool two weeks ago, and her mother and older brother. They are Irish citizens. Their home is 200 yards from my house. I know the family. They are stuck in Kabul. It is devastating and heartbreaking. The individuals are among the 60 Irish people who still need to get home. They are watching these proceedings. The video will be watched tonight in Kabul. The individuals need assurances from the Government that they can get home safely to their homeland, that their children can return to education and that they can come back to the life they have always had in Ireland. Will the Taoiseach please give some assurances in this regard in the Dáil today?

The Taoiseach: I thank the Deputies. Deputy Ryan raised a question about the women in "Women of Honour" and their search for justice and for the truth to be told. The Government has made no decision in respect of this. As I said earlier to Deputy Tóibín, the Minister for Defence, Deputy Coveney, will be meeting the group. I will be also meeting them on foot of an email I received yesterday requesting a meeting.

Deputy Durkan raised the worrying situation of human rights abuses globally. He is absolutely correct. It is a matter of great concern. I am referring to the growth of authoritarian regimes and the consequent decline in terms of the human rights of citizens all over the world. I would welcome a debate on this in the House.

Deputy Duncan Smith raised the issue of aviation. The Minister for Transport, Deputy Eamon Ryan, is working on it, with both airlines and airports, so we can do whatever we can to support them in increasing traffic in and out of the country and getting the aviation sector back on some footing. It will be slow. This is an area in which Covid is having a lingering and more medium-term impact. Nonetheless, we will do whatever we can.

Deputy Farrell raised the issue of derelict sites and the Housing for All strategy. Taxation measures will be introduced that will be more effective in dealing with dereliction of the kind in question and transforming derelict sites into new housing units in towns, villages and cities across the country. That is the objective of the Government in that respect.

Deputy Higgins raised the matter of the 620 homes in Tallaght. I welcome the decision. All political parties need to do everything they possibly can to facilitate the construction of housing and apartments. We need different types of housing projects, including projects to provide apartments and two-bedroom houses, right across the board. I am referring to social and affordable housing and so on. We just need more supply. We owe it to the younger people in this country who need access to housing that we ensure we do not stop projects that could deliver the kind of housing in question. That responsibility is on us, including all parties.

Deputy Cathal Crowe raised the very heart-rending case of his neighbours who are stuck in Kabul and who are finding it very difficult to get out. The Deputy should rest assured that we will do everything we possibly can as a government to facilitate the safe return to our country

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of Irish citizens. I do not have the name of the person to which the Deputy referred but the Minister for Foreign Affairs will bring a memorandum to the Government next week in respect of this. The Deputy should not doubt that we will do what we can to facilitate the family and other families or Irish citizens who need to come back.

Deputy O'Dea raised the issue of childcare. We are committed to increasing the investment in early childhood learning to at least €1 billion by 2028 but I take the Deputy's overall point that a fundamental and profound examination is required. There has been an increase in early learning and childcare places nationally of around 60%, and around 27,000 new early learning and childcare places are funded under the capital programme as we speak, but we do need to take a fundamental look at childcare more generally.

An Ceann Comhairle: I thank everybody for their co-operation.

Teachtaireacht ón Seanad - Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the CervicalCheck Tribunal (Amendment) Bill 2021 without amendment. Seanad Éireann has passed the Finance (Local Property Tax) (Amendment) Bill 2021 without amendment. Seanad Éireann has passed the Health (Amendment) (No. 2) Bill 2021 without amendment. Seanad Éireann has passed the Land Development Agency Bill 2021 without amendment. Seanad Éireann has passed the Nursing Homes Support Scheme (Amendment) Bill 2021 without amendment. Seanad Éireann has passed the Workplace Relations (Miscellaneous Provisions) Bill 2021 without amendment.

Just Transition (Worker and Community Environmental Rights) Bill 2021: First Stage

Deputy Jennifer Whitmore: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the establishment of a body to be known as An Coimisiún Náisiúnta um Thrasdul Cóir or, in the English language, the National Just Transition Commission to oversee the bringing together of workers, communities, employers and government in social dialogue to drive the plans, policies and investments needed for a fair transformation to a low-carbon economy; to require the preparation, by certain prescribed bodies, of just transition plans; to provide for the conferral of other functions on the said body; to amend the Climate Action and Low Carbon Development Act 2015 (as amended by the 2021 Act); and to provide for related matters.

I am pleased that my first contribution today and in this term is on such an important issue as dealing with the climate crisis and making sure we have a just transition in doing so. When we talk about just transition, there is confusion over what it means. It is quite a technical term. What do we mean? Just transition means those people, workers and communities who may face significant changes to their lives as a result of the need to move to a zero-carbon society are supported in making those changes. It means a fair deal for workers, farmers and communities, and it means protecting their rights. We really cannot have a successful transition without buy-in from workers, farmers and urban and rural communities. They must feel secure and supported as things around us change.

We all know we have significant changes to make. We all know we have major targets to meet. There is general acceptance that we will strive to do our best to meet those targets. However, the question of how we meet them is fundamental. We must meet them in a fair and just manner. This must be driven by the Government. My Bill today seeks to ensure that happens. It puts in place a just transition commission, similar to the Workplace Relations Commission, to bring together workers, communities, employers and the Government into a social dialogue that will drive climate action plans, mitigation plans, adaptation plans, and policies and investments that are needed for a quick, fair and just transition to a zero-carbon economy.

Crucially, this Bill also amends the Climate Action and Low Carbon Development Act 2015 to include for the first time in Irish legislation a definition of just transition and its principles. Unfortunately, this was left out of the Climate Action and Low Carbon Development (Amendment) Act 2021 earlier this year. It is a fundamental piece of the information that people need and it needs to be a fundamental piece of the legislation we put in place to ensure a just transition.

The Government has so far failed to put in place just transition mechanisms to protect our most vulnerable workers. The remit of the current just transition commissioner is limited to one geographical area only and one sector and he does not have statutory powers to carry out his work. That is despite the promises made in the programme for Government to place a just transition commission on a statutory footing. While the Government talks about just transition and often uses it as a buzzword and as a type of branding, its actions, unfortunately, are not seeing that through.

There is no reason the Government should oppose the progression of this Bill. It will be familiar to some members of the Government because the Minister, Deputy Eamon Ryan, in his previous role as Deputy introduced this legislation in 2018. He sought progress on this to Committee Stage before the Dáil fell. In his own Dáil contribution on the Bill he said he hoped there would be “a recognition from Government that this Bill is a piece of the architecture that fits in critically within the all-of-Government climate action plan”. I agree with him that this is a critical piece of the architecture. That all-of-government climate action plan is coming and I hear it will be with us in a few weeks. Not only is this crucial piece of architecture essential for workers’ rights, but the success of climate change action depends on the success of a just transition and the incorporation of this into that work. Embedding this structure into our response is a priority. If the Green Party members were serious about this in 2018, they should be as serious if not more so about supporting this legislation now.

We often talk about the climate challenge. It will be a challenge to meet our targets and to make the changes that we need to make in our lives, but we need to start refocusing because there could potentially be a huge climate opportunity. The climate challenge will give us the time and the space to rebalance our lives and our society, to start focusing on what is important to us and to start living more sustainably. This opportunity will only be met if we do it in a just and fair way, and this just transition Bill is a key element of doing that. I thank the House.

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

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

Question put and agreed to.

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

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Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

Partnership and Cooperation Agreement between the European Union and the Republic of Singapore: Motion

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

That the proposal that Dáil Éireann approves the terms of the Partnership and Cooperation Agreement between the European Union and its Member States, on the one hand, and the Republic of Singapore on the other, signed in Brussels, Belgium on 19th October, 2018, a copy of which was laid before Dáil Éireann on 10th June, 2021, be referred to the Select Committee on Foreign Affairs and Defence, in accordance with Standing Order 95(1)(a), which, not later than 31st October, 2021, shall send a message to the Dáil in the manner prescribed in Standing Order 101, and Standing Order 100(2) shall accordingly apply.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

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

That, notwithstanding anything in the Order of the Dáil of 30th July, 2020, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Public Expenditure and Reform, shall be set down to Ministers in the following temporary sequence:

Minister for Education

Minister for Housing, Local Government and Heritage

Minister for Foreign Affairs

Minister for Defence

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media

whereupon the sequence established by the Order of 30th July, 2020, shall continue with Questions to the Minister for Social Protection.

Question put and agreed to.

Taxes Consolidation Act 1997 (Covid Restrictions Support Scheme) (Date Adjustment) (No. 2) Order 2021: Motion

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

Dáil Éireann

That Dáil Éireann approves the following Order in draft:

Taxes Consolidation Act 1997 (Covid Restrictions Support Scheme) (Date Adjustment) (No. 2) Order 2021,

a copy of which was laid in draft form before Dáil Éireann on 9th September, 2021.

Question put and agreed to.

Sittings and Business of Dáil: Motion

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

That—

(a) for the purposes of any division claimed on Wednesday, 15th September, 2021, or Thursday, 16th September, 2021, and required to be taken forthwith pursuant to Standing Order 80(3), the public gallery adjacent to the Dáil chamber shall be considered to be encompassed within the Dáil chamber for the purposes of such a division only, and

(b) until further notice, the Dáil shall meet in Leinster House, Kildare Street, Dublin 2.

Question put and agreed to.

Ceisteanna - Questions

Community Development Projects

1. **Deputy Mary Lou McDonald** asked the Taoiseach the membership and terms of reference of the north-east inner city oversight group chaired by the Secretary General of his Department. [37542/21]

2. **Deputy Gary Gannon** asked the Taoiseach if he will report on the role of his Department in the north-east inner-city initiative. [43760/21]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The Mulvey report, Dublin North East Inner City - Creating a Brighter Future, which was commissioned by the Government and published in February 2017, contained recommendations for the social and economic regeneration of Dublin's north inner city. This report has been further supplemented by the publishing of the north-east inner city strategic plan 2020-22. Both documents are available on the north-east inner city website, www.neic.ie.

In June 2017, an independent chairperson was appointed by the Government to the north-east inner city programme implementation board. Members of the board include representatives from relevant Government Departments and agencies, businesses and the local community. The board is assisted in its work by six subgroups, which focus on enhancing policing;

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maximising educational, training and employment opportunities; family well-being; enhancing community well-being and the physical landscape; substance use, misuse and inclusion health; and alignment of services. The board and its subgroups continue to meet monthly to oversee and progress the implementation of the Mulvey report and the north-east inner city strategic plan 2020-22. Officials from my Department work closely with the board, the subgroups and the dedicated programme office based in Seán MacDermott Street.

The chair of the board reports to an oversight group of senior officials chaired by the Secretary General of my Department. The membership of the oversight group is comprised of the chair of the north-east inner city programme implementation board and senior officials across Government Departments and agencies who are actively engaged with the work of the north-east inner city initiative, namely the Department of the Taoiseach; the Department of Children, Equality, Disability, Integration and Youth; the Department of Public Expenditure and Reform; the Department of Rural and Community Development; the Department of Social Protection; the Department of Education; the Department of Further and Higher Education, Research, Innovation and Science and a whole range of other Departments including the Department of Transport; the Department of Health; the Department of Justice; the Department of Housing, Local Government and Heritage; the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media; Dublin City Council; the Office of Public Works; and An Garda Síochána. This group, which has met 13 times to date and met most recently via video conference on 3 June 2021, supports and oversees the work of the north-east inner city programme implementation board and ensures strong and active participation by all relevant Government Departments and agencies in the north-east inner city initiative and deals with any barriers or issues highlighted by the chair of the programme implementation board.

The Cabinet committee on social affairs and equality provides political oversight of the north-east inner city initiative. The Government is committed to supporting and investing in the north-east inner city community and ensuring the board has the necessary resources to achieve its targets and fulfil its ambition. To this end, the Government has made available €6.5 million in funding for the initiative in 2021.

The programme implementation board will continue to implement the remaining actions set out in the Mulvey report and the north-east inner city strategic plan 2020-22 and to adopt a greater focus on long-term sustainable outcomes while operating in an integrated framework and adding value to the existing service infrastructure. Progress reports on the north-east inner city initiative are available on www.neic.ie for 2017, 2018, 2019 and 2020.

Deputy Mary Lou McDonald: I thank the Taoiseach for that response. He might recall that when we discussed the north-east inner city initiative on previous occasions, I asked and I suggest again that there be a review of progress made and achievements in this part of our capital city. That is essential for the success of this initiative.

I acknowledge the work that has been done but I also flag to the Taoiseach that the social and economic problems within the area remain extremely deep. In my own view in many respects we are only skating on the surface of what actually needs to be done. I therefore recommend to the Taoiseach the need for a review to be done not least because we are now in the autumn of 2021 and 2022 will soon be upon us.

Before we broke for the summer recess the Taoiseach may recall that I raised with him the looming closure of a number of community early learning providers in the north inner city.

This is as a direct consequence of the restructuring of the national childcare scheme.

Since then, a coalition of providers in Dublin 8 have raised the same concerns as I raised with him. My colleague, Deputy Funchion, is engaging with a number of providers in disadvantaged areas across the State who face similar funding challenges. The truth is that kids from the poorest households are going to lose their after-school or childcare places. Some providers tell me that they will lose up to 70% of their income because the new scheme penalises the children of parents who are not at work and are not studying and as a consequence will disadvantage children who are living in circumstances of profound disadvantage. I have corresponded with the Taoiseach on these matters. He has made reference in that correspondence to the sustainability fund. In practice, that is not a fund. In fact, it is described to me by those seeking access to it as an adversarial compliance, governance and financial audit. The statement from the Department of Children, Equality, Disability, Integration and Youth that children with particular needs, as it calls them, might qualify for the full 45 hours if sponsored by Tusla simply does not recognise the very real fear that families not already engaged with these agencies have of inviting Tusla into their and their children's lives.

In my correspondence with the Taoiseach and with the Minister over recent months, and I have been raising this for months, I reminded them of the urgent need for a DEIS model for early learning settings in areas of disadvantage, as supported by the current Government and the previous Administration. This problem is not going away. I ask the Taoiseach to liaise with the Minister to agree a revised strategy to ensure these children retain the existing childcare and early education entitlements they so desperately need.

Deputy Gary Gannon: As we are tasked today with coming in here and talking about the review of the inner city initiative, it would be remiss of me not to mention that tomorrow, once again, several hundred people from the north inner city will descend on the Dáil in protest. That protest will be in recognition of the 16th anniversary of the death of Terence Wheelock. I cannot separate the inner city initiative from the legacy of poor relationships between the community of the north inner city, which has for decades been disadvantaged by structural inequality and structural violence. The initiative had absolutely no targets or benchmarks. It involved lots of good work because of the nature of the good people involved, but it will not address the legacy of a community which has a mistrustful relationship with the State and its infrastructures because of deeds the community believes were inflicted on it. To my mind, there is no greater example of that than the north inner city community's continued 16-year quest for answers to what it believes to be the outstanding questions surrounding the death of Terence Wheelock. Until that is addressed, every year, like tomorrow, that community will continue to march on the Dáil and on Store Street Garda station and will continue to have a mistrustful relationship with the State, and all these nice initiatives will fall on deaf ears.

Once again, therefore, in advance of Terence's anniversary tomorrow, I ask for an independent review into the circumstances that led to his death in order that his family can stop having to show up at Store Street Garda station and at the Dáil demanding what they believe is justice for their son and their brother. Please, Taoiseach, I know there was a GSOC review. That was ten years ago and questions still remain. Let us simply address this issue now and bring some finality to it.

The Taoiseach: I thank the Deputies for raising these issues. To respond to Deputy McDonald's basic point about a review of probity, yes, we should do that. I will talk to my Secretary General about that and about the broader interest in terms of just reviewing the progress

that has been made, the remaining issues and perhaps lessons learnt from the model. As I said earlier, maybe during Leaders' Questions, I am anxious we would broaden out and learn from previous experience of models that were developed before in certain communities in terms of multidisciplinary, multi-agency-based responses to disadvantage. I think we can now learn lessons from this initiative, which has been up and running since 2017. I am anxious to do that and I do not doubt what the Deputy says about the social and economic problems remaining. Deputy Gannon has referred to those also. That is something we can do.

As for the childcare issue Deputy McDonald raised, I did write to her about that and, again, I am anxious to resolve it. No provider should lose 70% in any new scheme. I do not think anyone intends that to happen, nor should it happen. The Department of Children, Equality, Disability, Integration and Youth has aimed to ensure alignment of existing initiatives as well as the development of other responses which add value to the actions to achieve maximum impact in respect of integrated service delivery relating to children, young people and their families. As for the issues Deputy McDonald has raised, my understanding is officials from the Department have met with a small number of providers operating in the north-east inner city several times regarding the national childcare scheme. I am just saying this is what I have been informed, so the Deputy may take it as she wishes, but we could follow up on it. It became apparent through this engagement that some issues arising were due to a lack of familiarity with the scheme, with some parents registering for the wrong subsidy.

On that basis the Department of Children, Equality, Disability, Integration and Youth has provided and will continue to provide additional training and support to providers through the Dublin city childcare committee in order that it can in turn advise and direct parents to better understand the operations of the scheme and the subsidies available through it. A letter issued to the committee providers on 23 July restating the offer of the Department of Children, Equality, Disability, Integration and Youth of case management support and the potential for financial supports where assessment criteria are met. A highly skilled and experienced early years specialist team from the Better Start quality development services is to work directly in a mentoring capacity with services in the north-east inner city to support quality improvement. The Dublin city childcare committee is a key resource that is supporting services in the area on matters relating to the structure of their service delivery, governance and management and optimal use of the current subsidy schemes.

The Minister, Deputy O'Gorman, and the Department are actively monitoring this issue and are committed to ensuring this scheme functions in the best interests of families and children, that the Department supports services in adjusting to this new or more progressive approach to early learning and childcare, and that State investment in the sector delivers affordable, accessible, sustainable and high-quality service provision. The Department has engaged an external consultant to review the first year of the scheme. This will include looking at its use by socio-economically disadvantaged families and by providers serving socioeconomically disadvantaged communities. Work is also progressing on a new funding model for the early learning and childcare centre, which is being led by an expert group.

To cut to the chase, we need to engage with the providers Deputy McDonald has identified, see how this scheme is performing in meeting their requirements and see what we can do to make up the balance. It is not our objective that any child from a disadvantaged situation should lose out on childcare. I know Deputy McDonald has raised this a good few times. We need to get people around the table and just ask what are the issues here and can we get them sorted.

Deputy Gannon has been consistent in raising the issue of the very sad death of Terence Wheelock. Again, I extend my deepest sympathies to the Wheelock family for their terrible loss and the pain his tragic death still causes them. The challenges are, as the Deputy knows, that the case was subject to the Garda Síochána Ombudsman Commission and that the report of that inquiry was published by GSOC in March 2010. I also note that legal proceedings arising from these matters were settled in 2014. Both GSOC and the courts are fully independent in the exercise of their functions. It is not open to the Minister for Justice or to me to intervene or to comment on an inquiry that has been carried out by GSOC or on the outcomes of any court proceedings. The case was fully considered by GSOC. I believe the death has been the subject of legal proceedings.

I have a general view that, more generally across our system, our independent agencies should be the mechanisms by which these issues are resolved. There are no easy answers, but I am not clear as to what new mechanisms can be devised that would supersede ones we have put a lot of investment and resources into to do just that, to carry out independent investigations into the actions of An Garda Síochána, for example, in given situations. I empathise with what Deputy Gannon says but I think we need as a political system as well to have greater faith in the organisations we set up. Otherwise, we will have different types of inquiries under different Acts on an ongoing basis, and that is not-----

Deputy Gary Gannon: I understand how delicate this issue is and I do not want to put undue pressure on the Taoiseach when I am asking a question that I have not given him advance notice of-----

The Taoiseach: I understand.

Deputy Gary Gannon: -----but GSOC was in its infancy when this case emerged, and maybe it requires a new look with fresh eyes. If that is from GSOC, so be it.

Deputy Mary Lou McDonald: First, on early education and childcare, the Taoiseach and I have corresponded at this stage extensively, and I accept the Taoiseach's bona fides that nobody wants to see any disadvantaged child put in this position. I will take him up on the offer, if that is okay, of engagement in his office but also through the Minister. I thank him for that.

Second, I reiterate Deputy Gannon's call for a fresh investigation in respect of the Terence Wheelock case. It is true to say there were previous processes and procedures, but it is also true to say big questions remain, not just for the family but for the wider community. It would be helpful if we could have political agreement that, whatever the specific mechanism, there would be at a minimum some form of review of this case. Any death in custody is extremely serious. As the Taoiseach knows, in the early 2000s there were profound concerns about places of detention, including Garda stations, and previous governments had to deal with that reality. We need to progress this issue. There will be the gathering for Terence's anniversary. This issue does not go away; it festers in the soul of a community, as we have seen in other parts of Ireland. General political agreement today that there are issues here and that they need to be reviewed, in and of itself as a first step, would be good progress.

An Ceann Comhairle: Before we move on, can we have a brief response to those important matters?

The Taoiseach: There were two items there. I will take up the issue of the childcare question. I will ask the Minister, Deputy O'Gorman, to engage with the Deputy on that and I will

follow up with the Minister.

I cannot agree to any form of new inquiry today. I will make the general point that, ultimately, we have to get to a position where our existing mechanisms are ones in which we trust and whereby we say it is their duty to investigate. We can see with commissions of investigation how, even after three or four years of investigations, people are not necessarily satisfied with their outcomes, and that creates all sorts of challenges for our entire system of inquiry and investigation in regard to GSOC, commissions of investigation, tribunals of inquiry and the Office of the Director of Corporate Enforcement. We are now setting up a new mechanism regarding impropriety on the part of finance officials. When we create these institutions that are at arm's length and independent, we have to allow them to do their work. That is the point I am making. It is something we will have to develop but I will engage with the Deputies.

Mother and Baby Homes Inquiries

3. **Deputy Peadar Tóibín** asked the Taoiseach the status of the investigation being carried out by the Secretary General of his Department into the leaking of details of the Mother and Baby Homes Commission of Investigation final report earlier in 2021. [37869/21]

The Taoiseach: Following the disclosure in a newspaper report earlier this year of certain information relating to the final report of the Commission of Investigation into Mother and Baby Homes in advance of consideration of the report by the Government, I requested that an investigation be carried out. A senior official in my Department is carrying out the investigation in the context of a broader examination of the overall arrangements for the management of documents for Government meetings and their confidentiality. That process is ongoing.

Deputy Peadar Tóibín: This question reflects the contents of the previous one, to a certain extent. I know, from speaking to many survivors of mother and baby homes, that the actions of the Taoiseach and the Minister, Deputy O'Gorman, around the time of the report's publication were deeply hurtful. Many of those people are elderly and some are, obviously, very vulnerable at the moment. I spoke to people, for example, who had attended the Zoom meeting with the Taoiseach, and it sounded very inappropriate too. Their microphones were switched off and they did not have an opportunity to ask questions. Questions had to be submitted in advance and were presumably vetted by the Department. At the time, the Taoiseach gave credibility to the details that had been leaked by giving comment on them to a journalist, who wrote the story, and that caused great hurt as well. Will the Taoiseach apologise for doing that? When will he publish the findings of the Government's investigation into that leak? It has been nine months since the investigation was first heralded. If we are pointing the finger at all these other investigative vehicles in this country and yet Departments are taking nine months to carry out an investigation as simple as this, that leaves serious questions.

The wider issue of leaks is also really important. There is the idea the Zappone affair was predicated on a leak from the Taoiseach's Cabinet, a leak that, by law, is a criminal offence to undertake. There have been reports in the newspapers that a Minister of State set a trap for a senior Minister, that that information on the senior Minister was given to the Tánaiste and that the Tánaiste was carrying out an investigation into this. Where lies that investigation? Has it evaporated too, like the rain of the summer? Are we ever going to find out whether these people will be held to account? If there are no consequences for any of these leaks, there will never be any change or accountability.

Will the Taoiseach detail exactly where stands the investigation into the leak of the commission's report? When will it be finished? When will survivors of mother and baby homes know exactly the truth of that leak? When will the answers be published? Will the Taoiseach shed some light on the incredible Machiavellian situation of, seemingly, one Fine Gael Minister leaking against another and a Minister of State setting a trap for him or her as well?

Deputy Mary Lou McDonald: As the Taoiseach said, the examination is into this particular leaking of details of the mother and baby home commission's report but, more generally, around what is called unauthorised dissemination of documentation and other information relating to the work of the Cabinet. My God, the Taoiseach has his hands full because I do not know whether a previous administration has been so leaky. The Government is formidable in its capacity to leak, if nothing else. It is quite astonishing and it is, as my colleague said, a very serious matter. In this case, the leaking of this report caused incredible heartache and anger among a group of people whom the State had failed comprehensively, people who had suffered comprehensively. We know it is not an isolated incident, however, and we will talk about the Zappone debacle later. All of it stacks up to the most incredibly cavalier attitude in the Taoiseach's Government, and particularly among his Fine Gael colleagues, in respect of Cabinet confidentiality and the guarding and storage of Government communications and information.

There are two further issues of concern to survivors of these institutions and their families, the first of which relates to the burials legislation. The Joint Committee on Children, Disability, Equality, Integration and Youth submitted its pre-legislative scrutiny report on the Bill to the Minister before the recess. The legislation had been unduly delayed by the Department in the first instance. Will the Taoiseach ensure that the Minister responds swiftly to the committee's report and that the Government Bill is introduced as soon as possible?

The other issue of concern is that there seems to be no urgency from the Government in progressing the survivors' redress scheme. The consultative strand of the process was completed months ago, yet we still have no indication from the Minister as to when the interdepartmental group will conclude its work and report to him. Has the Taoiseach sought an update from the Minister on when he will bring his recommendations for the redress scheme to the Government for a decision?

I appeal to the Taoiseach to follow up on these issues in respect of survivors, but alongside those issues is the deep grievance in respect of the leaking of this report. It is utterly outrageous, as is the other, associated behaviour. It is happening on the Taoiseach's watch and he needs to take a hold of this. It needs to be knocked on the head. We need answers and there have to be sanctions. Whoever leaked from the Cabinet should be named and shamed and sanctioned for it if the Taoiseach's Government, or any administration, is to have any credibility.

The Taoiseach: The general point the Deputies have made is valid, in regard to the protection of documentation and information. The storage and dissemination of such information has to be protected. I have asked for new mechanisms to be brought into play to ensure the protection of material that comes before the Government.

The entire response of the Government to the Commission of Investigation into Mother and Baby Homes is to deal, once and for all and comprehensively, with the issues that have been raised. I am not pre-empting the outcome of the ongoing investigation but it will deal with the overall arrangements for the management of documents for Government meetings and their confidentiality. There will be an action plan on all of the recommendations that were contained

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in the mother and baby homes report, which will be published shortly, in terms of the survivor-centred approach, access to personal information, education and research, archiving and databases, memorialisation, restorative recognition, which I will come back to in a moment, and dignified burial.

The key issue for many has been the information on tracing. We have published that legislation. It is with the committee for pre-legislative scrutiny. It is radical. It is in line with what most Members of the House and, in particular, the survivors' groups wanted. The scheme was published on the 11 May. This is the most effective way we can meet the needs of all those who were in mother and baby homes. It has been forwarded to the Oireachtas committee for pre-legislative scrutiny. It gives access to birth and early life information for people who were adopted or, indeed, who otherwise have questions on their origins.

I would like to work with Members. I would like to see this progressed prior to the end of the legislative term. There is a danger that it may not make it to the end of term. In other words, it could go over. I know that the Minister for Children, Equality, Disability, Integration and Youth is watching what is happening with the pre-legislative scrutiny at the committee to try to anticipate some recommendations and changes. That legislation covers not just all those who were adopted, but everybody who needs access to information on their origins. It would support access to early life care, medical information and so on. It will also provide for a comprehensive tracing service for people who want to make contact, share their information, request information from a birth relative, and make or establish a contact preference register to allow people to be able to record their preference in relation to having contact with birth relatives.

The Minister has done detailed work on the legislation on burials. He visited the Tuam site recently. He met with all of the interested parties there. That legislation is to support the excavation, exhumation and, where possible, the identification of remains and their dignified reburial. The legislation will support intervention at the Tuam site and any other site where intervention is reasonably required by virtue of the manifestly inappropriate nature of burials that may have taken place. Separately, the Minister and the team will engage with former residents and their advocacy groups on the question of appropriate dignified local memorialisation of a known or agreed burial site, where this is not already the case. That legislation will be brought forward shortly. The Minister updated Cabinet this morning on that.

With regard to compensation payments for the victims, a fundamental element of the Government action plan is to establish an *ex gratia* payment scheme. This scheme will include a financial payment and a form of enhanced medical card. An interdepartmental group was set up to develop detailed proposals for the scheme, taking account of the recommendations of the commission. However, it is not limited to those recommendations; it can go beyond them. The Minister has been overseeing this. The group's work is guided by a human rights focus, and informed by consultation with survivors, which took place during March and April. I am glad that consultation received a strong response. The work of the group is being finalised. The Minister looks forward to getting the group's final report and bringing the proposals to Government for approval early in this Dáil term. I hope that we have that before the House in a short while. The Government will then establish the scheme and make it available for application as soon as possible, beginning I would say at this stage, in early 2022.

That covers the range of issues that the Deputies have raised.

Deputy Peadar Tóibín: The Taoiseach gave no answer on the updates into the investiga-

tion into the leaking. That is a deafening silence. He gave no answer, even, on an update as to where that investigation is, or when that investigation will be publicised. No information has been imparted to us on the basis of that question. As of yet, there are no consequences for the individuals who leaked that and for the pain and the suffering they caused to the survivors of the mother and baby homes. No action is a hallmark of the Taoiseach's office. Even when the Tánaiste was involved in the leaking of a confidential contract to a friend, there were no consequences. How, then, can we expect a Minister in the current Cabinet to actually stop leaking, when there are no consequences for people at this level? Will the Taoiseach guarantee us that there will be a specific date with regard to the publication of the investigation into the leaking of the report into the mother and baby homes?

Deputy Mary Lou McDonald: I simply want to ask who leaked details of the final report of the mother and baby homes commission of investigation? Who did it? Can the Taoiseach name the person? I am sure that it has been established. A limited number of ye had access to it. Who did that, please?

The Taoiseach: I have not interfered with the investigation. It was undertaken by an official in my Department. I am not in a position to say who did what, or to give the Deputy any confirmation of that, nor indeed on the conclusion of it.

Taoiseach's Meetings and Engagements

4. **Deputy Seán Haughey** asked the Taoiseach if he will report to Dáil Éireann on his recent meeting with the leader of the Democratic Unionist Party. [42366/21]

5. **Deputy Neale Richmond** asked the Taoiseach if he will report on his most recent discussions with the First and deputy First Ministers of Northern Ireland. [43739/21]

The Taoiseach: I propose to take Questions Nos. 4 and 5 together.

I spoke with Paul Givan, First Minister, at the British-Irish Association conference in Oxford on 3 September. My most recent detailed engagement with him and with the deputy First Minister was on 30 July when I chaired the latest plenary meeting of the North-South Ministerial Council via videoconference. This wide-ranging discussion between our two governments covered the ongoing co-operation between North and South in response to the Covid-19 pandemic, including the roll-out of vaccines and the gradual reopening of society, developments in the delivery the New Decade, New Approach commitments, the development of the PEACE PLUS programme, corporate governance matters, and board appointments. Following the meeting, the Tánaiste and I participated in a joint conference with the First Minister and deputy First Minister.

I hosted a meeting with Sir Jeffrey Donaldson in Government Buildings on 27 August. We had a good discussion on likely developments over the months ahead. I emphasised to him the importance of the stability and proper functioning of the institutions of the Good Friday Agreement. On the Northern Ireland protocol, he outlined the serious difficulties and concerns that the unionist community have with the protocol. I stressed that this Government was focused on supporting practical solutions and on reducing friction where possible and that we have been active in engaging with our EU partners on issues relating to the protocol. I also outlined our ongoing outreach with stakeholders in Northern Ireland, and that we are listening carefully

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to the concerns of the unionist community. We also discussed legacy issues, North-South co-operation, Covid-19 and Afghanistan. We agreed to remain in contact on these and on any other matters of mutual concern.

Deputy Seán Haughey: As the Taoiseach knows, the new DUP leader has threatened to collapse the Northern Ireland Executive unless the Northern Ireland protocol is effectively set aside. He has also said that his party will not co-operate with the institutions established under the Good Friday Agreement, in particular the North-South Ministerial Council. This cannot be allowed to happen. The Taoiseach must do everything possible to persuade him not to do that. We saw what happened when Sinn Féin deliberately collapsed the institutions previously. Government in Northern Ireland effectively ceased, domestic problems piled up, a political vacuum opened up and opportunities for violence emerged. We know that there are electoral considerations behind the move by the DUP leader, but we must do everything possible to resolve the outstanding issues in respect of the Northern Ireland protocol. The UK wants to renegotiate the withdrawal agreement and the protocol. That is not going to happen, but the outstanding issues need to be resolved. The EU needs to be flexible. I welcome the recent visit by Commission Vice President, Maroš Šefčovič, to Northern Ireland, where he engaged with all the relevant stakeholders. The issues of medicines and pets, for example, have been sorted out, but further compromises and solutions are needed. In the Taoiseach's discussions with Sir Jeffrey Donaldson, did he see a pathway to sort out these problems?

There is also the matter of legacy, which the Taoiseach mentioned in his contribution. The UK Government plans to introduce an amnesty for Troubles-related killings. It is proposed that legislation will be introduced by the end of the year.

4 o'clock

This is contrary to the 2014 Stormont House Agreement. Did the Taoiseach discuss this issue with the DUP leader? What is his view on the British Government proposals on legacy?

I am not sure if the Taoiseach mentioned the shared island initiative. Did that come up in his discussions with Sir Jeffrey Donaldson? Did the Taoiseach get the impression that the DUP leader is supportive of it? Does he believe it is beneficial to the people of Northern Ireland? Does the DUP support the shared island initiative and what it is trying to achieve?

Deputy Neale Richmond: I will speak about Question No. 5, which is in my name. I thank the Taoiseach for his ever-fulsome response about his recent meetings with the First Minister and the leader of the DUP in Northern Ireland. However, when will he meet them next? Will there be a next meeting before there is an assembly election? What can the Taoiseach do in the office he holds to ensure those meetings take place involving not just himself but also Ministers from this Government and Ministers in the Northern Ireland Executive? It is unacceptable that once again political activities are jeopardising the Good Friday Agreement and the very important institutions which ensure North-South co-operation at a time when such co-operation has never been so important.

We look worryingly at the Covid-19 situation in Northern Ireland and we need to see how both Administrations can work closely together. Both Administrations have very clear opposition to the British Government's position on legacy. As Deputy Haughey has outlined, much work remains to be done on the protocol. In his position as a co-guarantor of the Good Friday Agreement, how can the Taoiseach ensure that the DUP's political play-acting does not jeop-

ardise the responsibilities of that agreement?

Deputy Peadar Tóibín: The Good Friday Agreement and how it underpins Stormont needs to be reformed. We cannot have an ongoing situation where one party can pull down the Administration in the North of Ireland.

I want to focus on another aspect of this. Denise Mullen is an Aontú councillor in Mid Ulster. Forty-six years ago, the Glenanne gang murdered her father in her family home. Denise was just four when she came upon her father's lifeless body in that home. She had to stay with her father for two hours before the medical professionals could get into the house because they were fearful the house was booby-trapped. The Glenanne gang murdered 120 people in the Tyrone and Armagh area. They did so in cahoots with the RUC and the British Army. They also planted bombs in the South, killing 34 people in the Dublin and Monaghan bombings in 1974.

Just last year, Councillor Denise Mullen received a death threat from Garfield Beattie, the man who murdered her father. These issues are ongoing in people's lives right now. It is absolutely wrong that the British could consider giving an amnesty to people who were involved in these heinous crimes. I have asked three taoisigh - Enda Kenny, the Tánaiste, Deputy Varadkar, and the current Taoiseach - to meet the survivors of the Glenanne gang. The first two refused to do so and ignored those requests. In fairness, the Taoiseach said he would, which I appreciate it. I know the Covid pandemic has got in the way of that. I ask him to try to find time in his schedule to finally meet those people, especially at this critical time when the British are seeking to do what they want to do.

I also attended the 50th anniversary of the Ballymurphy massacre in Belfast. One of the sentences I repeatedly heard is that the British are trying to get away with murder. That is exactly what they are trying to do in this situation. I ask the Taoiseach to say the Irish Government will not accept this unilateral move by the British Government under any circumstances.

Deputy Mary Lou McDonald: Although it has already been stated, it is worth restating there is absolute opposition to any proposal from the British Government in respect of an amnesty. That is one of the issues on which we have a common position across the island. The question is how that can be leveraged to influence the behaviour of a British Government which frankly does not give tuppence for the rule of law or compliance with international law and norms.

I attended the meeting with Commissioner Šefčovič. The Commissioner set out the enthusiasm for the EU institutions to be flexible and reasonable. Everybody wants those things. He also pointed out that there are solutions. There are solutions in respect of medicines. There are solutions in respect of the checks which some regard as excessive in these times. What there is no room for is any misunderstanding on the protocol itself - the need for it and the fact it will endure. I regret and I know many people deeply resent the kind of sabre rattling that the DUP has engaged in. Everyone concerned, including those in London, needs to make clear to the DUP that kind of behaviour will not be rewarded in any fashion.

Commissioner Šefčovič heard at first-hand from business people and community interests that people recognise there are difficulties and complications, but they can be sorted out. They also heard a significant appetite for progress. The DUP is in a minority. In its unilateral action to pull away from the institutions of the Good Friday Agreement, it is on its own. The party leaders will meet again on Friday and I believe the isolated position of the DUP will be reflected

again. It is important the Taoiseach and this House realise that is the situation.

The Taoiseach: I thank Deputies Haughey and Richmond for raising these issues. I thank Deputies Tóibín and McDonald for their questions. Deputy Haughey asked about my meeting with the new DUP leader and the issue of the Executive in the North. The DUP leader took the opportunity to highlight his concerns. He left me in no doubt that there is unionist concern over the protocol. Whether you agree or disagree, that was his main purpose in the meeting. Our point back was that Europe was in solution mode and wants to create a flexible response to any issues that might arise with the operation of the protocol in respect of people living in Northern Ireland and the routine trade that goes on between the UK and Northern Ireland.

They are not against the shared island issue, but official unionism has had challenges in openly embracing North-South initiatives of this kind. It is very helpful that about 1,000 people have now participated in the dialogue on the shared island. They come from all communities and traditions in Northern Ireland and include many young people and more women. Two new groups have been formed within that dialogue. An all-island women's forum has been established arising out of the dialogues to give a stronger voice to women in respect of the future of the island and in terms of human rights and other aspects, which is good.

The DUP leader was unequivocally against any amnesty. He does not want anyone who is guilty of murdering or killing anybody to be freed from justice. He was very clear about that at the meeting. I took the opportunity to speak about the shared island initiative. He wished us well and understood our bona fides. We pointed out how we felt it was important not just to build bridges physically, as in the Narrow Water Bridge, but also to do it between people and to get practical things sorted on energy, climate change and all of that.

On the British-Irish Association and Deputy Richmond's point, there is now a window of opportunity to see if we can get this issue resolved between the European Union, the United Kingdom and the parties in Northern Ireland with the Government in the Republic playing a facilitative role. We have sensitised the EU system to the issues. Commissioner Šefčovič and I had a long meeting over dinner the day before he went to Northern Ireland. It is clear to me from that meeting, as Deputy McDonald and others have said, that the EU is in solution mode. I have conveyed that to unionist leaders and to all parties. It is clear to us that the EU wants to be helpful. It has invested a lot in the peace process in Ireland. It sees it as one of the success stories of European conflicts. Most conflicts are frozen and have not been resolved. This one was resolved. The PEACE fund goes up to approximately €1 billion. That was because the European Union initially put in €120 million, then there were *pro rata* responses from the British and Irish Governments and the Executive, so €1 billion will be available over and above the shared island fund for a range of range of cross-Border reconciliation projects and initiatives in the North. Europe is invested in this. It wants to be genuinely engaged and to try to get a resolution to this. I agree with what Deputies Haughey and Richmond said. It is not good enough to say that we will end all North-South co-operation unless this is resolved. The main point made by anyone I meet is that the institutions of the Good Friday Agreement need to be retained and kept operating for the benefit of the people, so that health, housing and all the various issues relating to Covid are dealt with by the Northern Ireland Executive.

In response to Deputy Tóibín, the amnesty applies to the Glenanne gang too. I will meet with the relatives. I do not know if they have contacted my office. Things have been fairly hectic and we have UN business next week. I have met some victims in the past in a different context. They were families of victims of the Glenanne gang. It would be unthinkable for them to

be given an amnesty. It is unthinkable that the perpetrators of the Kingsmill massacre, Claudy bombing or Ballymurphy massacre would be given an amnesty. I took the opportunity in my speech to the British-Irish Association to say that unilateralism has no place in the relationships between the British and Irish Governments and the parties in Northern Ireland. The British-Irish Intergovernmental Conference is looking at the question of how we deal with Brexit. We said to the British Government that there cannot be a unilateral response to this. I made that clear in the opening address to the conference. I met with Ministers over that weekend. The Chatham House rule applies to British-Irish Association meetings, which allows us to speak frankly. There is a window of opportunity over the next month or so to try to get this resolved. The UK Government says that it does not want to escalate tensions in the North. I take it at its word but we need to get a solution.

Maritime Area Planning Bill 2021: Second Stage

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I move: "That the Bill be now read a Second Time."

If the Leas-Cheann Comhairle will indulge me for 20 seconds, I have been made aware of comments made during today's Order of Business, and I would like to clarify that the remarks I made about the first home shared equity scheme relate to an aspect of the scheme that was informed by engagement with the Central Bank of Ireland. The scheme is being designed as an equity product rather than being a debt on the purchaser, which is important. I have consistently made that point in response to Opposition claims that the shared equity scheme is debt-based; it is not. It is an equity scheme. Through parliamentary questions and speeches on the affordable housing scheme, as recently as June, I have repeatedly stated that the operational details of the first home shared equity scheme are currently being finalised. I stated, "Work on the detailed design of the proposed scheme is ongoing and at an advanced stage", as recently as June in a response to a parliamentary question. I wanted to clarify that and thank the Leas-Cheann Comhairle for her indulgence.

Today I present the Maritime Area Planning Bill to Dáil, which was initiated in August of this year. The Bill is the most significant legislative reform of maritime governance since the foundation of the State. It seeks to establish a coherent and comprehensive marine planning system to manage development and other activities in Ireland's seas, which are one of the largest maritime areas in the EU and seven times larger than our land mass. It covers an area of almost 500,000 sq. km.

This is once-in-a-generation legislation. It is a cross-government initiative, led by my Department, and is another key commitment in our programme for Government. In preparing this ambitious Bill, we have listened to all stakeholders and balanced their needs in a fair and equitable manner that has the citizen at the heart of the process. It has been said that we have not inherited the Earth from our parents but rather we have borrowed it from our children and, as such, the Bill is the key legal enabler for long-term protection and sustainable development of the maritime area for the next generation, including the envisaged expansion of the offshore renewable energy sector, which is required to meet Ireland's 2030 climate goals in an integrated and sustainable manner.

The original Foreshore Act was designed to manage a gentle pace and intensity of marine

use. It will be replaced by a marine planning system for the 21st century, designed to work for all types of development from the smallest boathouse to the largest offshore renewable energy project in a way that protects our oceans through rigorous environmental assessment.

The new system is based around four key pillars. One is inclusive forward planning through the National Marine Planning Framework, NMPF, with comprehensive sub-national planning. Another is the establishment of a game-changing new entity, the maritime area regulatory authority, which will be known as MARA. It will be based in Wexford. Another pillar is development management through a structured sequential consenting system. The final pillar is robust provisions for investigation, enforcement action and penalties. The Bill provides the necessary legislative toolset for participatory forward planning, well-regulated development, streamlined consenting and comprehensive environmental assessment of proposals.

On enforcement, the seas are a precious resource and we will ensure they are adequately protected from those who would do them harm. Part 6 of this Bill provides MARA with strong powers of investigation, enforcement, prosecution and collaboration with other State bodies that manage our seas and will be a real force for the State into the future.

This Bill ensures that the MARA and local authorities have teeth when it comes to enforcement in the maritime area. The enforcement provisions set out in this Bill are our first line of defence in that regard. There is a lot to this legislation. Much of it is new and we have not shied away from developing fresh concepts as well as including ways of doing things that have worked well on land. We have informed ourselves of things that work successfully in other jurisdictions and we have been guided by input from across Government. On that note, I particularly want to thank the joint Oireachtas committee, chaired by Deputy Steven Matthews, and all its members, for the pre-legislative scrutiny report it produced. I am pleased to report that the majority of the recommendations put forward by the committee have been reflected in this text.

I thank in particular our officials who have worked extremely hard and diligently, not just over the past 12 months but for a number of years, on this very important legislation. The Government and I are determined that we strike the right balance between the three, sometimes competing, pillars of sustainable development: protecting the health of our ocean, which is crucially important; enhancing our social engagement with the sea; and developing a thriving maritime economy. I believe these pillars can coexist through proper, conscientious long-term planning working in tandem with robust, fair and transparent consenting regimes. That belief is reflected in this legislation.

In conclusion, I look forward to our debate on the Bill's provisions. I will seek to respond to any specific questions and will engage further on Committee Stage. I commend this Bill to the House.

Deputy Richard Boyd Barrett: On a point of order, when a Bill is introduced the Minister would normally take us through the relevant sections. Is there a particular reason he has not done that? It is very unusual.

Deputy Darragh O'Brien: That will be on Committee Stage. It is comprehensive legislation and has gone through pre-legislative scrutiny.

Deputy Richard Boyd Barrett: It is very unusual not to go through the details.

Deputy Darragh O'Brien: I would be more than happy to read through each of the sec-

tions.

An Leas-Cheann Comhairle: It is entirely up to the Minister what he does with his 20 minutes.

Deputy Darragh O'Brien: To be fair-----

Deputy Sean Sherlock: That is the answer.

Deputy Darragh O'Brien: Deputy Boyd Barrett sits on the committee so he is more than welcome to come forward on Committee Stage.

An Leas-Cheann Comhairle: The point of order is over and that is the answer.

Deputy Eoin Ó Broin: With the same indulgence the Leas-Cheann Comhairle gave the Minister, I will say two things very briefly. On 24 June last-----

An Leas-Cheann Comhairle: That was by way of clarification.

Deputy Eoin Ó Broin: Absolutely. This is a clarification of the Minister's clarification because he has not clarified anything, so let us deal with that. On 24 June last year, the Minister said to the House-----

An Leas-Cheann Comhairle: We are not entering a debate on that.

Deputy Eoin Ó Broin: I am not entering a debate but I would have made my clarification by now if the Leas-Cheann Comhairle had allowed me the same latitude she gave the Minister. That is all I am asking for. On 24 June last year, the Minister said that the "shared equity scheme is focused on those who need it most. It will work. It has been passed by the Central Bank, has received approval...". That was what the Minister told the House last June. We knew that was not the case because we wrote to the Central Bank, which stated it was not. He said the same thing again on "Prime Time" last week. I presume the Minister is trying to say he mis-spoke rather than misled both the Dáil and the good viewers of RTÉ. I accept his clarification.

With respect to the Bill, this is incredibly important legislation. It is also, as Deputy Boyd Barrett pointed out, incredibly complex. It runs to 245 pages and has 181 sections. Significantly, there are 22 pages of detailed amendments to the planning and development Acts, which Deputies who have been in the House longer than I have already know is very complex, unwieldy and at times contradictory legislation. I say all that because while the officials have done an incredible piece of work in bringing the legislation to this stage, this House now has the onerous task of ensuring we give this legislation due and detailed consideration. The Minister is right. This is once-in-a-generation legislation. It will define all planning applications for an area seven times the size of the State's landmass for 30, 40 or 50 years and, therefore, if we get it right we will have what everybody in this House wants - a marine planning regime fit for purpose to suit the varied interests of people using it.

If, as has too often been the case in the past, we do not get it right, we will come back again and again, either through legislation, the courts or the European courts, to correct things that elected Members have a duty to get right at this stage. It is, therefore, very important that the Government and the Oireachtas housing committee give sufficient time to this. I cannot see that being a problem. I would also ask the Minister to make his officials available for any level of technical briefings that the committee or individual members of it may want in advance of

Committee Stage to ensure we fully understand this complex legislation.

The Minister said the majority of the 29 very detailed recommendations made by the Oireachtas Joint Committee on Housing, Local Government and Heritage in its prelegislative scrutiny report are reflected in the Bill. I submitted a parliamentary question today requesting the Minister to set out in table form exactly where in the Bill they are dealt with and to what extent. That would be really helpful. That has been asked as a genuine question. I would be grateful if the Minister would respond to it.

I have a concern, based on my first and second reading of the Bill, that some key aspects of what we asked for are not fully reflected. I will tease through some of them more as questions than as comments because they are important. One of the biggest areas of concern at the prelegislative scrutiny stage was the lag between the planning regime, which is in front of us, and the marine protected areas legislation, which we have been told will be brought forward later in the year. I find it hard to imagine we will get that, get through it and have it enacted by the end of the year, although we would be facilitative of it if that could be the case. Even if it is passed early next year, it might be up to two or three years before the designation of marine protected areas takes place after that. That is a very long and slow process. That then creates obvious problems with the immediate applications, whether it be for marine area consent or subsequent planning applications and the transitional projects that will follow the passing of this Bill. I am still of the view, as the committee was, that these two measures should have been done in parallel but, given that they are not, I do not see in this Bill what interim protections will be put in place for areas that are likely to be designated as marine protected areas. What additional protections can be put in place to address all of that? Also, what additional level of public participation, particularly for experts and environmental NGOs which have much expertise in this area, will be given? Notwithstanding the long timelag between the passing of the planning regime and the planning applications that will follow, and the designation of the marine protected areas, what can be done to ensure they are, notwithstanding the lack of former protection, protected nonetheless?

Section 6 deals with the marine planning policy statement about which I have a significant concern. It seems this will be developed without any public participation from sectoral organisations, academic experts or the wider public. If my reading of that section is the case, that is very considerable flaw. It may well be in conflict with the Article 15.2 of the Constitution and with our international obligations under the Aarhus Convention. I would have thought a policy statement of that nature would be developed not only by the Minister and the Department but in partnership with all those other agencies, namely, the public, academic and specialised environmental NGOs, which would bring their expertise to bear. Perhaps I am missing something in that section but that is how it reads to me.

Are the ministerial guidelines in section 7, which sets out the procedure for issuing ministerial planning guidelines, mandatory? Do they have the same force, for example, as the highly controversial mandatory ministerial guidelines that apply to building heights and design standards in terrestrial planning? If they are mandatory, why bother calling them guidelines? What not just say exactly what they are, namely, directives? That would make it much easier for everybody to live with. Again, there seems to be virtually no public or, importantly, Oireachtas participation or consultation in the issuing of those. That gives me some cause for concern. I would be interested to hear the Minister's views on that.

The marine planning framework review will take place after six years, as I understand from

section 17, but best practice internationally would provide for an interim review after a year. That is an insertion the Minister should make on Committee or Report Stage. Certainly, it is an amendment I intend to introduce. Given the controversial way the marine planning framework was introduced without a vote of the Oireachtas or having been properly scrutinised by the Dáil, I would have thought an interim review would provide an opportunity to tease out some of those matters and for the Opposition and the Government to reach a level of agreement on them, which we did not have when the marine planning framework was originally approved.

With respect to the designated maritime area plans which come under section 20, I am unclear as to who can become a competent authority, designated by a capital “D” and against what criteria that competent authority would be determined. It would be helpful to have some clarity on that.

Protected sites are referred to in section 21(2)(c). These are the already designated sites. That is only a tiny fraction of what we should have reached by 2020, let alone what we have to reach by 2030. Could proposed protected areas also be included in this section? That goes back to the an earlier point I made. Could some form of interim protections be included in advance of any designation for a maritime area plan for example? My big worry is that if we do not do that, we could unintentionally see significant further deterioration of our biodiversity or, even if there is not further deterioration of it, we could not necessarily see a restoration of the biodiversity loss we have experienced to date.

The marine area regulatory authority has been very nicely given the acronym, MARA, and whoever thought that up should get a badge or star. Part 3 deals with the establishment of the new agency. If that is done right it will be a major addition to the regulatory infrastructure, not only of the marine but of the State. However, that means it needs to be fully independent and it needs to have the appropriate level of staff and board expertise, skills and experience. I am not saying there is anything in the Bill that suggests it would not have that, but that is something about which I would keen to hear more from the officials in a briefing and more from the Minister in his reply to this debate or on Committee Stage. This Part is very detailed. I have many questions on it but I do not have time to go through them now. I would be pleased if we could deal with them at future engagements.

Part 4 deals with maritime area consent. Deputy Boyd Barrett will note I am trying to do my best to talk him through as many of the sections as possible. The Part deals with the granting of the marine area consents as well as changes to consents, interim consents and surrender of consents. It is important people understand all of those provisions that are included. This Part also deals with the rehabilitation of security requirements. This is really important particularly in the context of the ongoing disaster that is Derrybrien, which is costing not only the people of that part of Ireland enormous stress and strain but the State very considerable sums of taxpayers’ money on a daily basis. The big omission in it is the absence of any public participation. Again, if I am wrong, I ask the Minister to correct me and detail that in his reply to the debate. Why have prescribed bodies not being included in this process? It would have seemed to me, even if there is not a wider public participation process, that including prescribed bodies that would ordinarily be included and their expert opinion sought in the terrestrial planning process would be very good here. It would strengthen the decision-making process and if it were to do that, it would strengthen the quality of the decision at the end, which would have a knock-on positive effect for the overall planning grant. That is something we all want to see. I have some concerns about whether this particular gap is in line with our requirements under the Aarhus Convention. I am particularly concerned with how it will deal with the transitional projects -

the key first round of applications for those projects that are already in the pipeline and will be key for us to meet our renewable energy targets for 2030.

The last area I want to mention is the sections that deal with judicial review. I have a very strong view that the courts are the last place to be making complex planning decisions on land or in the maritime, but restricting people's access to justice is not the right way to deal with that. It is not the best way to reduce the volume of planning-related judicial reviews in our courts. There is a narrative that is growing ever louder, namely, that somehow a portion, if not a large volume, of the judicial reviews working their way through our courts are vexatious. Some 68% of applications for judicial review are rejected. The suggestion that any of those that are not rejected and get leave to be heard are somehow vexatious seems not only to cast aspersions on our Judiciary but to challenge the independence of the Judiciary to make those kinds of decisions. There is a very significant bar that justices have to adhere to. If restricting access to justice is not the right approach, what is the right approach to reduce the level of judicial reviews, a matter on which we are agreed? In my view it is the best possible transposition of EU environmental directives, full compliance with the Aarhus Convention and involving the greatest possible participation of the public and sectoral interests at the earliest moment in the planning process so that people feel they have adequate buy-in. It also involves ensuring that, when planning decisions are made, particularly in respect of large offshore wind projects, they are made in a way that protects our marine biodiversity as well as the economic and social well-being of our coastal communities and inshore fishermen and fisherwomen.

I therefore have concerns, especially regarding sections 103 and 104, which deal with judicial reviews and maritime area consents. I believe these provisions seek to restrict access to justice, particularly for environmental non-governmental organisations. If that is the case, that is a mistake. I am also convinced these sections are not compliant with the Aarhus Convention. Likewise, section 128(1) appears to be an attempt to restrict access to justice. This could also be in strong conflict with section 50B(1) of the Planning and Development Act 2000. I am on the same page as the Government in wanting to get stuff out of the courts but I have a very different set of propositions as to how to do that. I would like the Minister to consider that matter.

Before I hand over to my colleague, I will make some general concluding remarks. My strong view and that of our party is we need to ensure the competing demands regarding the use of the maritime area are addressed in a way that preserves and protects marine biodiversity, respects the interests of coastal communities and inshore fishermen and fisherwomen and provides the greatest possible level of public participation in all aspects of marine planning. If we strike the right balance, the desire we all have to see significant progress in the development of large-scale offshore renewable wind energy projects can be achieved. We are all on the same page with regard to that objective. However, if we do not strike that balance correctly, and there are areas of this Bill where that may be the case, not only will there be further losses in environment and biodiversity, but there will also be a real risk of additional legal challenges. We do not want additional legal challenges resulting in much-needed renewable wind energy projects being held up in either the Irish or European courts.

I made exactly the same point back when Deputy Coveney was introducing the strategic housing development legislation. Many of us on the Opposition benches, including the Minister's colleague, Deputy Cowen, who was on the committee at the time, warned that, if we were to go down the strategic housing development route, planning would not be sped up and, in fact, many projects would end up in judicial review. That has proven correct. The Minister is now doing the right thing and ending that process. We are engaging with him on the legislation. I

am urging us not to make the same mistake in this legislation if we are at all able. If the Minister takes that approach and works with those of us in the Opposition to improve aspects of the Bill that could be improved, we will be able to pass this Bill. It will involve much work over the coming period but will result in the greatest degree of unanimity possible. It is possible to do this. It is being done in the Netherlands, in Denmark and in Scotland. I know the Minister's officials have paid very close attention to these models of good practice.

Again, I am coming to this not in any sort of adversarial spirit. I wish to work collaboratively to understand this very complex legislation. I appeal to the Minister and his officials to work with Members on the Opposition benches, or indeed on the Minister's own backbenches, who raise any legitimate concerns so that this does not end up the same way as the marine planning framework, which got bogged down in a battle which was never political but which was based on the genuine concerns from the Opposition, and so that we get the best possible marine planning regime, one which is in the interests of all sections of our community.

Deputy Pádraig Mac Lochlainn: My colleague, Deputy Ó Broin, has substantively responded to the Bill on behalf of our party. My responsibility, as our fisheries spokesperson, is to speak for the fishermen I am engaging with up and down the coast. The Minister will know from the protest held outside the convention centre in recent times that there is real anger across our coastal communities that they have not historically received their fair share of the fish in our waters. Of course, the EU-UK Trade and Cooperation Agreement made that situation worse with another 15% of our quota lost, resulting in tens of millions lost every year. To put that into context, we have at least 12% of the entirety of the waters within the European Union but get 4% of the fish. What does that mean? It means we lose thousands and thousands of jobs in coastal communities every year and hundreds of millions of euros. That is the context in which the Minister is presenting this proposition to fishermen. There is a distrust of those in positions of political leadership because of historical failures.

I have spoken to fishermen up and down the coast about this issue. Of course, they are not opposed to offshore energy generation. They are intelligent people. They understand we need to meet the State's responsibilities. They merely ask to be genuinely consulted and that their traditional fishing grounds be respected. I understand the industry states this is also its desire. The task facing the Minister in this legislation is to ensure there are robust measures in place regarding consultation, especially with coastal and fishing communities, so that they will genuinely be partners in this process. They are not there to prevent the establishment of offshore energy projects in this State. They just want to make sure they can fish.

A comment has struck me again and again. I put to some fishermen the idea of increased financial supports when they are tied up. They are increasingly forced to fish for lobster and crab. Access to mackerel, herring and other fish such as spurdog has been denied to them, so they are squeezed more and more. I talked about financial supports and subsidies and it struck me that people on a number of piers said they just want to fish like those who came before them. Of course, they want to do so sustainably. They asked for officials of the Marine Institute to go out with them and officials of the Sea-Fisheries Protection Authority to come out to the pier to examine what they are landing. They said they just want to fish sustainably. That is all our coastal communities want to do. I believe we can do both. These ideas are not in conflict with one another.

The marine resource is immense. The protection of marine biodiversity is the responsibility of all. I appeal to the Minister, as did my colleague, Deputy Ó Broin, to get this legislation

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right. There have obviously been substantive submissions from inshore fishermen's organisations and others into this process. I ask that, at the various stages, these groups are heard and engaged with. If we do this right, we might get legislation which strikes the right balance and does justice to all stakeholders.

Deputy Ged Nash: So interested is the Labour Party in this legislation that we are providing three speakers this afternoon. I will be taking ten minutes and Deputy-----

An Leas-Cheann Comhairle: Is the Deputy looking for some indulgence like the two speakers on the housing matter?

Deputy Ged Nash: We do not do indulgences in the Labour Party.

An Leas-Cheann Comhairle: No plenary indulgences.

Deputy Ged Nash: It is a secularist party.

Deputy Sean Sherlock: I might be looking for one.

Deputy Ged Nash: Deputy Sherlock will be following Deputy Howlin. I welcome the opportunity to speak on the Bill. As we know, it provides a legislative framework for a new streamlined development consent process for activities in the maritime area, including offshore renewable projects. As has been said many times in this debate, our sea area is seven times the size of our land mass. As an island nation with one of the largest seabed territories in Europe, this Bill will be essential in shaping the future of marine areas and developing a spatial strategy for that entire area. If done correctly, it will help scale up our renewable energy capacity and protect our coastal communities and marine habitats while also providing a foundation for what need to be sustainable fishing and tourism sectors.

As have others, I note that environmental NGOs such as An Taisce, the Irish Wildlife Trust and the Sustainable Water Network, in addition to some in our inshore fishing community, have voiced their dissatisfaction with the prior consultation process. As far as they are concerned, this has not adequately considered many of the issues they have raised in the required depth. However, we are well aware, particularly in the context of the recent Intergovernmental Panel on Climate Change report, that we cannot delay any longer with regard to the development of renewable energy, such as offshore wind. That sector will be enabled by this unprecedented legislation. That being said, good consultation is always key, as I hope the Minister would accept, as is parliamentary scrutiny. I know the Minister will understand and appreciate that and will engage with the committee on amendments and so on.

The Labour Party supports the thrust of this Bill, especially with regard to the need to address the current lack of cohesion around Ireland's marine planning consent regimes and the confusion and duplication this causes. Anybody who represents a coastal community or constituency will understand the concerns people have and the problems that have arisen in respect of the range of different agencies and organisations involved, the planning consents and so on and how these affect economic and environmental development in our coastal areas. We are also conscious that the passing of this Bill with appropriate amendments will be essential in helping Ireland to reach its climate action and renewable energy targets, particularly in enabling the scaling-up of offshore renewable energy.

To achieve our climate action goals, we will have to lean heavily on renewable energy and

offshore wind energy will play an enormous part in that. Ireland needs to harness its potential to be a world leader in wind energy as part of a broader new industrial strategy, aside from meeting our climate action targets. The case of Denmark, a similar-sized country, is illustrative. Since the oil crisis in the 1970s, the Danes have invested heavily to become world leaders in wind energy and turbine production, having the world's largest wind turbine industry with 90% of its output exported. Consequently, the country has the highest proportion of wind power in the world, accounting for a little under half of its total electricity consumption. This has drastically cut its carbon emissions and decreased citizens' energy bills and the country's dependence on imported fossil fuels, which are subject to geopolitical and price instability.

We need to take this example as a model of best practice and apply it here. If we are ambitious enough, Ireland can become the next superpower in renewable energy and produce up to 5,000 MW of offshore wind energy by 2030. Wind power has the potential to transform our country in a similar way to how oil transformed the economies of the Gulf states. Respected economists have written and commented about this. We have the potential to achieve energy independence and become an exporter of clean power to the EU grid. If we are to achieve this, we must have a national strategy that does not allow us to fall prey to the so-called resource paradox we have seen in other resource-rich countries, wherein strategic assets are sold off and privatised without any public gain.

A significant part of the emergence of the Danish wind success story was the birth of local community wind co-operatives. For instance, Denmark requires 20% of all renewable energy projects to be offered to local communities with 67% of onshore wind energy coming from citizen-owned parks in 2016. Such wind farm developments, whether onshore or offshore, work best when there is active stakeholder consultation and participation and community involvement from beginning to end and where local communities benefit directly and indirectly from the sites.

I urge the Minister and Government to examine the Danish experience in the context of this Bill and of broader Government policy to strengthen community involvement, co-ownership and acceptance of offshore wind projects. While the need for offshore renewable energy and energy security is clear, we also have to strive to protect the delicate ecology of our seas. Our climate and biodiversity crises are inextricably linked. As a recent joint report from the UN's leading climate change and biodiversity bodies stated, we can either solve both crises or solve neither.

The Labour Party has been at the forefront of biodiversity protection along with climate action. In our latest manifesto we made a clear promise to set up maritime conservation zones to allow Irish fish stocks to recover. Such marine protected areas are necessary and are obligatory under the EU's maritime spatial planning directive, which states that countries must have an ecosystems-based, sustainable approach in respect of marine planning frameworks. The process of scaling up designation of MPAs in Ireland to 30% of maritime area over the next decade is welcome. As it stands, however, as was referenced earlier, there is minimal participation of Ireland seas, covering just over 10,000 sq. km. At just 2% of Ireland's total maritime area of nearly 500,000 sq. km, this is among the lowest in the world. We are falling short of our international and commitments in this regard. Significant concerns have been expressed by environmental experts on this issue, particularly about the incredibly slow progress by Government until now in the context of marine protected areas. Professor Crowe of the UCD Earth Institute stated: "Current Irish legislation does not define MPAs and is limited in its ability to enable the conservation of many of Ireland's threatened or important species, habitats and other

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marine features of biological or cultural significance.” His report concludes, and this view is shared by other experts and environmental groups, that Ireland’s network of protected areas “cannot be considered coherent, representative, connected or resilient or to be meeting Ireland’s international commitments and legal obligations.”

We know from the experience of other EU countries that such legislation may take two to three years to pass, be enacted and come into effect. I urge Government to strengthen and implement any interim measures it can to protect areas of the marine environment in the meantime. I extend my party’s support to this Bill. We look forward to proposing more detailed amendments on the issues I raised and those that others may raise in this debate at later stages of the legislative process.

Deputy Brendan Howlin: I thank our spokesperson for affording me five minutes to contribute to a Bill that runs to 245 pages. As one not known for short speeches, I will do my best to touch on one or two aspects of this. The Long Title begins, “An Act to regulate the marine area”. That is a mouthful and that is an ambition. It is to regulate an area that is seven times the size of our land mass. We are doing it for the first time. For too long, this island nation ignored or at least downplayed the importance of the marine environment and the seas that surround us. We have traditionally been fixated by the land. The emotional and visceral attachment of the people to the land is evident in our history and our literature. We are finally looking to the sea, not only as a means of transport for our goods and, as in the past, of escaping poverty, or for our fisheries, important as they are, but also to address our protection of marine diversity and as a means of addressing the critical and urgent goal of decarbonising our economy.

As my colleague, Deputy Nash, said and others alluded to, wind potential is enormous around our island nation. It is the future in terms of decarbonising our economy and we need to progress quickly to harness the technologies available to do that. That will initially mean harvesting off our eastern and southern coasts. Then, when technologies develop, which will not be in the very distant future, it will be in the area the Leas-Cheann Comhairle represents. There is the greatest potential for floating wind turbines off our west coast. We need to do that in a regulated way to make space for all marine utilities, and in a sustainable and planned way, in co-operation with all sea users. That is why a regulatory framework of this kind is essential.

I will make a brief point on that and we will come back to it. We need to move quickly on who will service those offshore wind facilities. We need a designated port. I have had discussions with a number of Departments and Ministers and there is no urgency about ensuring we have a designated port to service offshore wind. The bids and the investment are coming in from Pembroke in Wales, Liverpool in England and other ports. If we do not get our act together, we will lose the capacity to service our offshore wind facilities from our own port. I will come back to that point.

In the couple of minutes I have left, I will address one important aspect of the Bill. That is the exciting establishment of a new marine area regulatory authority with, as Deputy Ó Broin said, a wonderful acronym, MARA. This maritime regulator can ensure the optimum and orderly development of our coastal potential. I am delighted this new agency is to be sited in Wexford.

5 o'clock

That was a prescient, wise and intelligent move by the Government. The body will become

an important component of a new maritime area in Wexford town. It will be sited ultimately in a development now under way, namely, Trinity Wharf. I express my appreciation to the Government and the Minister, Deputy Darragh O'Brien, for the decision to site it there. It will have synergies with the Environmental Protection Agency, EPA, which is already sited there. It is a good and wise decision. The maritime tradition of Wexford is second to none. Many streets in the town are called after vessels that sailed from the harbour, of which there were hundreds over centuries. It is appropriate, therefore, that down the quay front from the statue that commemorates the founder of the United States navy, Commodore John Barry, a new agency will regulate the next and most exciting chapter of Ireland's sea tradition.

I want to make a few remarks on the board of the proposed maritime area regulatory authority. Section 43 of the Bill, a critical part of the legislation dealing with the establishment of the board, provides that it will have a chair and ordinary members. Those ordinary members will comprise five civil servants, a representative of the County and City Management Association, CCMA, and four others. We need to revisit that. This independent agency will be as important as An Bord Pleanála. Five representatives of five Departments and the representative of the CCMA making up a majority is not exactly the ideal independent board I would want to see. I make that point openly. Section 46 excludes Deputies, MEPs and Senators from serving on the board. That is fine and I do not quibble with it. I do quibble, however, with the additional exclusion under that section of elected members of local authorities. It says something about the attitude of Government that the county managers are included *ex officio* but elected council members are specifically excluded. Those members would have something to add and at least one should be included.

My time is almost up. I will have an opportunity in committee to deal with other issues. I will look carefully at the judicial review procedure and I was interested to hear Deputy Ó Broin's view on it. The threshold for getting a judicial review is very low, although the Deputy rightly says that 68% of applications do not even meet that low threshold. A large number, however, do meet it. I agree with him that the courts are not the place to ventilate complicated planning matters and we should try to avoid that. I expect there will be people who simply want to delay process. If there is another avenue to go and a storable case, no matter how hopeless the argument, they can get a judicial review. That is something we can look at again. This is important legislation.

Deputy Sean Sherlock: While I have the floor, I beg the Leas-Cheann Comhairle's indulgence on a small matter of etiquette and good manners. I noticed over the summer period the number of Ministers - Fianna Fáil Ministers in particular - who have been traversing the country and availing of opportunities to visit constituencies. A number of them visited my constituency and I was happy to see them there, but they did not extend the courtesy of notifying all Members of the Oireachtas when they visited constituencies. I would not call it a protocol but there is a convention of etiquette and good manners such that Ministers at least notify all Members of the Oireachtas when they are visiting constituencies.

An Leas-Cheann Comhairle: I ask the Deputy to return to the subject we are debating.

Deputy Sean Sherlock: I thank the Leas-Cheann Comhairle. I welcome that the new regulatory body, MARA, will be set up in Wexford town. It will be a fine location for the regulatory body and key personnel. I would like to make the case for Cork in terms of the servicing of offshore renewable energy. The deepwater port of the lower harbour would be an excellent key national reference point for such servicing. There are many points along the Atlantic seaboard

that would be appropriate for that purpose and we can all work and coalesce with each other on that agenda.

Deputy Eoin Ó Broin: To stop all this coastal fighting, we might have to locate it in Offaly.

Deputy Sean Sherlock: We are very conscious that the EU strategy on offshore renewable energy has key targets and there is a massive opportunity in that. We know we will need 27 GW of offshore wind to meet our zero-carbon targets by 2050. Putting that into perspective, Moneypoint power station generates approximately 850 MW. The opportunity is there in terms of offshore generation. There are questions inherent in this legislation that have yet to be answered in regard to the offshore opportunity. We know that wind will provide a source for decarbonisation. We know it must come from floating offshore wind on the south and west coasts because traditional fixed-bottom offshore technology is only for shallow waters such as those of the Irish Sea, which gives limited space and capacity for the development at scale that is needed. We must start now by ensuring that floating wind projects contribute to the target of 5 GW of offshore wind by 2030. Starting now means we can begin to develop the supply chain, including at ports such as Cork, in order that floating wind platforms can be deployed from Irish ports up to and beyond the 2030s.

A major constraint on starting now and securing the benefits of floating wind for Ireland stems from the uncertainty from Government on how the sector will be progressed in the short, medium and long term. The forthcoming climate action plan should have a target for floating wind. Will the Minister tell us whether this has been addressed? How will he ensure the legislation caters for floating wind development? In order for floating wind projects to contribute to our 2030 target, developers need to be surveying at sea next spring or summer. If developers have to wait for the new regulatory authority to be set up, which could take up to 18 months from the passing of the Bill, they could miss the boat. How will the Minister ensure floating wind developers can achieve permission to survey outside of the 12 nautical miles zone in 2022? The maritime area planning legislation is a major reform, as we know, but Ireland has been sea-blind for too many decades at this stage. That is evident to everyone here. We want to ensure the industry can scale up and scale out. Those permissions for surveying need to be given as soon as possible and that should be addressed within this legislation. We are calling on the Minister to provide those consents in advance of the regulatory authority being set up in Wexford.

Deputy Éamon Ó Cuív: Is údar díoma dom nach bhfuil agam ach seacht nóiméad. Cuireann sé iontas orm nach bhfuil ach an méid sin ama agam chun Bille atá 247 leathanach ar fad a phlé. Tá i bhfad níos mó sa Bhille ná fuinneamh gaoithe. Tá an fuinneamh gaoithe thar a bheith tábhachtach ach tá go leor rudaí eile ann a thiocfaidh chun cinn de réir mar a bheidh an Bille seo á phlé. Beidh tionchar ollmhór aige seo mar baineann sé le chuile shórt sa bhfarraige ón leibhéal lán-mara. Is é sin an leibhéal a bhíonn ag an bhfarraige nuair a bhíonn an taoide istigh. Nuair a bhíonn an taoide tráite, beidh an talamh sin fós faoi thionchar an Bhille seo amach go 200 míle ó chósta na hÉireann. Táthar ag caint ar achar atá rud éicint ar nós seacht n-oiread níos mó ná achar an Stáit seo. Is mó i bhfad atá againn faoin bhfarraige ná mar atá againn ar thalamh na hÉireann. Ceathracha bliain ó shin, shíl chuile dhuine go mbeidh saibhreas go deo ag na tíortha a fuair ola ar an talamh amach ón gcósta ach ní mhair sé sin i bhfad. Feicimid sa Mhuir Thuaidh go bhfuil an gás gar ó ídithe. Is rud amháin faoin bhfuinneamh in-athnuaite ná go bhfuil sé in-athnuaite agus go mbeidh sé ann go deo a fhad is a bheidh an gaoth ag séideadh agus a bheidh taoídí agus tonnta ann. Sa ghearr-théarma, is ag brath ar tuirbíní gaoithe a bheidh muid. Beidh níos mó agus níos mó acu seo amuigh sa bhfarraige. Beidh cuid acu ag snámh

agus cuid acu ceangailte go grinneall na farraige. San fhad-téarma, dá bhféadfadh muid taoidí a cheansú ar bhealach éigin agus fuinneamh a bhaint astu - agus is é an t-iontas nach bhfuil sé déanta fós ar bhonn tráchtála - bheadh sé i bhfad ní b-oiriúnaí mar tá rud amháin chomh cinnte is atá mise anseo agus is é sin go dtránn an taoide dhá uair sa lá agus go mbíonn lán mara ann dhá uair sa lá. Mar sin, tá sé thar a bheith tábhachtach go leanfaimid linn ag infheistiú sa teicneolaíocht nua agus go mbeadh an tír seo mar eiseamláir agus mar cheannródaí i bhforbairt na teicneolaíochta nua a bhaineann leis an tionscal seo ar fad. Tá mé buartha gur infheistíocht chomhthíoch is mó a bheidh i gceist agus, mar sin, go mbeidh an brabach ag dul taobh amuigh den Stát. Breathnaím timpeall orm féin ar rudaí a tharla sna glúinte atá thart nuair a bhí muid bocht ach rinne muid na forbairtí móra muid féin. Is é an Stát a chuir na crainn. Is é Bord na Móna a rinne forbairt ar an móin, rud a chinntigh go raibh fuinneamh againn ag am go raibh an tír seo thar a bheith gann ar fhuinneamh. Is é Bord Soláthair an Leictreachais a thosaigh ag giniúint leictreachais as uisce, rud a bhí thar a bheith mór ag an am. Tá na comhlachtaí Stáit againn le scil áirithe sa ghnó seo cheana féin. Táim ag caint faoi Choillte, Bord Soláthair an Leictreachais agus Bord na Móna. Ba cheart don Stát mór-infheistíocht a dhéanamh agus cinnte a dhéanamh go bhfuil an t-airgead agus an acmhainn ag na comhlachtaí sin chun infheistíocht a dhéanamh sa tionscal seo agus chun a bheith chun tosaigh. Más iad atá i gceist, is mó seans i bhfad go mbeidh na poist lonnaithe in Éirinn agus go mbeidh daoine as na pobail áitiúla á bhfostú.

Ar ndóigh is ceann de na rudaí a gcaithfear a dhéanamh ná gréasán leictreachais a chur timpeall na tíre ar fad a cheanglóidh le Sasana, ar ndóigh leis an oileán seo agus le Mór-Roinn na hEorpa. Caithfidh a chinntiú - beidh mé ag breathnú níos géire ar an mBille seo nuair a bheidh deis agam – go mbeidh fostaíocht áitiúil i gceist. Níl aon mhaith a bheith ag breathnú amach ar na sceirdeanna agus ar na muilte agus tuirbíní gaoithe amuigh ansin agus gan aon phost a bheith ar an mórthír agus sa cheantar Iorras Aithneach. Níl aon mhaith a bheith ag breathnú amach ar na sceirdeanna gan aon fhorbairt a bheith déanta ar Ché Ros an Mhíl. Tá áthas orm go bhfuil na staidéir ar fad le bheith críochnaithe roimh dheireadh na bliana. Tá súil agam go ndéanfar cinneadh dul ar aghaidh leis an bhforbairt sin go gearr ina dhiaidh sin.

Ar ndóigh, tá go leor eile sa Bille ach ní bheidh mé in ann tagairt a dhéanamh ach do dhá rud. Tá baint aige seo le ceadú cearta feamainne do dhaoine. Mar a dúirt mé ag an tús, baineann sé seo leis an trá suas go dtí an líne lán mara. Ar ndóigh, tuigeann muid uilig gur chúis achrainn iad na cearta feamainne – tá siad ar chuid de na folios ach níl siad ar chuid eile dóibh. Caithfidh déileáil leis an gceist seo agus caithfidh bheith aireach mar Theachtaí Dála nach ndéantar faillí ar chearta an phobail sa chás seo. Baineann sé le cáblaí leictreachais, le snáitheanna optaic agus le píopaí uisce a chur faoin fharraige, rud atá thar a bheith tábhachtach i gcás cuid de na hoileáin amach ón gcósta. Tógaim faoi deara gurb iad na húdaráis áitiúla atá ag plé le ceadanna pleanála a thabhairt cois cósta, suas go 3 muirmhíle amach ón gcósta. Níl a fhios agam go baileach céard é sin i gciliméadair. Arís, caithfidh an acmhainn a bheith ag na húdaráis áitiúla chun déileáil le seo.

Sa 26 soicind atá fágtha agam, ba mhaith liom rud eile a lua a chuireann iontas orm. De réir reachtaíocht atá á cur tríd an Dáil ag an Rialtas faoi láthair, beidh ainm Gaeilge ar gach eagraíocht Stáit a bhunófar amach anseo. Is cuma cén acrainm atá ann - agus cé chomh glic is atá sé - is ainm Béarla atá molta sa chás seo. Tá an Rialtas ag dul in aghaidh an méid atá á dhéanamh ag an bPríomh-Aoire agus é ag stiúradh Bille na dTeangacha Oifigiúla tríd an Dáil. Tá mé cinnte go dtuigfidh an Leas-Cheann Comhairle an t-iontas atá orm maidir leis an gceist áirithe seo.

An Leas-Cheann Comhairle: Ar a laghad, tá a fhios againn go bhfuil an tuiséal ginideach

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ar eolas acu, ós rud é go bhfuil “mara” seachas “muir” i gceist.

Deputy Donnchadh Ó Laoghaire: Aontaím leis an méid atá ráite ag an Teachta Ó Cuív ó thaobh ainm na heagraíochta. Tiocfaidh mé ar ais go dtí an dara pointe. Is dóigh liom go bhfuil an chéad pointe tábhachtach. Ba chóir go mbeadh ainm Gaelach ar an eagraíocht seo. This is very complex and important legislation. It probably has not received much attention outside the specific sectors that are considering it but it potentially has significant ramifications for large parts of the country. The Bill consists of 245 pages setting out a planning regime for a maritime area that is seven times the footprint of the land mass of the State. It is enormous. This is once-in-a-generation legislation, so it is crucial that we get it right.

There are enormous opportunities in this area. I think of my own locality in terms of Cork Harbour and the potential that exists there for offshore wind energy. This is vitally important. It is difficult not to think of some of the failures in connection with wind turbines on land, which is very important and valuable technology. However, too often, the planning process that surrounded such wind turbines led to conflict with local communities and misunderstandings. A lot of that arose from inadequate consultation. I am hoping that through this legislation we will ensure those mistakes are not repeated and that the consultation is very intensive and gives adequate opportunities for communities to have their say. In so doing, it is likely that the danger of legal challenges and conflicts with heritage legislation, conservation areas and designations of that kind will be minimised. We need to ensure the communities in question buy into that.

That brings me on to the second point on which I agree with Deputy Ó Cuív. The first point on which I agree with him relates to the title of the organisation, which should be in Irish, in keeping with the Official Languages (Amendment) Bill that is currently going through these Houses. As well as being crucial in terms of energy and climate change and the benefits that can bring, there is also the potential for significant generation of wealth. I would much prefer, as Deputy Ó Cuív pointed out, that it would be either the State or local communities that would benefit from that wealth and that, as much as possible, the State or community energy trusts should be directly involved. That would also be a subtle way to ensure there is community buy-in for this. Local communities, particularly those that could be affected by the generation of wind energy, need to benefit from the wealth it may create.

A maritime issue that could be affected by the Bill is that of draft net fishermen. It is a very specific issue but I wish to flag it because I have raised it in the past. There are not many draft net fishermen left. They are in a very small number of locations. Their experience is that since the regulations were changed and they came under Inland Fisheries Ireland some years ago, their voice has not been adequately heard. It is a long tradition but there are very few people still at it. We need to look at the structures in order to ensure the voice of the draft net fishermen and fisherwomen is heard and that they are adequately represented. I might raise the issue again at a later opportunity.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Jennifer Whitmore - to discuss the need to address the school transport crisis; (2) Deputy Dessie Ellis - to discuss the difficulties faced by children with autism in ac-

cessing services, particularly in Dublin North-West; (3) Deputy Martin Kenny - to discuss the concerns of staff relating to overcrowding and dangerous working conditions in the accident and emergency department of Sligo University Hospital; (4) Deputy Chris Andrews - to discuss pest control policy for local authority flat complexes in Dublin's inner city; (5) Deputy Rose Conway-Walsh - to discuss the renaming of Ballycroy National Park; (7) Deputies Michael Lowry, Jackie Cahill and Martin Browne - to discuss the impending closure of a general practitioner, GP, practice in Templemore following the recent retirement of the local GP; (8) Deputies Jennifer Murnane O'Connor and Marian Harkin - to discuss measures being taken to make childcare affordable for all parents, and working conditions within childcare; (9) Deputy Kieran O'Donnell - to discuss Government proposals for air route support schemes in respect of Shannon Airport; (11) Deputy Ged Nash - to discuss the revelations in a report published by Christian Aid on tax shelter structures used by companies incorporated in Ireland; (12) Deputy Verona Murphy - to discuss the national crisis evolving within the home care services sector; (13) Deputy Matt Carthy - to discuss the clawback of funds by the Department of Agriculture, Food and the Marine from farmers participating in the BEAM scheme; (14) Deputy Maurice Quinlivan - to discuss progress in reducing the number of patients being treated on hospital trolleys at University Hospital Limerick; (15) Deputy Mick Barry - to discuss Cork's bid to host the America's Cup; (16) Deputy Donnchadh Ó Laoghaire - to discuss the need for CO2 monitors in every classroom to ensure adequate ventilation; (17) Deputy Christopher O'Sullivan - the urgent need for a significant increase in accessible housing in local authority housing stock; and (18) Deputy Holly Cairns - to discuss staffing shortages at Bantry General Hospital which resulted in reduced services during the summer.

The matters raised by Deputies Lowry, Cahill and Browne; Carthy and Cahill; Nash; and Murnane O'Connor and Harkin have been selected for discussion.

Maritime Area Planning Bill 2021: Second Stage (Resumed)

Deputy Holly Cairns: The Bill forms part of a considerable overhaul of the governance and regulation of the maritime area. I welcome this focus on the sea and how we can better manage this incredible resource in a sustainable way for the benefit of coastal and island communities. Clearer structures and more cohesive governance are to be welcomed, but I want to emphasise the need for stronger assurances around public involvement, justice, and sustainability.

The Maritime Area Planning Bill will bring in an entirely new legislative framework for development consent and management of Ireland's offshore marine area. It will have considerable impact on how offshore developments are planned into the future. The significance of the legislation for all stakeholders cannot be underestimated. We have very limited opportunities for public involvement in our decision-making. While the Bill has sections on public participation, it is only in very specific and limited ways. Public involvement should be something the State fosters and encourages as part of a functioning republic. The Aarhus Convention formally outlines everyone's rights to participate in environmental decision-making, and these rights are further articulated in the European Parliament and Council directives.

Unfortunately, where marine issues are concerned, the Government's record on public engagement falls well short. Back in April, I and other Opposition Deputies objected to the pushing through of the national marine planning framework without proper scrutiny by fishing communities, other maritime sectors and coastal and island communities. This situation was

exemplified by the mess-up in the 2019 fishing directive, which excluded trawling by vessels over 18 m in waters inside the six-nautical mile zone. Last year the High Court overturned the ban due to problems with the consultation process. The law banning trawling by large boats in coastal waters was designed to ensure sustainable fishing practices and to protect the livelihoods of small-scale and island fishing communities who rely on inshore fishing. Although the Minister has appealed the decision, and that is welcome, it is taking time and there is still considerable confusion and fear it will be overturned again. While this example concerns inshore issues, it demonstrates the very obvious problems with our public consultation process.

Too often, an online submission and a public meeting is considered sufficient by Departments, which can too easily override the views and experiences of locals. The Bill makes extensive reference to public participation, but this comes with caveats and a poor track record. This principle will need to be strengthened in the Bill to ensure coastal and island communities have a strong voice in determining what happens to them.

Second, the Bill must include explicit references to balanced approaches based on natural justice in the running of the new agency, the maritime area regulatory authority. Maritime area planning facilitates the type of sustainable investment we need in infrastructure such as offshore renewable energy production. However, this cannot be done at the cost of local communities. Fishers, marine tourism and other stakeholders can all be negatively impacted by the developments this Bill will enable. For example, inshore fishers on the east coast are already experiencing disruption caused by surveys for potential offshore wind farms. Even at the survey and site investigation stage, they are being limited in the areas they can fish, without sufficient compensation - it does not even come close - and engagement. That is just at the site investigation stage. Imagine what the impact will be when we get to the construction stage.

The Department of Housing, Local Government and Heritage is working on a liaison process, but this belated initiative should have been in place before. Fishers are eager to engage and seek solutions but are rightly sceptical of new systems that only seem to have their interests as an afterthought. There is significant detail in the Bill on the board of the maritime area regulatory authority. While this is only correct, it is showing that the same level of attention has not been included to protect the interests of coastal and island communities. I urge the Minister to add new sections enshrining processes based on natural justice and valuing existing marine sectors.

Third, the Bill makes reference to sustainable maritime usages and sustainable development. However, at the same time we know that the national marine planning framework allows for exploration and production of petroleum. In a climate crisis, when we need to be keeping fossil fuels in the ground, the Government's policy is planning for oil drilling. We have little opportunity to change the national marine planning framework, which was rushed through a few months ago, but the Minister has an opportunity to ban this type of activity through the Bill. It is essential the maritime area regulatory authority's commitment to sustainability is real and impactful rather than being in name only. The Bill has to reflect our climate obligations and the immediacy of climate action. Any energy projects need to be entirely renewable and should be State-led rather than permitting corporations to make massive profits in exchange for a handful of local jobs. The Government should be spearheading public bodies to develop renewable energy projects that will guarantee our energy sovereignty and provide decent jobs for coastal communities.

This Bill forms part of major changes concerning maritime governance and planning. It is

interconnected with the national marine planning framework, which outlines the Government's objectives and marine planning policies, the Maritime Jurisdiction Bill 2021, which establishes boundaries and zones in the territorial sea, and the policy statement on the framework for Ireland's offshore electricity transmission system. The Minister needs to work with the Minister for Agriculture, Food and the Marine to develop a broad public information campaign to show how this patchwork of laws and regulations will work and how communities will be affected and can take action, if required.

As a Deputy representing a coastal constituency, I always welcome a focus on the sea and its considerable potential. However, this needs to be done in a fair, transparent and sustainable way for the benefit of coastal and island communities. This Bill has a way to go to achieve this.

Deputy Jennifer Whitmore: This Bill, in principle, is welcome as an important step to provide a legislative basis for marine-based activities and development. However, it needs to be done sustainably in tandem with our international climate action and biodiversity obligations.

Looking out over the sea from my constituency in County Wicklow, you can see the changes on the horizon. From small developments to large-scale offshore renewable energy proposals, our relationship with the sea is changing, and rapidly, as we enter a more intense phase of combating climate change. Managing this development requires a generational shift from our historic approach to planning and development. I listened earlier on as some of our colleagues talked about how, to date, we in Ireland have been what is called sea blind and we have not focused our attention enough as our attention and focus tends to be on the land. I must respectfully disagree. I too am from very close to Trinity Wharf. I grew up a minute's walk away from it. My family, including my brother, dad and grandad, and I worked on the boats. I know I can speak for every person who lives in a coastal community or works in a fishing community when I say that the sea and fishing is intrinsic to who we are. Culturally, we are very connected with our sea and maritime areas. That goes for every community, whether it is Wexford town, Arklow, Wicklow or the west coast. What we have not done to date is protect it properly. That is where our focus has not been. We have not focused on ensuring that we manage it sustainably and look after it for future generations. That is where this Bill should be coming in.

Ireland has the largest maritime area in the whole of the EU. That is of huge benefit to us, but it is also a huge responsibility. How we manage our marine areas will be key to the success of our response to climate change and the biodiversity crisis. It will also be the key to the success of development. We know we have to meet our climate obligations. A large part of that will be wind farms and offshore developments, but we do need to get the balance right. In my speech today, I will talk primarily about biodiversity and the environment, because that is where the focus should have been when we were developing this Bill. It should have been the priority and the development should happen afterwards.

Under the EU biodiversity strategy for 2030, member states should collectively legally protect at least 30% of EU land and marine areas, with at least 10% of such land and marine areas being subject to particularly strict protection. Yet, at present only 2.4% of Irish waters are designated as such. It is the second lowest in the EU, despite Ireland agreeing to designate 10% by 2020 and 30% by 2030 under the EU biodiversity strategy. The Minister will know that I have repeatedly called this out because it is something that I am particularly interested in.

We talk about the size of our maritime area and how 90% of Ireland is under water. I think probably all of the speeches today have referenced that. I know that because I spent weeks and

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months surveying those sites, whether on the Marine Institute survey boats or on fishing boats. I have been out and I know how vast and fantastic it is and what an amazing resource it is. I also understand why we need to protect it.

To address the gap in protecting our biodiversity, since becoming a legislator, I have sought to protect our basking shark populations through a Private Member's Bill. I am thankful I received good support from the Minister on that. While it is an important step, it is only a small step. That is the reality. It would be fantastic to protect the species but there are many species out there that need that level of protection. That includes our shark species. What we need to be doing, in conjunction with protecting particular species, is protecting the areas where they are. We are looking at areas and nursery spots like Tralee Bay and Dingle Bay with a view to ensuring those areas are protected and those vulnerable species are safe there. That really needs to be where we are going. When talking about marine protected areas, MPAs, it is key that they be ecologically coherent. There is no point in just selecting a spot offshore and saying it is now protected; it needs to be ecologically important.

Owing to the urgency of addressing our biodiversity crisis and the warming of our seas, establishing the MPAs must be, and should have been, the first port of call. The timing of this Bill seems off. The introduction of this Bill to the Dáil does not resolve the current disparity between the designation of MPAs and the licensing of offshore renewables. It is really cart-before-the-horse territory.

The Government has prioritised the advancement of development- and consent-focused legislation. Meanwhile, it has left legislation on MPAs paddy-last. They are to be dealt with in another Bill, the heads of which have not been drafted. Pre-legislative scrutiny has not been scheduled, and we have no timeframe for the publication, passage and enactment of the legislation. These must all occur before we can put into place the designation process for MPAs.

The Minister for Housing, Local Government and Heritage, supported by the Minister for the Environment, Climate and Communications, has determined that all the essential protections will follow after the decisions and the consents granted in the marine environment context. This clear hierarchy of priorities of Departments and business interests really does not bode well for our marine biodiversity.

It is important that the Government ensures adequate time is afforded to the Oireachtas so it can really get to grips with this complex and lengthy legislation, which amounts to more than 200 pages. It is a very complex piece of work. The effects need to be considered very carefully, along with whether the changes to the planning Act, together with the relevant provisions in this Bill, ensure that the additional requirements under the EU's marine legislation have been sufficiently addressed. This is particularly important given the legacy of issues concerning the process associated with the starting blocks and outputs and outcomes of this legislation. I hope to work with the Minister to close any gaps in this regard.

I have further concerns in respect of gaps in provision for public participation in respect of the key elements of this Bill. For example, on the fundamental marine policy statement, there is no provision for public participation. Extraordinary discretion is given to the Minister to develop on his own without any stakeholder input. The approach proposed regarding public participation statements, as in sections 18 and 22, could be clarified and made more accessible. We need to ensure the standard of access to information for consultations befits the technological age in which we live. In this regard, I refer also to the issues experienced by some in ac-

cessing technology. The burden needs to be fairly balanced between authorities and the public in the processes in question.

The failure to provide for public consultation regarding maritime area consents, the granting of consents, changes to consents, and interim maritime area consents, particularly regarding rehabilitation and security requirements, is a serious concern given the significance of a maritime area consent and the benefits derived from the input of prescribed bodies and the public and their scrutiny of this process. There are limitations in the specification of prescribed bodies for applications to the development consent board.

Earlier, the Minister for Housing, Heritage and Local Government stated this Bill reflected the majority of the recommendations made on foot of pre-legislative scrutiny by the committee. Unfortunately, some gaps have been raised. One recommendation that has not been reflected in the Bill is, “The completion of designation, and specification of regulation and management of Marine Protected Areas based on ecosystem requirements, required under Article 13(4) of the Marine Strategy Framework Directive as the basis for any spatial plan and consents, be provided for in the proposed bill as a precondition to the making of any plan or the granting of any consent under the legislation”. Alternatively, it was suggested that “the Department prioritise the introduction of separate and complementary legislation to complete the designation, regulation and management of Marine Protected Areas and subsequently that Marine Protected Areas are included in the National Marine Planning Framework and Marine Spatial Plan.” It is clear the environmental NGOs and people raising concerns about the MPAs understand the necessity of wind farms and meeting our climate targets. What they wanted was to get the balance right. That has not happened.

The Government has confirmed that we will have to wait for yet another while after the recent public consultation on the MPAs as the legislation on the identification, designation and management of MPAs is expected to be developed later in 2021 and into 2022. One can see the speed of the work on this Bill by comparison with the speed of the MPA work and that there is a risk that sites of ecological importance will not be protected.

What the Government could commit to in the meantime, until all the legislation is lined up and enforceable, is the implementation of interim measures to protect areas of the marine environment given the disparity between the introduction of the proposed legislation and the absence of legislation regulating MPAs. I have spoken to the Minister about this already. The scientific evidence exists. Incredible work has been done over the years by universities, the Marine Institute and many environmental NGOs. People know where the important sites and species are to a great degree. The protections could be put in place using their data, information and expertise. It is important that this happen.

Delays by current and past Governments in legislating effectively for marine health and our urgent need to develop clean energy have resulted in a legislative quagmire. Who is going to come first? Will it be marine habitats or wind farm developers? We are now in a position in which we must do our best to align both MPA targets and the renewable energy target of 70% by 2030 and have them work in tandem. Taking into consideration the recommendation that marine habitat concerns be considered in applications for maritime area consents and licensing, we can make this legislation work both for the environment and for the economy. In doing so, we can facilitate the sustainable development of offshore wind energy to meet our renewables goals.

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It is clear, however, that there is a need for certainty in the sector, including the developers and those building the wind farms. We expect significant investments to be made. The lack of certainty for the investors is also an impediment. It is important that we ensure that any bodies established be resourced fully and properly and that they can actually perform their functions, and do so quickly. At each stage of the planning process, there should be officials with the relevant expertise in marine science, ecology and marine planning so that the needs of marine habitats will be represented during the process. The public and civil society will need to know the point at which they can participate. There were concerns over the participatory aspect. At what stage, and to what extent, can communities have a say during the planning process?

It is important that there be clarity in the Bill regarding how prioritisation for phase-1 projects will be given effect so they can progress with some certainty. Interim measures have been proposed in that regard but they need to work with the interim measures proposed in respect of the biodiversity aspects.

In summary, the Bill does little to help to advance the protection of the marine environment. This is a missed opportunity. The explanatory memorandum states a “Designated Maritime Area Plan or DMAP will be a management plan for a specific area and can be used to develop multi-activity area plans; to promote use of specific activities; and/or for the purposes of the sustainable use and protection of particular marine environments.” The question, however, is whether it will be too late for protection if there is no mechanism in place to design and designate MPAs or provide the interim protections that are required before permission is granted for the developments in question.

Debate adjourned.

Confidence in Minister for Foreign Affairs and Defence: Motion

An Ceann Comhairle: The next item is a motion regarding confidence in the Minister for Foreign Affairs and Defence. It is due to conclude within 110 minutes and any division demanded will be taken immediately. Before we commence, I wish to remind Members of certain rules of debate. It is a long-standing rule that allegations of a serious nature against an officeholder can only be made by substantive motion in the House, which is a point I believe I made earlier today. A motion of confidence cannot be used as a vehicle to allow Members to make serious allegations by innuendo or otherwise without notice across the floor of the House.

In the interests of fair procedure, any Member is entitled to have notice of any allegations to be made in order to have time to prepare a considered response. While a motion of confidence invariably gives rise to charges of a political nature, it is not in order to impugn the character, good name or integrity of any Member. The character of the Minister is not the issue in this motion; what is at issue is the matter of confidence in the Minister as Minister. As we are all pretty clear on the rules of engagement, I call the Taoiseach followed by the Minister, Deputy Eamon Ryan, and they have 15 minutes between them.

The Taoiseach: I move:

“That Dáil Éireann has confidence in the Minister for Foreign Affairs and Defence, Simon Coveney T.D.”

A motion seeking the removal of a member of Government is a serious matter. Since the foundation of the State, Dáil Éireann has held that these motions are the most serious that can be tabled. They are supposed to mark an important statement on fundamental policy failures or a serious legal issue. The sad reality is that the issue of confidence in the Minister for Foreign Affairs and Defence before the House this evening has nothing to do with any of this. It has nothing to do with seeking to protect the State or assert the rule of law. It most certainly has nothing to do with the refusal to be accountable to the Oireachtas and the Irish people. No questions have been ignored. It has nothing to do with asserting a sincerely held point of principle about misconduct or the abuse of office. Let us be clear that we are debating this motion because one party decided that it was a handy way to get publicity and deliver populist, partisan attacks.

There is no question or doubt about the substantive issues in this controversy; they are uncontested. The position involved was intended to be part time and awarded no permanent benefits to anyone. There is no allegation of a benefit being sought for or conferred on any officeholder. Ultimately, as we know, no one was appointed to the role.

However, as I stressed from the beginning, there is an important matter and it is a perfectly legitimate issue of public concern. The creation of this role and the attempt to appoint an individual to it was handled carelessly and badly. As the House will be aware, the Minister has apologised to me, his ministerial colleagues, the Oireachtas and the public on a number of occasions for his handling of the matter. He has accepted that I should have been informed of the proposal in good time and that the procedures followed were unacceptable. Procedures that were not properly followed were strengthened and where they were missing have been introduced. The Minister and the Tánaiste have published extensive material, including text messages and departmental emails, about all matters relating to the appointment. The Minister has also twice appeared without delay before an Oireachtas committee and answered lengthy and detailed questions. His handling of this appointment was wrong but by any fair measure it would be completely out of proportion to remove a Minister on the basis of what is involved in this matter. As I have said, I have received private and public apologies for the failure to provide appropriate notice of this proposal. More important, procedures have been put in place to ensure this never happens again.

This is a coalition Government of three distinct parties, which are seeking to work together on behalf of the Irish people. One of the most important roles for the Taoiseach in a Government such as this is to seek to sort out problems rather than to exploit them for some short-term gain. In this case, the problem has been addressed. There has been no reluctance to accept accountability and action has been taken to prevent any recurrence. My primary focus is, and has been, to lead a Government that is delivering change at a radical pace even while handling once-in-a-century public health crisis.

In demanding the removal of the Minister for Foreign Affairs and Defence, Sinn Féin has made a long series of statements about what standards it believes should be implemented. It is important to address this issue of standards that Sinn Féin says should be basic in any government. Sinn Féin has at no point raised any concern with how the Minister has been fulfilling his duties. There is no allegation before the House that he has neglected or mishandled any of the major issues under his supervision, some of which have seen him work directly with Sinn Féin. The motion is before us because we are being asked to accept that the non-appointment of Katherine Zappone to a temporary and part-time envoy position was a gross abuse of office. This is manifestly not the case and Sinn Féin is seeking to demand a standard of accountability that goes well beyond anything that party has ever been willing to practice in its 50-year history

up to and including its current officeholders.

Some of the statements that Deputy McDonald has made in the past few days are genuinely breathtaking in their cynicism and the double standards involved. She even went as far as to say yesterday that her party had been forced into tabling the motion because it was not “prepared to look the other way”. Is Sinn Féin not prepared to look the other way? This debate is simply not long enough for us to go through the list of dramatically worse and often sinister events where looking the other way has been the defining essence of the Sinn Féin response.

It is important, however, to address the specific issue of appointments. There is only one party in this House, which refused to act on a fair employment tribunal judgement that one of their Ministers appointed someone to the chair of an important public body because “he was not from a Protestant background and because he was known to the minister and his ministerial colleagues”. The Minister involved faced no sanction from his party leader and he remains at the very top of the Sinn Féin organisation.

Anyone who pays any attention to appointments which are at the discretion of Sinn Féin Ministers has known that for a long time that such appointments very rarely go anywhere other than to current or former public representatives, advisers and supporters. In the case of North-South bodies, Sinn Féin only ever nominates its own people. This goes far beyond North-South bodies. For example, when the acting Sinn Féin Minister for Communities was looking for someone to appoint to the Arts Council of Northern Ireland, where did she go? She went to the party and appointed her former ministerial colleague, Máirtín Ó Muilleoir. There are many more examples of this, every one of which is less transparent and more consequential than the part-time envoy non-appointment the party is attacking.

In this, as in every other area of public life in this country, it seems that as far as Sinn Féin is concerned accountability is for other people. Its partitionist approach of having radically different core principles on either side of the Border will some day catch up with it. There will come a point where more broadcasters decides to stop allowing the hypocrisy to go unchallenged. It is simply remarkable, for instance, that genuine scandals reported by programmes such as BBC Northern Ireland’s “Spotlight” have been ignored in coverage in the Republic. In various interviews in recent days, Deputy McDonald has attacked me and Fianna Fáil, always casually ignoring much more serious issues, which she will not even acknowledge. There is something genuinely unique about the ability to say on the national airwaves, “I certainly don’t know many millionaires”, when she leads what has been for many years Ireland’s wealthiest party, which organises fundraising among the very wealthy in New York every year, and is accepting more than €3 million in a single bequest. What would happen to any of the Government parties or indeed any other party or independent individual here if they had moved a multi-million euro bequest out of the country, from a man of no-fixed-abode who lived in a caravan, in order to accept it and to avoid any tax on it. Can one imagine this?

Sinn Féin did not propose to remove the Minister for Foreign Affairs and Defence because of any standards it advocates or implements. It saw a political opportunity and was confident that its own behaviour would not be questioned.

There is important work to do in the Department of Foreign Affairs and the errors that were made have been addressed. There has been full transparency, and every reasonable question has been responded to. Procedures have been tightened to ensure that this will not happen again. The Minister has apologised and I have accepted his apology.

Our country is emerging from a once-in-a-century pandemic. Our society and our economy are reopening and have to be renewed. I am proud of the work Fianna Fáil and the other Government parties are doing in this regard. With the Minister, Deputy Darragh O'Brien, we have fundamentally transformed the State's approach to homebuilding in response to a housing crisis. With the Minister, Deputy Stephen Donnelly, we have begun a process of profound reform of our health services. The Minister, Deputy Michael McGrath, is concluding a comprehensive review of the country's national development plan, investing in services and projects for the long term, and we are preparing for a budget that will drive forward our recovery from the pandemic. The Minister, Deputy Foley, has ensured that our children are safely back at school, with significant funding to mitigate the damage Covid has done to the learning environment and to their education. Our young people are back enjoying third level education on campus. The Minister, Deputy McConalogue, is ensuring that our farmers, agrifood producers, rural communities and fishing communities are protected for the future, particularly by the environmental schemes, which have been oversubscribed. As a Government, we are transforming the apprenticeship sector, introducing real insurance reform, improving mental health services and radically changing services for older people and citizens with disabilities for the better.

Sinn Féin will play its games. My party, Fianna Fáil, and the three-party coalition Government will do what we were elected to do: we will work every month we have to improve the quality of people's lives and to build up our country.

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan): The Green Party will vote confidence in the Minister, Deputy Coveney, and the Government this evening. I have known Deputy Coveney for some time. He was already an experienced Deputy when I first came here in 2002. After spending time as a Member of the European Parliament, he came back here as an Opposition spokesperson when I was Minister. He was tough and gruelling but he is fair, knowledgeable, committed and sincere in all the dealings I have had with him.

I have seen the Minister's work on Brexit. Anyone here involved in anything to do with Brexit will have seen the very open way in which the Minister involved other parties and every section of our society in our approach to Brexit. That shows what a capable Minister for Foreign Affairs he has been and is at present. I am working with Deputy Coveney on the likes of the UN Security Council at the moment, at a critical time in this country's history, when we can address key issues like climate change, as the Minister is doing in the UN Security Council and elsewhere.

We need Ministers who can take initiative and who are willing sometimes to push the boundaries of what can be done. That was typical in terms of approaching the former Minister, Katherine Zappone, to take on this critical role involving freedom of expression and LGBTQ rights. That was not an unimportant job we were looking to get someone for, and I can see absolutely why a Minister might say to himself or herself, when considering that role, "Katherine Zappone would be a good person for that job."

I also want to speak-----

(Interruptions).

An Ceann Comhairle: Please.

Deputy Eamon Ryan: I want to speak, if I may, about her good name and her good reputa-

tion. I recall sitting in one of those seats at the back of the House when she decided to go into government. That same willingness for public service was, I believe, behind her desire to take on this role, one for which she was eminently qualified. I remember her, in those days before she was well known or in the Dáil or the Seanad, taking a lonely path with her partner into the courts to stand up for equal rights and marriage equality when no one else was willing to do so in a public way. That makes her a very good person and well qualified, to my mind, to be a special envoy on freedom of expression and LGBTQ rights.

There were problems with this process, as the Taoiseach has said and as the Tánaiste acknowledged immediately to us. Yes, we have to call that out, and we did. However, I will make a couple of points. First, as I said, you need Ministers with initiative but you also need a check, and the check is often in the Department. The public service job is to pull up Ministers and say, "Hold on a second here. We have to follow right and due process." As I can see, however, from listening to the Oireachtas committee hearings and elsewhere, the Departments had a similar view to the Minister's in this case; that is, that Ms Zappone would be a good person for this role. It was not the case that the Departments were trying to hold back the Minister; they were working with the Minister to deliver. That is very significant, to my mind, in the context of what took place.

We were surprised, as the Taoiseach said at the time. We do not discuss what goes on in Cabinet, but he was the first to say in Cabinet, as was I - his experience of this and mine are absolutely mirrored - that the process was not correct. We are right to draw attention to that and to investigate it, as the Oireachtas committee has done. However, I will vote confidence not only in the Minister as a person but also in the Government. This is a functioning Government. As the Tánaiste said, where surprises exist you pull the other parties up and say, "Hold on a second here. What is happening?". You also have to have good faith, which does exist. This is a functioning Government which in its first year has put through 62 pieces of legislation. Compare that with any other jurisdiction or any other parliament. Deputy McDonald will understand how dysfunctional government can be. How many pieces of legislation have been put through Stormont in the past year? We have important work to do, including in delivering the housing we are committed to delivering and in delivering fundamental change in our climate action plan and a new national development plan.

An Ceann Comhairle: Thank you, Minister. Your time is up.

Deputy Eamon Ryan: In my experience, that is what the people want us to address, not the order of business we see presented tonight.

Deputy Mary Lou McDonald: We are here this evening because of the culture of cronyism at the very heart of this Government. We are here because the Taoiseach refuses to do his job. He refuses to hold the Minister, Deputy Coveney, to account. The Minister sought to make up a job for a friend and former colleague and, when caught red-handed, he went about covering his tracks. He destroyed records he was obliged to keep under law and twice fed a cock-and-bull story to a committee of the Oireachtas. This is by any standard an abuse of office.

Sinn Féin was left with no option but to move a no-confidence motion. Fine Gael and Fianna Fáil go to great lengths, as does the Green Party, it seems, to cast this fiasco as a non-issue. They want people to tune out and to sweep all this under the carpet. The deluded response from the Taoiseach as Leader of the Government this evening is proof positive that Fianna Fáil and Fine Gael have held power for far too long. The cronyism they now so loudly defend is pre-

cisely the brand of culture that has squandered the hopes of generations. It is why governments have come and gone but nothing has really changed. It is why the basics are denied still to so many: an affordable home, access to healthcare, a decent living. These failures persist not by accident but because the Government parties govern for vested interests and those at the top. Let us face it: they clubbed together to form this shambolic, out-of-touch Government because they could not countenance the idea that a new generation might get what they denied to that generation's parents and grandparents before them, that is, political change and a government that acts in the interests of citizens. They simply could not stomach that because they believe that government belongs to them and their circle. They believe that power is their right. They believe that they and only they are entitled to govern and, for them, ordinary people are to be kept outside, far away from power. This is all about power: who has it, who wields it and who has access to it. This fiasco demonstrates again that the well-connected can literally have access to the highest level of government at the touch of a button. However, those denied their rights and those campaigning for services are locked out and ignored. I refer to those who regularly stand outside the Dáil protesting just to get the ear of the Government. I mean citizens with disabilities, carers, children waiting for surgery, families in Donegal and beyond whose houses are literally crumbling around them - the list is endless. These, in my view, are the voices deserving of being heard by the Government, but the truth is that they are drowned out by the politics of cronyism.

6 o'clock

Tá sé thar am d'athrú. Tá glúin nua ag éirí chun a mbua a bhaint amach. Diúltaíonn siad a gcoinneáil siar leis an aicme pholaitiúil atá ag iarraidh greim a choinneáil ar an am atá cailte agus ar an gcumhacht atá scaoilte.

The Ministers, Deputies Ryan and Coveney, and the Tánaiste, Deputy Varadkar, should not tell people this does not matter, that this is not serious and this does not affect people's lives. Tonight is about the Minister, Deputy Coveney, but it is also about their toxic culture, that culture they fester in government. It is about their rotten way of doing business that has robbed so many of a decent life, and it goes to the heart of how politics has been conducted in this State for decades. That must end here tonight because this generation wants and deserves far better. We will have an Ireland that matches the ambition of our people, an Ireland driven by equality and equality only, an Ireland where the right to a home, to healthcare and to a fair economy is the bedrock of our decent society and our brighter future.

I say to all Deputies who will line up this evening in defence of cronyism that they might delay change but they will not stop it. The days of the Fianna Fáil-Fine Gael cosy club are numbered. They can have the past; that belongs to them. But the future belongs to the ordinary people of this country. A new and united Ireland is coming, and I for one look forward with hope and enthusiasm to that day when we will have a real 32-county republic and a government of change that really serves the people.

Deputy Matt Carthy: The Minister, Deputy Coveney, has brought an unbelievable story to this House. His narrative, essentially, is that the Minister, Deputy Donohoe, contacted him to tell him that Katherine Zappone was looking for a UN gig and he then made contact with her. He says she did not lobby him or ask him for a job. Almost immediately afterwards, however, he had a conversation with his Secretary General in which he outlined his great new idea about a new UN envoy for something or other. The Minister then contacted Katherine Zappone and told her about his great new idea. He says he absolutely did not offer her the job he had just

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made up. Nevertheless, after not being offered that job, Ms Zappone texted him to thank him for the incredible opportunity. By the Minister's account, either he is a very bad communicator or Katherine Zappone is a dope. Not only did she misunderstand him regarding the job offer, she even thought she had a start date. When the Minister was not replying to her, she went as far as to contact everybody she could get a hold of to put the skids on it, including the Irish ambassador to the UN and even the Tánaiste.

What did the Minister do about this person who could not understand a simple conversation and who repeatedly went over his head to pressure him? He offered her that job he says he had not offered her previously. Anyone who expects the people to swallow that story is either a dope or thinks the rest of us are, because the truth is much more obvious. A former Minister wanted a job that would get her access within the UN and her Fine Gael friends bent over backwards to make it happen. The Minister made up a job that was not necessary and he expected Irish taxpayers to pay for it. He allowed Katherine Zappone to draft her own job description, deleted information he was legally obliged to protect and wasted his Department's resources and staff time to justify all those actions retrospectively. He brought the appointment to Cabinet without first informing his coalition partners, but they signed off, probably in the knowledge that at some point in the future they would want to do a favour for one of their friends because that is how Fine Gael and Fianna Fáil do business. In fact, for hours, days and even weeks in some cases, out-of-touch Ministers could not understand what all the fuss was about, and it appears some Ministers still have that affliction. The Taoiseach will recall that on day one, he told us to move on. The Minister himself went on radio and arrogantly told the media not to create new stories. Rather than deal with the debacle, Fine Gael ran a sting operation to expose that the Minister, Deputy Harris, had leaked the appointment from the Cabinet meeting because that is how business is done.

Appointments to public bodies, right up to the Supreme Court, are decided not by what you know but who you know. Public finances are spent and policy decisions are made on the basis not of what is in the best interests of workers and families but of who has access and who is on the inside track. That is why we have a housing crisis. It is why Fianna Fáil and Fine Gael always deliver for developers, speculators and vulture funds rather than those who need homes. It is why we continue to have a two-tier health service where personal wealth rather than health-care needs can determine whether a person has access to the treatment he or she requires. It is why Irish families and workers are fleeced with the highest mortgage rates in the eurozone and among the highest rents, insurance, childcare and utility costs in the world. It is why we need change. It is why we need to bring an end to cronyism, back room deals and insider politics. It is why this House should vote no confidence in the Minister, Deputy Coveney. It should also vote no confidence in the Government and in the old-style, failed, corrupt politics that have been the hallmark of this State for too long. The people deserve better.

Deputy Brendan Howlin: In a parliamentary democracy, the tabling of a motion of no confidence in a member of Government is a most serious matter, one that goes to the heart of our responsibilities as a House under the Constitution to hold the Government to account. Such a motion has been tabled, and I will set out the Labour Party's position on this unfortunate affair. The facts of the issues at hand are clear from the documents published by the Department of Foreign Affairs. Those facts are that the former Minister, Katherine Zappone, actively sought a role after leaving office, initially with USAID by seeking an introduction to Samantha Power, and contacted her former Government colleagues to that end. Subsequently, she sought a role with the United Nations as an Irish special envoy. The text messages of 26 February from Ms

Zappone to the Minister, Deputy Coveney, in response to his phone call to her was a checklist of her qualifications for the job. Her text message of 4 March was a clear appreciation of being offered the role and sought the specifics of her appointment duration. There is simply no other way of reading those text messages. The Minister denies he made the job offer in late February and does not see Ms Zappone's communications as lobbying, and therein lies the difficulty. He cannot accept that in response to a request from a former ministerial colleague, he created a new position without reference to his partners in government and offered it to her.

I happen to believe that a special envoy on freedom of opinion and expression is a very good idea in the current world, an idea that should usefully be debated in this House and that would attract many excellent candidates, no doubt Ms Zappone among them, but that is not how this matter was handled. Many Members, and indeed commentators, have rightly said in recent weeks that there are more important and pressing issues to discuss, such as the future of Sláintecare, the climate crisis or the new housing plan for Ireland, but underpinning all major policy initiatives is the requirement to maintain public confidence in the way politicians do the people's business. In government, the Labour Party introduced the reformed Freedom of Information Act, the Regulation of Lobbying Act and legislation protecting whistleblowers, all designed to ensure transparency in public administration, but cultural and behavioural change is difficult to legislate for.

These are not small or irrelevant matters. Trump won by eroding confidence in government. His calls to "drain the swamp" struck a chord with people who had lost their trust in politicians. We see evidence of that happening in Europe, too. Ironically, nobody is more attuned to and aware of that than the Minister for Foreign Affairs.

Ministers, no more than anyone else, make mistakes and make misjudgments. What is required when that happens is a full ventilation of the truth. Had that happened from the outset, I do not believe we would be having this debate tonight. However, that is not what happened. That is plain for all to see. No more than Donald Trump, the Government and the Minister are not entitled to their alternative facts. Public confidence in politics itself is under attack across the world, and this sorry affair damages all of us.

The Labour Party, from the outset of this Government, expressed no confidence in this Administration. We will do so again this evening. However, I hope, in the expectation the Government will win the vote tonight, that it will not be taken by the Government as somehow an expression that what happened is acceptable in any way. I would hope the true spirit of the legislation on freedom of information, the regulation of lobbying and the protection of whistleblowers is put into effect and those assurances are given to this House tonight.

An Ceann Comhairle: The next contributor is the Tánaiste, who is sharing time with the Minister for Justice, Deputy Humphreys.

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar): It is an honour for me this evening to express my full confidence in my friend and colleague, Deputy Simon Coveney.

I first met Simon 23 years ago, when I was canvassing for him in the Cork South-Central by-election, following the tragic death of his father, Hugh. I know nobody more committed to public service than him. Since then, he has served with distinction as a Member of this House, as a Minister, and as a Member of the European Parliament. We were both appointed to the

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Cabinet in 2011 and Simon subsequently served as Minister for Agriculture, Food and the Marine, Minister for Defence, Minister for Housing, Planning, Community and Local Government, Minister for Foreign Affairs and Trade, and now as Minister for Foreign Affairs and for Defence. He has always put the long-term interests of the Irish people ahead of any short-term political considerations. He is a reservoir of patience and kindness and he always has his eye on the big objective, whether it is the Common Agricultural Policy, CAP, negotiations and defending the rights and needs of farmers, the programme for Government negotiations - the Government with Fine Gael independence would never have happened were it not for him - negotiations with parties in Northern Ireland, or ongoing negotiations in relation to Brexit. He is diligent, knowledgeable, sincere, supportive and loyal. On the toughest days and at the toughest times, I have been fortunate to have him as a Government colleague and Deputy. Simon is someone with a deep commitment to human rights and he has put that commitment at the centre of our foreign policy, whether it is in the Middle East, Afghanistan or in the Mediterranean during the refugee crisis.

We made mistakes when it came to the proposed appointment of former Minister Katherine Zappone as special envoy, and he and I have acknowledged and apologised for our mistakes in that regard. There does, however, need to be some balance. Sinn Féin knows full well that without Simon Coveney's tireless and endless work that he put in with the parties in Northern Ireland and the British Government, there would not have been New Decade, New Approach - NDNA, as people call it. Without him, Michelle O'Neill would not be the deputy First Minister today and there would not be an Executive in Northern Ireland.

Deputy Mary Lou McDonald: That is some claim.

Deputy Leo Varadkar: He put back together the Executive Sinn Féin collapsed in a tactical act of arrogance, leaving Northern Ireland without a voice for three years during the Brexit negotiations. He deserves their thanks and their respect, not their opprobrium. Sinn Féin knows the work he put in to ensure there was no hard border on our island. Yet, they seek tonight to hound an honourable man out of office for cheap publicity and political gain.

In politics we will always have disagreements and debates, but there also needs to be a sense of proportion and balance. If everything is a disgrace or a crisis or a scandal, well then nothing really is. As this House returns, we will face discussions on big issues, like the new national development plan, on health, on housing, on climate, on budget 2023, to name but five. Surely, on our first day back, this is what we should be focusing on. I believe it is what most people want us to focus on. Only Sinn Féin feels differently.

Simon leads our Government's efforts on the UN Security Council and on the continuing discussions around Brexit and the protocol. Is it seriously being suggested it is in the interests of this country that he be removed at this crucial time? It was the Government of which Simon and I were Members that reformed the process by which public appointments were made, running them through the Public Appointments Service, PAS, system. We see elsewhere on this island what happens when a system like that is absent. We brought in legislation to regulate lobbying and a clear definition as to what lobbying is and what it is not.

(Interruptions).

Deputy Leo Varadkar: Also, we brought in legislation to protect whistleblowers.

We ended the link between big money" and politics, effectively banning corporate dona-

tions and donations of big money from wealthy individuals. Only one party in this House - Sinn Féin - flouts this law, in spirit and perhaps in letter, by routing its grubby millions through the United States and the United Kingdom. No other party does that. We know Sinn Féin collects and retains and perhaps even deletes data on its Abú system, without the consent of the data subjects.

Deputy John Brady: That is a serious charge.

Deputy Leo Varadkar: We know from the renewable heat incentive, RHI, inquiry how Sinn Féin Ministers handle confidential government documents and records. We know that when it comes to public appointments in Northern Ireland, Sinn Féin operates an international centre of excellence when it comes to cronyism.

I do not make these points to understate the mistakes that were made, but rather I make them-----

Deputy Aengus Ó Snodaigh: Bullshit.

Deputy Leo Varadkar: I think the interruptions and the curse words are indicative of the fact the truth really hurts Sinn Féin. The truth really hurts Sinn Féin.

(Interruptions).

Deputy Leo Varadkar: The mask slips as well, when it is not on. I repeat, a Cheann Comhairle, that I do not make these points to understate the fact mistakes were made nor to avoid accountability for them but rather to ask for balance and proportionality. Sinn Féin does not meet its own standards as a political party or as a government in the North. If we cannot have confidence in Simon Coveney, how can we possibly have confidence in Deputy Pearse Doherty, their treasurer, who is responsible for all their financial affairs, or in Minister Conor Murphy, the only politician on this island who has been found by an independent body to have acted with a degree of cronyism and sectarianism in a public appointment and yet he still serves in office today? How could we possibly have confidence in the person who presides above it all and turns a blind eye to it all, Deputy Mary Lou McDonald?

An Ceann Comhairle: We should all be conscious that the public is watching and listening what is going on here, so let us behave, all of us, with a little bit of decorum.

Deputy Mary Lou McDonald: Absolutely.

Minister for Justice (Deputy Heather Humphreys): At the outset, it is important to say the past few weeks have not been Fine Gael's finest hour. I am disappointed that at a time when we should have been talking about one of the most successful vaccination roll-outs in the world, about our economy reopening and about hundreds of thousands of people getting back to work, we have instead spent most of the last eight weeks talking about somebody who lost their seat in the previous election. We have nobody to blame for that but ourselves. It is important we acknowledge that tonight. This is not the fault of Fianna Fáil or the Green Party. This was Fine Gael who dropped the ball. We accept that here tonight. When you make a mistake, you hold your hands up and you admit that you got it wrong. The Minister, Deputy Coveney, has done that. This has been badly handled. The Minister, Deputy Coveney, accepts that and he has apologised.

However, can I ask a question? Is there anybody in this House who would seriously ques-

tion the integrity of Simon Coveney?

Deputy Paul Murphy: Me.

Deputy Heather Humphreys: He is one of the most decent men you could meet.

Deputy Paul Murphy: He lied.

Deputy Heather Humphreys: You only have to look at his record-----

An Ceann Comhairle: No. Sorry, Minister. You cannot come in here and impugn a Member in that manner, Deputy Murphy. I ask you to withdraw that statement.

Deputy Paul Murphy: He told untruths.

An Ceann Comhairle: Minister, please proceed.

Deputy Heather Humphreys: As someone who comes from just outside Clones, a few miles from the Border, I know the genuine fear that existed in communities at the prospect of a hard border returning to this island. There was one person more than anybody who fought on Ireland's behalf to ensure that did not happen. That was Simon Coveney. Often, that meant leaving his young family at three or four o'clock in the morning to travel across Europe, fostering relations with our EU neighbours and ensuring Ireland's interests were protected in the Brexit negotiations. Sinn Féin knows Simon Coveney served this country well on Brexit. It also knows the work he put in to ensure the Executive in Northern Ireland got back up and running. When cool heads, perseverance and patience was needed, the Minister, Deputy Coveney, was there for the people of the Border region. He put in the hard yards to get the institutions going again.

Sinn Féin Members know very well the work the Minister, Deputy Coveney, has done on Northern Ireland. They know the work he has done on Brexit and yet when the chance comes to score cheap political points in tonight's motion they just could not resist. Sinn Féin still cannot put the national interest before party interest. It is disappointing but not surprising. Nor were the speeches by Sinn Féin Members tonight surprising. We had the usual sound bites about golden circles and looking after the elite. Fine Gael is no party of elites. They should come to my office in Monaghan, to the office of Deputy Carey in Clare, to the office of the Minister of State, Deputy Feighan, or to the office of Deputy Ring.

(Interruptions).

Deputy Heather Humphreys: Fine Gael is a party full of ordinary decent public representatives doing their best for the people they represent. We were not born with silver spoons in our mouths. We are very much out there on the ground. We are in touch with people. We are helping people with housing, medical cards and the issues that matter.

An Ceann Comhairle: I thank the Minister; her time is up.

Deputy Heather Humphreys: I just wanted to say finally that the Minister, Deputy Coveney, has my full confidence. I can honestly say that his loyalty to this country and his dedication and commitment are second to none.

Deputy John Brady: Your time is up too.

The Minister, Deputy Coveney, may well be the person in the dock today, but what is on trial is a culture of privilege underwritten by the widespread practice of political cronyism within Fianna Fáil and Fine Gael. The roll of shame that has preceded this scandal is too long to recite. I could go back for many decades. The history of this State is steeped in scandal surrounding both Fine Gael and Fianna Fáil, the latest scandal being that surrounding Katherine Zappone this summer and the reverse-engineering of a job for her.

Since then we have witnessed a deliberate attempt to cover up the affair by the guilty parties once discovered. The Minister, Deputy Coveney, deliberately misled an Oireachtas committee. He has given contradictory and misleading accounts of his actions and role in the events surrounding this affair. He breached the law by deleting communications critical to our understanding of events and to allow for any transparency in the attempts to decipher his actions.

He has used his position as a senior Minister, alongside his party colleagues, the Minister, Deputy Donohoe, and the Tánaiste, Deputy Varadkar, to make up and offer a job to a former colleague on the mooch for a cushy number that would provide access to the corridors of power within the UN. The Taoiseach, the individual with the ultimate responsibility for the conduct of all his Cabinet not just the Fianna Fáil Ministers, has failed in his duty to the people. He has failed to stamp out the toxic culture at the heart of the Government, a culture that has unfortunately existed in both main Government parties since the foundation of the State.

We are witnessing an attempt by the Fianna Fáil leader to deflect attention, telling us, “Move on; there is nothing whatsoever to see here”. He will do anything to avoid scrutiny of the facts or his having to hold anybody to account. There is also a collective failure of the Fianna Fáil Party and the Green Party in this. There must be consistent exposure of wrongdoing and it must be done in a manner that cannot be ignored.

It is critical that the truth must come out. The jury, who are the public, have given their verdict and they know damn well what is the truth. They know what is happening here because they have seen it time and time again. They know the Taoiseach is guilty of presiding over a culture of cronyism and rotten politics at the heart of Fianna Fáil and Fine Gael. He is clearly unable to see the rot at the centre of his Government and the type of politics he represents which makes it evident how out of touch he is and how out of touch is the Government. That is because both Fianna Fáil and Fine Gael have been in power for too long.

I do not have any confidence in the Minister. I have no confidence in the Government whatsoever. It is time for new politics. It is time for a change from this rotten type of politics. We need politics that puts ordinary citizens at its core, not cronies, insiders or the well connected.

Deputy Gary Gannon: Tonight, the Social Democrats will vote no confidence in the Minister, Deputy Coveney. At the outset, I would like to depersonalise the debate as much as possible. As we vote this evening, I would like our vote to be a rejection of the culture that enabled this controversy. It is culture of arrogance at the highest levels of our State, one that facilitates those who have governed for too long to believe that both they and the decisions they take on our behalf are above scrutiny and, where necessary, consequence.

We reject the existing culture of cronyism where a Minister can believe that only the person they favour and whose credentials and experience they place value on can be appointed as a UN envoy. Beyond that, we reject the outcome that because the public outcry was so vehemently against the appointment of a Fine Gael insider to such an important role without

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process, Ireland is now without an envoy to the UN to advance LGBTQI+ rights despite this being so clearly a valuable position and one on which I believe the Irish public would like us to demonstrate leadership.

We reject the passing of blame, telling a reporter on our national airwaves what they can or cannot make a story of, a culture of deleting records and telling the Irish people that lessons have been learned as a means of avoiding the responsibility for the actions that were taken.

Tonight, what exactly is the Government asking us to vote confidence in? I have listened to some of the most senior Ministers in the State speak and not one of them has attempted to debunk the fact that a political stroke was attempted. If so, the Minister, Deputy Coveney, has had multiple occasions on which to set the record straight on the botched appointment of Katherine Zappone. Each time his explanation has stretched the truth to the point of annihilating it.

The Minister, Deputy Coveney, has asked us to believe that not only did Dr. Zappone misapprehend the job offer that had been made on 4 March, but she also misconstrued a start date. Dr. Zappone's text message to the Minister, Deputy Coveney, is clear: "You had mentioned June as a start date." The Minister, Deputy Coveney, has told us that this explicit statement from Dr. Zappone is a misunderstanding and her earlier exuberance about the "incredible opportunity" she had been offered was pre-emptive.

I believe that Katherine Zappone has done some service to the State. I have visited An Cosán on numerous occasions. However, I believe Fine Gael is attempting to throw her under a bus here and to make us believe that not only did she invent a job offer, but that she invented a start date for this non-existent job. The Minister has asked us to come to this conclusion despite professing himself to be so impressed with her professional ability that he felt she was the only candidate who should be in the running for the role of UN special envoy.

More important to me than seeing a former Minister and friend of Fine Gael whom it is willing to sacrifice for the purpose of its own survival is the concept of what constitutes political lobbying and political patronage in this country. Every person involved in this saga understands that power and access to it are their own form of currency. Tonight, Fianna Fáil, Fine Gael and Green Party Members want us to believe that a highly connected person who was found to be contacting and influencing senior Ministers and diplomatic staff in the awarding of a prestigious job does not amount to lobbying. Beyond that, the Tánaiste tried to diminish the story in early August by saying that a salary of €15,000 was not significant. Tonight, the Taoiseach described the role as being part time.

There was, I believe, a time for contrition in this sorry saga when hands could have been raised with people saying, "We got it wrong and we'll go back to basics." That was a long time ago and in the intervening period, all we have had is waffle and obfuscation. Tonight, we in the Social Democrats will vote against this version of an Ireland Fine Gael wishes to maintain. Tonight, we will vote no confidence in the Minister, Deputy Coveney. I hope it is clear that our absence of confidence extends to every facet of the Fine Gael brand and all that it represents for our country.

An Ceann Comhairle: I call Deputy Richmond, who is sharing time with Deputy Bruton and the Minister of State, Deputy Madigan.

Deputy Neale Richmond: I support the motion of absolute and full confidence in the Minister, Deputy Coveney, continuing as Minister for Foreign Affairs and Minister for Defence at

this crucial time for our State and the European Union. Like a number of others in this House, I have been fortunate over the past four years to work extremely closely with the Minister as this State faced one of the gravest challenges of a generation, the threat of Brexit, the threat of a return of a hard border and the devastation of so many vital industries. Throughout that period, the Minister, Deputy Coveney, stood up, stood particularly tall and defended the interests of Ireland and its people North and South. That is not just my opinion as an observer or someone who is in the room but the opinion that has been stressed countless times by the same people who read absolute nonsense from prepared scripts tonight. They are the same people who thanked Simon Coveney for standing by the tenets of the Good Friday Agreement and thanked him for protecting the rights of Irish citizens in the North. They are the people who thanked Simon Coveney for his patience in the face of absolute adversity from politicians in the North of this country and across the water. They thanked him and lauded him in this Chamber, the Seanad, committee rooms and closed conversations across the island and Continent. They now stand up, as political opportunists, to take a swipe and bring a good man down. Deputy Gary Gannon admirably tried to depersonalise the argument but a motion of confidence in an individual Minister is personal. Now we face those challenges again with politics in Northern Ireland in flux and the British Government reneging on commitments in the protocol. Today, the British Government has appointed its fourth Foreign Secretary in the time that Simon Coveney has been Minister for Foreign Affairs. This is the time that this Government and country need Simon Coveney. This is not the time for the duplicity, contradictions and sneering from those opposite. If they had their way, they would have pulled down the institutions and this State many times over.

Deputy Richard Bruton: I thank the Ceann Comhairle for the opportunity to support Simon Coveney. Simon made a mistake, for which he has been fully accountable. His integrity is absolutely beyond question. His record of outstanding service is open to anyone to inspect. Katherine Zappone is not a crony when it comes to defending LGBT rights and history will show that. These facts are not lost on Sinn Féin. That is why it has shifted its attack tonight. It seeks to destroy Simon Coveney's career to create a political platform to attack every party that is part of this Government. That is using the solemn process of removing someone from office in a way that undermines the value of a process that should be about proportionate accountability. Those of us who believe in proportionate accountability see it is being destroyed and hurt by this approach that Sinn Féin is taking. We are devaluing something that is core to a process. It is part of Sinn Féin's binary politics. It may be successful to make it black and white and say that people are either on their side or against them. It is no accident that Sinn Féin is using this against a politician who is tireless in his attempts to find common ground and understanding with others with whom he has differences. That has been discarded by Sinn Féin. Their politics is about building a wall and taking back control. They seek to present a simplistic caricature of Simon Coveney and others in government. It is not worthy of a party like Sinn Féin to adopt but that seems to be its way.

I believe it will galvanise this Government because we know that we need politics that examines evidence and develops solutions that are sustainable for the public. That is what Simon Coveney has done throughout his career, whether in the Departments of Agriculture, Food and the Marine or Foreign Affairs or dealing with the issues of Northern Ireland and Brexit. He has demonstrated his ability to stay the course and to find ways that we could bring people together to resolve differences that hold us apart. That is the sort of approach we need if we want to create a shared Ireland, not the divisive, binary politics that we see all too often from Sinn Féin. I vote full confidence in Simon Coveney. He is part of the answer to this country's problems and

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his record of service shows that is the case. I believe that he will be pivotal in the future as we seek to deal with many really tricky problems, both in relationships on these islands and in the wider political arena, in which he has immense understanding and sympathy for the ordinary person.

Minister of State at the Department of Education (Deputy Josepha Madigan): Deputy McDonald and her party throwing crass accusations across this Chamber represents the height of hypocrisy. We all know that people make mistakes. To err is human. That Sinn Féin would seek to bring down this Government on an issue about which there has been a full acknowledgement and apology is cynical in the extreme. The governance of our country at this crucial time is too important for such childish game-playing, since that is what this is, and attempts at distraction. The Opposition wants to talk about integrity and probity so let us do that. The Minister, Deputy Coveney, has represented this country with distinction on the international stage. He has stood firm in the interests of everyone on this island, North and South, at an extremely challenging time when others either refused to take a stance or sought to use the chaos to further their own agenda. He is a man of the highest integrity, who people have looked to for reassurance and security. While the Minister was speaking about the dangers of Brexit in the face of an onslaught from elements of the British press and spending long days in Brussels working on a deal to mitigate its worst impacts, what was Sinn Féin doing? Sinn Féin refused to take a stance on the 2016 Brexit referendum in the UK, preferring to sit out the campaign and leave it to others.

(Interruptions).

Deputy Josepha Madigan: Sinn Féin refused to take seats in Westminster at any point during negotiations on a deal, when its votes might have been crucial to avoiding a hard Brexit. Even now, Sinn Féin seeks to weaken this country's voice internationally at a time issues with the protocol and the future of the Northern Ireland Assembly are in the balance. That does not even start on the economic wreckage that its policies would produce in the country if it ever had to implement them. Sinn Féin is like the man on the sidelines, loudly pointing out every flaw and error to all who will listen, but when the time comes to tog out on the field, it is nowhere to be found. We know the meaning of integrity and probity on this side of the House. Sinn Féin is known for turning its back when the going gets tough and hoping that no one will notice. We have noticed and we continue to tackle Covid-19 as we deal with international challenges and articulate Ireland's voice in global affairs. I am proud to support a true statesman like Simon Coveney. I have full confidence that he has the interests of this country at heart.

Deputy Paul Murphy: It is quite striking that amid all the praise of the Minister, Deputy Coveney, as a great statesman and everything else, there has been an absence of a repetition by the Government of the detailed narrative that he put forward to cover up clear cronyism. I think that is because to simply lay out fact after supposed fact would reveal how ridiculous this is. I will go through a few issues with what the Minister claims. He claims there was no lobbying for this position. He slightly revised his position at the second committee meeting, when he said that there was no formal lobbying for this position. Obviously for anyone who can read and can see Katherine Zappone's messages, there is no question that that was lobbying. Second, he claimed that no job was offered until July, despite a text message from Katherine Zappone stating, "Thank you so, so much for offering me this incredible opportunity." That was before the job specification was even written and she obviously had a hand in writing that later. The Minister then claimed that he deleted the message about this because his phone was running out of space. I think the Minister has an iPhone, if not a high-end Android. They can

contain approximately 350 million messages. I am sure he is a popular man and receives many text messages but that was incredible.

That story was changed in 12 hours. The story was then that the Minister deleted the messages because his phone was subject to a security breach, hacking, etc. The only problem with that, which came up at the second committee appearance, is that to square the circle of not breaching the Freedom of Information Act with the Minister simultaneously saying that he deletes text messages because of his phone being hacked, he said that he does not breach the Freedom of Information Act, that he does not delete any message to do with Government business, and he deletes the other messages. He is telling us that he deletes the unimportant messages, not the ones related to Government business, and leaves the messages about Government business on the phone for Government hackers to be able to access. It is nonsense. Every aspect of the story is complete nonsense. It is clearly in contrast to what the Taoiseach said earlier.

It is clearly a breach of the Freedom of Information Act to delete text messages between a Minister and the Tánaiste relating to the appointment of someone to a Government position. Why does any of this matter? This cronyism, which is being covered up, is not an accident or a bug. It is a feature of how capitalism, Fianna Fáil and Fine Gael operate. Look at those protesting about the housing crisis outside this House. It was the Minister, Deputy Coveney, who produced the Rebuilding Ireland plan - it has been deleted from the Internet but still exists in hard copy - which was about inviting in vulture funds, real estate investment funds, REITs, and corporate landlords. It was the Minister who wrote the legislation in conjunction with, and at the behest of, the developers of strategic housing developments, with disasters across the city and country as a consequence. It was the Minister who said that by July 2017 we would see an end to homeless people in hotels and emergency accommodation. That situation still exists today. These are the consequences of the policies of Fianna Fáil and Fine Gael. They have a wafer-thin majority now. The Government should go and allow people to kick it out.

Deputy Mick Barry: The Zappone affair cannot be explained simply by the sense of entitlement felt by merchant princes. Fine Gael has been in power for more than ten years now. Its Ministers believe that power is theirs by right. The Varadkar leaks affair showed that last year; the Zappone affair shows it this year. As well as being the Minister most caught up in the lobbying, cronyism and deception of the Zappone affair, Deputy Coveney is just one of the Ministers whose fingerprints are all over this housing crisis, who have drastically underfunded mental health, and who continue to deny our nurses a Covid bonus for their sacrifices during the pandemic. I could go on. I have no confidence in the Minister, no confidence in the Government and no confidence in the system they defend.

Fianna Fáil Deputies will use their votes tonight to keep the Minister in office and no doubt he will then believe he is out of the gap. However, the Minister will be somewhat tarnished and the Government will be somewhat damaged. As Covid recedes and class issues re-emerge, I strongly suspect the Minister and the Government will increasingly find themselves on the back foot from this point on right up until the general election.

An Ceann Comhairle: I apologise to Deputy Mairéad Farrell, who I should have called already.

Deputy Mairéad Farrell: Tá sé sin ceart go leor, a Cheann Comhairle, agus gabhaim buíochas leis. Since this Government began its life, we have seen the complete erosion of public confidence in political life. It is undeniable at this point that we have a crisis in how this Gov-

ernment does business. Public standards and ethics are on the floor. We previously had a clear attempt to breach the lobbying Act, which tries to close the revolving door between government and vested interests. The events of today have been dictated by Zapponegate, another occasion when public standards and ethics were thrown into the bin. We then had the Minister, Deputy Coveney, appear before a committee where he provided an account that contained serious inconsistencies and excuses designed to try to explain away the problem. We also heard the Minister stating, by his own admission, that he had deleted official correspondence related to this matter.

I am no legal expert, but section 52 of the Freedom of Information Act is written with the kind of admirable clarity that does not require a legal background to understand. It states that “a person ... without lawful excuse and with intention to deceive destroys or materially alters a record shall be guilty of an offence and be liable on summary conviction to a class B fine”. I guess we will just have to let the public decide for themselves because the Government’s vote of confidence would seem to suggest it does not believe there is any issue.

We then heard that this Government does not even seem to believe that Katherine Zappone’s actions constitute lobbying at all. To hear Ministers say they are not being lobbied when they receive numerous texts and communications from a former Cabinet colleague about a role that was created for her, the mind absolutely boggles. It would appear that some Ministers simply believe they are doubling as HR specialists in their spare time. I heard one Fine Gael Minister play the definitional game by trying to define the problem away, and that is the height of cynicism. Yes, we could restrict the definition of lobbying to someone who conducts their canvassing activities in a hotel lobby, but where would that get us? Call me old-fashioned, but I have always subscribed to the belief that if it looks like a duck, walks like a duck and quacks like a duck, then it is a duck. The same goes for lobbying.

I have heard some people tonight say that members of the Opposition are just standing on the sidelines, but we are being extremely constructive and the lobbying Act clearly needs to be strengthened. I have a Bill to do that and what did members of the Government do? They kicked the can down the road. The FOI Act clearly needs strengthening, and what have I received just a few moments ago but another delaying tactic - a review. We do not need another review; we need action.

Tá daoine bréan den chineál bhealach is atá ag an Rialtas seo chun a chuid oibre a dhéanamh agus tuigim go maith an fáth a bhfuil siad bréan de. Tá sé dochreidte agus iomlán do-ghlactha agus caithfear stop a chur leis.

An Ceann Comhairle: The Minister, Deputy Donohoe, is sharing time with Deputies Cowen and Cathal Crowe.

Minister for Finance (Deputy Paschal Donohoe): In making the case for confidence in this Government and in the Minister, I acknowledge the recovery that has yet to be led and the healing that this Government must and will help with. In making the case for confidence in the efforts of Simon Coveney and the Government, I acknowledge the work that lies ahead, work this Government is committed to undertaking.

Let me deal with the charges that have been made against this Government and the Minister, Deputy Coveney, this evening. Let us look at the track record of this Government and what it has achieved across recent months, while always acknowledging how much more we need to

do. Some 7 million vaccinations have been administered, 500,000 people have come off the pandemic unemployment payment and the building of 3,300 homes was commenced throughout July. There is much more to do. There are also tests in politics and tests in the progress the Irish people want us to meet. These are the tests this Government is striving to meet, a contributor to which is the Minister, Deputy Coveney, in his work.

I have heard the allegations of cronyism and of some alleged elite. There are 145 reasons that charge does not stand up tonight, which are the 145 appointments made by the Government with the assistance of the semi-State body, the Public Appointments Service, that advises the Government on appointments that are made to leading positions in semi-State bodies. It is the kind of organisation that was put in place to respond to the concerns that Deputy Howlin has and is implemented and overseen by this Government. That is proper government. It is the way that the Government has made those decisions.

That leads on to the next point on the charges made against the Minister, Deputy Coveney. We have acknowledged what went wrong in that process, as he has. As other Deputies have said, when the long hours needed to be put in to defend our country on Brexit and to put together the proposition that led to the backstop, when a political crisis - how we could respond to Brexit - emerged, nobody did more and nobody worked harder with more integrity, patriotism and competence than Simon Coveney. If you are going to make the charge about a single point, and I hope all who are making this charge have records of perfection, unblemished records they can stand over, let us look at the man, his track record and his character. That is why we on the Government benches make the case on his behalf and on behalf of our efforts.

We do so in the face of a party whose members say they want better local services but they want to abolish the local property tax. They are in favour of doing more about the climate crisis but they want to abolish carbon taxes.

Deputy Eoin Ó Broin: That is climate justice.

Deputy Paschal Donohoe: They are all in favour but the mask always slips with Sinn Féin

Deputy Eoin Ó Broin: That is absolutely untrue. That is dishonest.

Deputy Paschal Donohoe: Sinn Féin is in favour of more houses being built when its members are in the House, but are against them being built in any local community when they walk out of here.

(Interruptions).

Deputy Paschal Donohoe: Look at the charges that have been made here this evening. They have all been in favour of the big lie that motivates Sinn Féin, which is that it is the only party that represents the ordinary worker and the care worker. This is a Government in which my party represents the care worker, the person looking for a home to buy, the person whose rent is too high-----

Deputy Pearse Doherty: Get out of here. Come on. Nobody believes that.

Deputy Pádraig Mac Lochlainn: This is stand-up comedy.

Deputy Paschal Donohoe: We will do that work-----

(Interruptions).

Deputy Paschal Donohoe: As I said, the mask will always slip with Sinn Féin. We will do that work. We will do that hard work in honesty and by putting forward policies that can make a difference to the lives of people. There are few in this House who represent those qualities more than Simon Coveney.

An Ceann Comhairle: I call Deputy Cowen, who is sharing time with Deputy Cathal Crowe.

Deputy Barry Cowen: The appointment by the Cabinet and the subsequent withdrawal of Katherine Zappone as an envoy has been an unseemly controversy. The fact that the Taoiseach, the Tánaiste and the Cabinet approved the appointment, some of whom, yes, were blindsided but, apparently, oblivious to the political implications, is, to say the very least of it, strange.

The envoy appointment fiasco represented a failure of leadership and collective responsibility at the heart of the coalition. What has made the whole business such a sorry tale is that there was absolutely no public appetite, no demand, for any such envoy to be appointed. It was easy then for the public to conclude or to perceive that this was a set of insiders looking after one of their own.

I told the Taoiseach directly at our party meeting recently that, notwithstanding his present authority, it would be presumptuous for anyone to believe or presume they have majority support. The same should be said for the entire coalition. The people expect, wish and deserve to see good governance, not sideshows or ineptitude. The Minister, Deputy Coveney, has apologised and so too has the Tánaiste. Let us be fair, there is not unanimous absolute or wholesome confidence in the Minister, especially, unfortunately, in the way he handled this issue within Fianna Fáil, but I expect that the whole sorry episode may well represent the last chance moment for all concerned.

The parliamentary democratic system provides potential for Government stability up to five years. It affords time, space and opportunity to implement its programme for Government. I represented Fianna Fáil, among others, in negotiating, agreeing and selling that programme. It has much potential specifically, for example, to address the greatest need in our time at present, which, of course, is housing. We remain committed to this Government delivering from that programme of Government to our constituents. Not to vote with the Government today would seriously curtail our ability to best serve our constituents.

My membership of the Fianna Fáil Parliamentary Party and my commitment to modernise its aims and goals from within are an example that will not be compromised or undermined by the obvious yet understandable political gamesmanship we see here this evening from Sinn Féin. For that reason I will be voting support for the said Minister and for this Government to hurry up and implement those very agreements we sought and got among ourselves when putting forward a programme for Government that has the ability to deliver according to the people's wishes at the last election.

Deputy Cathal Crowe: We should not be here tonight. Merriongate from the very get-go was a problem of Fine Gael's making and it should have been for it to deal with, for it to determine the thresholds of ethics and for it to determine what level of sanction should apply. It is wrong that coalition partners, including my own party, are left to deal with this mess tonight, a full eight weeks after it first broke.

Deputy Paul Murphy: The Deputy does not have to vote confidence in him.

Deputy Cathal Crowe: I did not interrupt the Deputy.

An Ceann Comhairle: The Deputy should not be distracted.

Deputy Cathal Crowe: This Government has worked very well so far and it will work well tomorrow and in the days that follow but, let us be clear, there are three very separate parties in this coalition Government. There are very clear lines of demarcation between us. The Tánaiste, in my opinion, should have dealt with this quickly without a perpetuation of the matter for the length of time it has run its course. Sinn Féin has turned this into raw political opportunism.

An Ceann Comhairle: Thank you, Deputy. The time is up.

Deputy Cathal Crowe: It has played gamesmanship with this. Its Abú system is working in overdrive because people far beyond the boundaries of Clare, from south Armagh and Derry, are piling on our pages in recent days. I will conclude. It is working in overdrive. It loves these opportunities.

Deputy Eoin Ó Broin: The Deputy should at least take himself seriously.

Deputy Cathal Crowe: They do not want to deal with the real crisis in Ireland.

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

Deputy Cathal Crowe: I will conclude by saying the Minister, Deputy Coveney, is a good man. Several times over the past fortnight he has taken calls and texts from me relating to an Irish family stuck in Kabul. That is a real crisis. He has given of his time to listen to that case. Many in my party tonight will reluctantly vote confidence in the Minister, Deputy Coveney, but, let me be clear, this is not about the man. We have confidence in him to fulfil his role as a Minister. We have full confidence in him. It is the process that got us to this point, which has us very annoyed. We have confidence in him. It is the process that has been wrong.

An Ceann Comhairle: Thank you Deputy. The time is up.

(Interruptions).

An Ceann Comhairle: Can Members stop the heckling? Sinn Féin has the next timeslot. I call Deputy Pearse Doherty.

Deputy Pearse Doherty: There has been a great effort here this evening on behalf of the Government to divert attention from the core issue. We heard some of that tune played just a moment ago. Let me remind Members that the last time there was a similar controversy surrounding a Fine Gael Minister of using his influence to do favours for his friend, it was the Tánaiste. When he leaked a confidential document to a friend, we were told to move on, there is nothing to see here, this is gameplaying, political stunts and so on. It is now nine months later and his actions are still under criminal investigation by the Garda. I would ask Members to forgive Sinn Féin and many others in the Opposition if we are sceptical of the same excuses being peddled by the Government parties today.

Let us call a spade a spade. The Minister, Deputy Coveney, has been caught red-handed offering a salaried job, paid by the taxpayer, to a friend. He has been caught using the time and resources of his Department to reverse-engineer that role. He has been caught covering his

tracks and destroying records and communications pertaining to official Government business, thereby making a mockery out of the freedom of information legislation. He has been caught misleading the committee to which he is answerable and then concocting a story that stretched all credulity, expecting the committee and the public to swallow it.

The Taoiseach believes we should turn a blind eye. He tells us that this behaviour is not worthy of sanction or of censure - that, in effect, it is an example to all members of the Government to follow, that there will be no repercussions, and that while there may be three parties there should only be one Taoiseach who should take action, but he has failed to do so. That is why Sinn Féin has moved this motion today. We have a very different view, namely, that a Government Minister using his influence, office and power to create a paid job at the UN for a friend is not acceptable, that a Government Minister misleading a committee of the Oireachtas is not acceptable, that a Government Minister destroying records of Government communications is not acceptable, and that creating backchannels to communicate favours for friends is not acceptable. This Government needs to understand that. This cuts to the core of how the Government works and who it works for.

The culture of the insider has become the hallmark of Fine Gael in government for far too long and it is a corrosive force, but it comes at a cost to the outsiders - those who, unlike the developers, the bankers or former Government Ministers, do not have members of this Government on speed dial. That culture needs to be stamped out. While Fine Gael remains in power, that is unlikely to happen. It is even more unlikely when a Taoiseach allows the culture to fester without any action or sanction. That is crazy stuff. Without sanction, what is the message that is being sent out? It is that this is how Fine Gael, Fianna Fáil and Green Party are permitted to do their business. That is something Sinn Féin does not accept. It is something this Dáil should not accept. That is why this Dáil should stand up and set out a clear message tonight that the culture of cronyism and the culture of doing favours for those on the inside is not acceptable and will not be tolerated. That is why Members of this House should vote no confidence in Simon Coveney tonight. What he has done was pure cronyism. He has been caught out. He has only ever apologised for not telling the Taoiseach in advance, and not for the creation of a job for his friend that was paid by the public purse, for the fact that he destroyed the records, or for the fact that he reverse-engineered the job. None of that he has apologised for yet.

An Ceann Comhairle: I will move on to the Regional Group. Deputy Berry is sharing time with Deputies Lowry, Shanahan and Tóibín.

Deputy Cathal Berry: I have absolutely no hesitation in voting confidence in the Minister, Deputy Coveney, tonight. I do it for one reason and one reason only. Earlier this year he committed to implementing the findings of the Commission on Defence Forces, which is scheduled for submission in a few weeks' time. I very much look forward to the Minister, Deputy Coveney, still being in office so that I can hold him personally to account in that regard.

The people I represent do not want a new defence Minister who would come in here with brand new bright ideas and kick the can down the road for another four or five years. They need action and they need it now because our armed forces are in crisis. The Minister, Deputy Coveney, has proven he can act decisively when required. He deployed Irish troops to Afghanistan only a few weeks ago to save dozens of Irish lives in a meticulously planned and superbly executed operation, despite the resource constraints which everyone knows everything about. That is precisely the mettle and resolve we need to see from the Minister or from any Minister when tackling the structural issues in our military from December and beyond.

I empathise with the Minister that he is holding down two ministerial portfolios, which were held by two separate individuals up to a few years ago. It would be remiss of me were I not to point out that the Minister is spending much more time on foreign affairs than he is on defence and his troops are suffering disproportionately as a result.

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However, it would be remiss of me not to point out that the Minister is spending a lot more time on foreign affairs than he is on defence and that his troops are suffering disproportionately as a result. His troops do not need to see him in New York. They need to see him in Newbridge, tackling the daily difficulties in our armed forces as soon as possible. I would be grateful if the Minister could take those constructive points on board.

In summary, the Minister has my absolute confidence but we need to improve expectations from a defence perspective. He has delivered in the foreign affairs arena - of that there is no doubt - but he has yet to deliver for defence and we need to see improvements in that regard.

Deputy Michael Lowry: The appointment of Katherine Zappone was mismanaged from the start. It has damaged the perception of Government competence and left the door open for legitimate criticism. However, Sinn Féin has magnified and exaggerated the issue. The Minister, Deputy Coveney, has explained through the required channels the details of events that occurred. He has admitted that things could, and should, have been done differently. The Minister has apologised for his mistakes. His error of judgment in this instance is not in keeping with his long-standing political character. Deputy Coveney has been always cautious, careful and prudent in his actions and commentary on political issues. The Minister, Deputy Coveney, is known for his integrity and commitment, which has been flawless over the years. I know him to be sincere and genuine. The people of this country have been through an extremely difficult and challenging time. Covid has taken up a large amount of Dáil time since March 2020. People now want to move forward. They wish to hear what the future holds in terms of our dysfunctional health service, our economy, housing for their families and the host of other matters that have genuine importance in their lives. I run a busy political office. Contact with the general public keeps me in tune with public opinion. This matter has never registered as a serious issue in the public mind. The feedback I get from the public is of puzzlement as to how or why this has dominated political discourse. It is time to move on and to address the real and substantive issues facing our country. I am happy to declare confidence in the Minister, Deputy Coveney.

Deputy Matt Shanahan: On the day this vote was announced, the Irish Examiner led with the Minister for Public Expenditure and Reform's insistence that the Cork-Limerick motorway would be in the revised national development plan. I thought this an unobvious wink to the people of Cork that this Government and the Minister, Deputy Coveney, had the motorway baby safely in their arms. Unfortunately, I have no babe in arms to signal to the south east. No baby steps have been taken to advance or upgrade our regional N24 and N25 transport links. However, I acknowledge the Minister's competence and, in particular, his work on Brexit. This competence and strength on Cork issues is seen by many in my constituency as a problem that has helped to keep Waterford's ambitions stunted. I refer to our airport, hospital and university. However, we are fair-minded and seek natural justice. Where mistakes were made here, they were not of such an order or gravity as to fire a competent and effective Minister and, possibly, a Government as this pandemic and Brexit rumble on. Budget 2022 and the revised national development plan are also issues of natural justice that will be closely followed in the south east. That is the correct matter on which to base any decisions on the future of this Government.

Deputy Peadar Tóibín: There was no public recruitment process and no advertisement. There was no transparency. It was not open to anybody else. There was no competition. There were no qualification criteria. There was no fairness whatsoever. This role was gifted to Katherine Zappone because she was a friend and because she had the mobile number of half a dozen Ministers. Cronyism is deeply corrosive in the running of a country. It creates a two-tier society and blocks the majority of citizens from applying for jobs at the upper reaches of our Government. An absence of competition also ensures that we will not have the best people for the jobs we need filled in this country. Freedom of information, FOI, legislation is in place simply to allow citizens and journalists to make government transparent. On this occasion, Government communications were deleted and FOI material was shredded. Ministers are designated individuals under lobbying law. Lobbying law pertains to the influencing of a Minister in the spending of Government money. This is very clear. The Taoiseach himself was on “Morning Ireland” and admitted that Katherine Zappone sought this job. There was a blizzard of texts. Lobbying law was clearly broken. This could be a watershed moment for this country. We could reform the political system in this country but to do so there must be consequences for wrongdoing. If there are no consequences, there will be no change. A couple of months ago, the Tánaiste leaked a confidential document. Today he is investigating a leak from his own Cabinet, allegedly from a Minister who is not even here. Every single junior party gets to a point in a coalition government at which they either hold the senior party to account or hitch their wagons to that senior party. If they do hitch their wagons to that senior party, they will be toast in the next election.

Deputy Joe McHugh: Ba mhaith liom an lánmhuinín atá agam i mo chomhghleacaí, an tAire, an Teachta Coveney, a chur in iúl. People in public life make mistakes and will continue to do so long after we are all gone. Public representatives should be held accountable for these mistakes. Deputy Coveney has accounted for these mistakes at committee not once, but twice. Meanwhile, back at the ranch, we have Sinn Féin standing right at the top of the high moral mountain and calling for Deputy Coveney’s head on the grounds of a mistake he made, even though he is a dedicated politician with an incredible track record who gave a great deal on Brexit, the UN Security Council campaign and the restoration of the Assembly in the North. Sinn Féin is saying off with his head for making a mistake which he has accounted for twice. It is saying we should end his career. What message is that for our young people and people who might consider going into public office?

Meanwhile, back on the crowded Sinn Féin high moral mountain, in the words of Deputy Carthy, the Sinn Féin Party has made political appointments to boards, including Foras na Gaeilge, based on “a process and on a set of defined considerations” and furthermore that “Any person that we have nominated to any board at all, has always been on the basis of them being, in our view, the most suitably qualified candidate.” The result of this defined process has led to the following. Out of 16 board members of Foras na Gaeilge - eight from the South, nominated by the Irish Government, and eight from the North, nominated by the Northern Ireland Executive - at least six have links with Sinn Féin. One such member is Liadh Ní Riada, a former presidential candidate for Sinn Féin. Did Deputy McDonald propose Liadh Ní Riada for this position? Sinn Féin councillor, Conor McGuinness, who is the leas-chathaoirleach of the board of Foras na Gaeilge, is from Waterford and works closely with Deputy Cullinane. What was Deputy Cullinane’s role, if any, in this appointment? We also have Kevin Ó hEadhra, a Sinn Féin activist and candidate who stood in the 2019 local elections in Connemara, and Niall Ó Gallochobhair from Lifford. I know Mr. Ó Gallochobhair well and he is a good guy. He is a political adviser and constituency manager with Deputy Doherty. Did Deputy Doherty have a role

in this appointment? Other board members include Maighr ad N  Chonghaile from Belfast, who is principal of a Gaelscoil and a member of Sinn F in, and Caoimh n Mac Giolla Mh n, who is from Belfast and who was a Sinn F in councillor for six years. T  blas na fim ineachta i gceist. This is hypocrisy at its best.

This was not Simon's finest hour and nobody knows that better than Simon himself. However, there are wider issues as we hold this so-called debate tonight. This is the level of political discourse, to which Deputy Richmond alluded, despite all the relevant and critical issues facing us which must be dealt with, including all of the issues that emerged during August when this charade was ongoing. Covid is still an issue. Our young people in primary and secondary school are still facing disruption. They are still having their education in schools disrupted because of Covid. We also have issues across six or seven counties where people are living with the nightmare of their houses falling down due to mica and pyrite. We face many critical issues of importance. Yes, Ministers need to be held to account but is this really where we are at?

Deputy Marc   Cathasaigh: Last month the Intergovernmental Panel on Climate Change launched its landmark report setting out in clear terms the urgent need for radical climate action. It did so against the backdrop of the consequences of a climate-altered world being played out in real time, with heat records shattered in Italy, Canada and Northern Ireland, with Hurricane Ida crashing into the Louisiana coast and subsequently flooding the New York subway system, with devastating floods sweeping through northern Europe and with wildfires raging from California to Greece to Siberia. That report is not equivocal in its findings. The window for action on climate change is closing and the consequences of inaction are catastrophic. In the words of the UN Secretary General, the report is a code red for humanity. If this seems tangential to tonight's debate, it is not. The Government has significant work to get done, not least of which is action on climate change but also in the areas of health, housing and myriad other challenges posed by the social and economic fallout from the pandemic. We have a programme for Government, which is the most ambitious in the history of the State. We have followed through with important legislative work, from the LDA Act to the climate Act. Now we must concentrate on delivery and on translating legislation into action. This is all being done in the context of doing our utmost to protect lives and livelihoods as we steer our course through a global pandemic. This is the work we have in front of us as a Government. I believe this work is important and for that reason I will vote confidence in this Government.

The issues surrounding the proposed appointment of Ms Zappone have been well ventilated at this point. The process leading to the appointment was unsatisfactory and should have been handled in a more transparent manner. The Minister has acknowledged he made a number of mistakes, has apologised and has twice appeared before the Joint Committee on Foreign Affairs and Defence. All this is well known. However, it is my opinion that a vote of no confidence would be in no way proportionate.

With respect to the Minister's brief, this vote comes at a critical juncture. From the ongoing effect of Brexit to our seat on the UN Security Council to the unfolding situation in Afghanistan, he has demonstrated his experience and expertise on all these issues. I have full confidence in his ability to continue in these ministerial duties. We have been promised change and a new politics from the Opposition benches. In tonight's debate, I only see populist Punch and Judy politics, aimed at sowing discord among coalition partners. The issues facing us as a Government and a country are too serious and urgent. They deserve better from all here.

Deputy Colm Brophy: It would be easy to give a litany of what Sinn F in Members actu-

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ally do, what their real intentions and practices are compared to the petty stunts they pull when sitting in this House. I do not want to do that tonight. I want to talk about a colleague-----

Deputy Pádraig Mac Lochlainn: Do not stop.

Deputy Colm Brophy: Believe me, there will be plenty of time to talk about what they do. Tonight I want to talk about a colleague I work with in the Department of Foreign Affairs, a person who has more integrity than most of them will ever know or understand and who does more to serve this country in a day or a week than most of them have ever done. Indeed, most of them have a good track record in damaging our country.

It is a critical time and some of them might wish in a few weeks or months if, God forbid, the motion was to succeed, that they had him there with his skills, integrity and judgment. He brings all those things to his role as the Minister for Foreign Affairs and has exemplified that in his delivery on Brexit and his work on the UN Security Council. He has exemplified all the things we like and admire in people in public life in this country in his decades of public service. To see people who do not really understand what public service is wanting to pull him down is a disgrace.

Deputy Pearse Doherty: Address the issue.

An Ceann Comhairle: We move to the Rural Independent Group. Five Members, namely, Deputies Mattie McGrath, Michael Collins, Michael Healy-Rae, Richard O'Donoghue and Danny Healy-Rae are sharing.

Deputy Mattie McGrath: The members of the public looking in are aghast. They saw what went on through Covid. They see almost €4 billion extra spent on the HSE for 44 extra acute beds and they see the harm done to people through lack of services, lack of diagnoses and diagnoses delayed. There are issues with cancer patients, mental health and so on. Yet we have this folly of a vote of no confidence. Yes, the lobbying legislation was flagrantly violated and cronyism is alive and well. It should be changed in the lobbying legislation and former Ministers should not be allowed to lobby.

The job created concerned freedom of expression for the LGBTQI community and the lady now cannot express a syllable. She is missing. Will she come before the committee and answer why and who she lobbied? Texts have gone missing. This looks like a charade and it is a charade. I have respect for the Minister, Deputy Coveney, but this is not good enough. The Fianna Fáil leader should be ashamed of himself to allow it.

Deputy Michael Collins: No one here can take the moral high ground in Irish politics, including me. In my time in the Dáil I have fought against Minister after Minister for fairness in politics, which is greatly lacking. Ministers are so often involved in nod-and-wink style politics and looking after their own back yard and not the country, like they should. I have always supported the Minister, Deputy Coveney, in so many ways as he is a leader with top qualities but that has been completely overshadowed in this case as I read the texts Zappone was sending and her expectation that a few texts the right way would get a job that she wanted for her agenda. Whether this was an Irish agenda is to be seriously questioned. The missing texts worry me. How deep was the Tánaiste's involvement? How deep was the Minister for Finance, Deputy Donohoe's, involvement?

Ms Zappone's involvement in Irish politics leaves so many questions, from the first day the

Labour Party nodded and winked to Fine Gael to appoint her as a Senator. Then Enda Kenny, nodding and winking, appointed her to a senior Ministry. Now this carry-on stinks to the high heavens and asks many questions we have little or no answers to, with the strong probability that more leaks are yet to come out. It leaves me with a clear choice in this matter.

Deputy Michael Healy-Rae: I have no confidence in this Government. It has made a mess of the hospital service. University Hospital Kerry may as well close its doors tonight because of mismanagement at government level. Poor decision after poor decision has been made by a Government completely out of touch. Katherine Zappone was not going to represent me or the people of Kerry whom I represent. That is why what the Government did was so wrong. She was on a solo run to promote her agenda, which was not mine. She would not have much support in County Kerry anyway.

Having said that, do I agree with the motion before us? Would I vote against the Minister personally? I would not. He is a good, solid political worker. Saying different is not factual. I have known him a long time, going back to our time on the Southern Health Board. I saw a worker then, I see one now and I cannot go against that. I have nothing to gain by voting in the Minister's favour, other than that my political judgment says it is the right thing to do.

Deputy Richard O'Donoghue: The Government might learn from the management team of All-Ireland champions, Limerick. Three parties going in three different directions and getting nothing right. We have seen Deputy Varadkar leak stuff and Phil Hogan put out of his role. I did not like the man but he was doing a job in Europe. We saw agriculture Ministers being thrown around in this House. We are here to do business and to work for the people. My job here is to get business done. Do I have confidence in the Minister? I do. Did he do wrong? He did. Does he need to be sanctioned for it? He does. Is it the right choice to remove him from where he is? Which Government Deputy will replace him? There is not one that has the experience we need at the present.

Deputy Danny Healy-Rae: I believe we are elected here to do a different type of work altogether. We were elected to represent people that need caring or that need to go into hospital. Our hospital service is in a ramshackle condition in Kerry and west Cork.

The cost of living is going up and no one is saying anything about it. The cost of fuel, petrol and diesel is doing likewise. How will old people pay for fuel to heat their homes this winter? Will Government Members increase the fuel allowance? No, they will not. They will not even talk about it. It is a shame to waste time on yet another debate on a confidence motion.

An Ceann Comhairle: We have to go to the Independent group. We will hear Deputy Joan Collins. She is sharing with Deputies Harkin and McNamara.

Deputy Joan Collins: I will oppose the Government motion of confidence in the Minister, Deputy Coveney, for the simple reason that I have no confidence not just in the Minister, but in the Government. I do not have confidence in the Government dealing with issues such as the housing crisis.

The Irish Human Rights and Equality Commission report yesterday was not a surprise but it was a shocking read. The Minister, Deputy Coveney, stood over housing policies up to 2017 that have failed the people of Ireland. I have no confidence in the Government's delivery of health services. There is an ongoing crisis in health provision, with 1 million people out of a population of 5 million on waiting lists, many of them for more than 18 months. I have no con-

fidence whatsoever in the Government's credibility in delivering Sláintecare and I have serious concerns about what is happening in that regard.

Having said that, there are questions to be answered by the Tánaiste, the Minister for Foreign Affairs and the Minister for Finance in this debate. They relate to the deletion of texts from mobile telephones and the response to freedom of information requests to the Tánaiste's office. Both Ministers, Deputy Coveney and Donohoe, have stated that they regularly delete text messages from their telephones in order, as they claim, to free up space. We know that one of the messages deleted by the Minister, Deputy Coveney, was a message from Katherine Zappone inviting him to her party at the Merrion Hotel. This message was deleted as the controversy about the party blew up. In the case of the Tánaiste, we know that the response to an FOI request to his Department was that no messages relating to Dr. Zappone or the Merrion Hotel affair could be found. Twelve days later, however, such material was available.

Any logical interpretation of these facts would pose the question as to whether there was an attempt, probably a co-ordinated attempt, by the individuals involved with Katherine Zappone's appointment to hide the truth of their involvement in this shabby affair. This behaviour displays the arrogance of a political establishment whose members feel they are untouchable. It is a reflection of the culture of Irish politics and the way members of the Government parties have always done business over decades. Fianna Fáil never challenges Fine Gael on these issues and Fine Gael never challenges Fianna Fáil because they are complicit in their cronyism, jobs for the boys and girls and their lack of transparency.

I will finish by saying that what I see is a quiet word here, a text sent there, a bit of lobbying here, and soirées to celebrate and copperfasten the deal that was done. The man and woman on the street know this only too well. The Minister, Deputy Coveney, should resign and, if not, the Taoiseach should ask him to resign.

Deputy Marian Harkin: I must be brief in the 90 seconds available to me. As an MEP, I said I was proud that Ireland was represented by the Minister, Deputy Coveney, on Brexit, the Northern Ireland protocol and ensuring there would be no hard border on the island of Ireland. I stand by those words. Nonetheless, tonight is a different context. Many mistakes were made and they all arose from the premise that a former Minister could lobby the two most senior Fine Gael Ministers, the Tánaiste and an ambassador for a job that at that point in time did not formally exist. This, it seems, is how business was conducted in the allocation of similar, existing posts up to that point. It was not transparent or accountable. However, the Taoiseach has said here this evening that a new transparent and accountable system has been put in place for such appointments. That, for me, is crucial.

Looking at the Minister, Deputy Coveney's, entire record as Minister for Foreign Affairs and the actions that have subsequently been taken by the Taoiseach, I will use a football analogy and say that the colour of the card for the Minister should be yellow, not red. Nobody is perfect and we all make mistakes. The important thing is that we learn from them. I hope that has happened.

Deputy Michael McNamara: I have an article in front of me from July 2020 by the Charlemagne columnist in The Economist. It states that Ireland has a claim, per capita, to be the world's most diplomatically powerful country. The article cites four key positions, including the trade commissionership in Brussels. Around the time that column was being written, Phil Hogan did something quite stupid. It was not a criminal offence and he has never been charged

with anything, but he did something quite stupid and the Taoiseach and Tánaiste had him removed. That was, perhaps, self-serving and undoubtedly populist, but what did it achieve? A couple of months later, Ursula von der Leyen triggered Article 16 and the Irish Commissioner was not even consulted.

Turning to the situation of the Minister, Deputy Coveney, Ireland is now chairing the UN Security Council. It might be a vanity project but we are there and we need to do it properly. To remove a Minister for Foreign Affairs at this moment in time would be an act that would damage not Fianna Fáil, Fine Gael or the Green Party, in whom I have little confidence, no more than I do in the Government of which they are part, but would damage Ireland. For that reason alone, I urge the House to support this motion.

An Ceann Comhairle: We will now hear the reply from the Government. The Minister of State, Deputy Naughton, is sharing time with the Minister, Deputy Coveney.

Minister of State at the Department of Transport (Deputy Hildegarde Naughton): This debate is not about whether the Minister, Deputy Coveney, is an appropriate person to serve in Cabinet. This motion is an attempt to damage him, not because of the error he made, which should not have happened and for which he repeatedly apologised, but to sow division among the Government parties. Our citizens demand and deserve that their parliamentarians work on issues that matter to them. This motion is a distraction from that important work. It is very clear that in our first week back here in Dáil Éireann, Sinn Féin is prioritising making personal attacks rather than focusing on the important issues that matter to people.

As colleagues have stated here this evening, the Minister, Deputy Coveney, is a politician of vast experience, ability and integrity. He has been deservedly praised for his careful handling of Brexit and his relationships with the EU and its institutions. He has helped to ensure that Ireland's interests and the protection of the Good Friday Agreement were at the heart of the Brexit negotiations. His tireless work in Northern Ireland in restoring the institutions there have been also widely praised. If Sinn Féin Members were honest, they would admit that he acted at all times with integrity and honesty.

I have seen at first hand his dedication to public service. In late December last year, including on Christmas Eve, instead of spending time with his family, he worked with me and colleagues across Government to ensure Irish citizens were not stranded abroad at Christmas due to the necessary restrictions that were brought in as a result of Covid-19. At all time, the interests of the Irish people were at the forefront of his response. However, Sinn Féin's view is that the Minister made a mistake and should be punished by hounding him out of office. It is such hypocrisy. Some Sinn Féin Members of this House have made very public mistakes, by making offensive and divisive statements in public and on social media, but, after apologising, they remained in their positions. Is it Sinn Féin's contention that only its Members can apologise and move on but Members of other parties must be pilloried before this House? There has been much written about Sinn Féin appointing its own members to various boards. Is that not cronyism?

Sinn Féin Members know that the Minister, Deputy Coveney, should not resign. They do not want him to do so. That is because they know there is no one within their own ranks who has the ability to deliver for Ireland on the world stage. What they want is to cause friction within Government and within the coalition parties. There is no greater good being served by this motion, which is a classic example of "Do what I say but not what I do". This underlines

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the cynicism at the heart of today's motion. The Minister, Deputy Coveney, entered politics to make a positive difference in people's lives. He still has that focus. Politics should be about implementing policies that make the lives of citizens better, not about personality. It should be about the good we can do, not the damage we can inflict when the occasion arises. I urge the House to support the Government motion.

Minister for Foreign Affairs (Deputy Simon Coveney): First, I would like to thank everybody who has spoken in support of me this evening. Their support is much appreciated. Quite honestly, I never thought I would find myself in the middle of a debate like this one. Given the magnitude of the issues this House needs to deal with, including the removal of Covid restrictions, the pressures on healthcare delivery across the country, the launching of the most ambitious new housing plan in history, Ireland's chairing of the UN Security Council at a crucial time, and the ongoing pressures in Northern Ireland relating to the Brexit protocol, the legacy of the past, the threat to the very existence of the institutions of the Good Friday Agreement and the possible early collapse of the Executive and the assembly, it seems scarcely credible that a short-lived Government appointment of a part-time special envoy should be dominating our focus on the first day back after the summer break, but here we are.

I take my share of blame for this debate. For six weeks now, the appointment of Katherine Zappone and the issues related to it have been the focus of media and political commentary. In truth, I should have and could have dealt with this issue much more comprehensively in early August, after it became controversial following a Government decision. I did not take the issue seriously enough then. I was too defensive in interviews. I allowed speculation to drift into a political narrative that does not reflect the truth of what actually happened. By the time a comprehensive release of more than 100 documents under freedom of information by my Department allowed me to detail before committee the chronology of events - the communications, the consultations, the recommendations and the decisions - most people had already made up their minds on what had happened.

I want to say to every one of my colleagues in this House but, in particular, to my partners in government, that I regret that this issue has distracted from the important work we have been trying to do and I regret the mistakes made by me in advance of the Cabinet decision and subsequently in terms of not clearing these issues up earlier. I have apologised to the Taoiseach and to my colleagues, and I do so again this evening to everybody in this House. Government is busy and difficult enough without a preventable controversy like this one rumbling on as long as it has.

I have no intention of repeating my evidence to the committee again this evening, but I will say this: my decision to appoint a special envoy was based on a role that was conceived, designed and recommended to me following consultation with my Department. My decision - and it was my decision - to ask Katherine Zappone if she would be interested in such a role, and ultimately to appoint her months later following an extensive process, was in no way corrupt or dishonest. Although I know many on the other side of the House will not accept this, it was a genuine effort to add to the credibility and effectiveness of Ireland in an area of promoting human rights and freedom of expression. This is one of many special envoy roles that Ireland has appointed, Government after Government, and was absolutely consistent with what many like-minded countries are currently doing, including our closest neighbour, the US, Canada and many EU states. For the future, clearly there is a need to restore confidence in the role of special envoys and, certainly, the process by which they are appointed. My Department is undertaking a full review in that regard and I agree with the Taoiseach that from now on, should a special

envoy be recommended, we should ensure there is an open competitive process to fill any such position.

I have been in politics for 23 years and in government for more than a decade and every day has been a privilege. I have made mistakes on that journey but I have never had my integrity questioned in the way it has been in the past month, leading to this debate. Ironically, in recent years I have worked closely with many of those who have now chosen to table a motion of no confidence in me. I have worked with them on Brexit and the Northern Ireland protocol, preventing Border infrastructure re-emerging on this island, restoring the devolved institutions in the North, reconciliation and trying to find a way to deal with the legacy of the past in Northern Ireland and maintaining North-South co-operation through it all. All of those difficult achievements required trust. They required respect and an absence of cynical party politics to get important things done. The conversations I have had in private in many cases do not reflect much of the public commentary that I hear from the same people.

Sinn Féin is not attempting to hold the Government or me to account tonight, or even to establish truth. Deputy McDonald is not trying to get answers in this debate or achieve anything positive as regards what really happened here and how we can improve things for the future. This is a political tactic to try to extend a political controversy and to reinforce a false narrative of cronyism to damage relations in this Government. Sinn Féin is doing what it does so often, North and South - stoking tension with an exaggerated narrative in an effort to create anger, resentment and division, not just in this House or in the Government, but across society more generally.

Deputy Mary Lou McDonald: The Minister has learned nothing, absolutely nothing.

Deputy Simon Coveney: I want to sincerely thank colleagues who will vote in support of me this evening despite the fact that many of them have been less than impressed - I know that - with my handling of this controversy.

Deputy Pearse Doherty: It is not the handling; it is what the Minister did.

Deputy Simon Coveney: I thank them for their trust, their sense of perspective, which is often lost in the heat of political debate, and their decency. I sincerely hope that following this motion, I can return to focusing fully on the important work of Government and the office that I am privileged to hold.

A Deputy: Business as usual.

Deputy Mary Lou McDonald: No lesson learned. The same arrogant stance.

Deputy Simon Coveney: The Deputy is a hypocrite.

Deputy Mary Lou McDonald: I am not the hypocrite.

Deputy Simon Coveney: You are a hypocrite.

Deputy Pearse Doherty: The Minister cannot even acknowledge what he did. Business as usual.

An Ceann Comhairle: I ask Deputies to resume their seats. The House is still in session.

Question put:

<i>The Dáil divided: Tá, 92; Níl, 59.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>
<i>Brophy, Colm.</i>	<i>Bacik, Ivana.</i>
<i>Browne, James.</i>	<i>Barry, Mick.</i>
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>
<i>Burke, Colm.</i>	<i>Brady, John.</i>
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>
<i>Byrne, Thomas.</i>	<i>Carthy, Matt.</i>
<i>Cahill, Jackie.</i>	<i>Clarke, Sorca.</i>
<i>Calleary, Dara.</i>	<i>Collins, Joan.</i>
<i>Canney, Seán.</i>	<i>Collins, Michael.</i>
<i>Carey, Joe.</i>	<i>Connolly, Catherine.</i>
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>
<i>Collins, Niall.</i>	<i>Cullinane, David.</i>
<i>Costello, Patrick.</i>	<i>Daly, Pa.</i>
<i>Coveney, Simon.</i>	<i>Doherty, Pearse.</i>
<i>Cowen, Barry.</i>	<i>Donnelly, Paul.</i>
<i>Creed, Michael.</i>	<i>Ellis, Dessie.</i>
<i>Crowe, Cathal.</i>	<i>Farrell, Mairéad.</i>
<i>Devlin, Cormac.</i>	<i>Funchion, Kathleen.</i>
<i>Dillon, Alan.</i>	<i>Gannon, Gary.</i>
<i>Donnelly, Stephen.</i>	<i>Gould, Thomas.</i>
<i>Donohoe, Paschal.</i>	<i>Guirke, Johnny.</i>
<i>Duffy, Francis Noel.</i>	<i>Howlin, Brendan.</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>Fitzmaurice, Michael.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Fitzpatrick, Peter.</i>	<i>MacSharry, Marc.</i>
<i>Flaherty, Joe.</i>	<i>McDonald, Mary Lou.</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>Harkin, Marian.</i>	<i>Mythen, Johnny.</i>
<i>Harris, Simon.</i>	<i>Nash, Ged.</i>
<i>Haughey, Seán.</i>	<i>Nolan, Carol.</i>
<i>Healy-Rae, Danny.</i>	<i>O'Callaghan, Cian.</i>

<i>Healy-Rae, Michael.</i>	<i>O'Rourke, Darren.</i>
<i>Heydon, Martin.</i>	<i>Ó Broin, Eoin.</i>
<i>Higgins, Emer.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Hourigan, Neasa.</i>	<i>Ó Murchú, Ruairí.</i>
<i>Humphreys, Heather.</i>	<i>Ó Ríordáin, Aodhán.</i>
<i>Kehoe, Paul.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Lahart, John.</i>	<i>Pringle, Thomas.</i>
<i>Lawless, James.</i>	<i>Quinlivan, Maurice.</i>
<i>Leddin, Brian.</i>	<i>Ryan, Patricia.</i>
<i>Lowry, Michael.</i>	<i>Shortall, Róisín.</i>
<i>Madigan, Josepha.</i>	<i>Smith, Bríd.</i>
<i>Martin, Catherine.</i>	<i>Smith, Duncan.</i>
<i>Martin, Micheál.</i>	<i>Stanley, Brian.</i>
<i>Matthews, Steven.</i>	<i>Tóibín, Peadar.</i>
<i>McAuliffe, Paul.</i>	<i>Tully, Pauline.</i>
<i>McConalogue, Charlie.</i>	<i>Ward, Mark.</i>
<i>McGrath, Michael.</i>	<i>Whitmore, Jennifer.</i>
<i>McHugh, Joe.</i>	<i>Wynne, Violet-Anne.</i>
<i>McNamara, Michael.</i>	
<i>Moynihan, Aindrias.</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'Donoghue, Richard.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Gorman, Roderic.</i>	
<i>O'Sullivan, Christopher.</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>	

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<i>Ryan, Eamon.</i>	
<i>Shanahan, Matt.</i>	
<i>Smith, Brendan.</i>	
<i>Smyth, Niamh.</i>	
<i>Smyth, Ossian.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Varadkar, Leo.</i>	

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

Question declared carried.

8 o'clock

Freedom of Information: Motion [Private Members]

Deputy Mairéad Farrell: I move:

That Dáil Éireann:

recognises the importance of a well-functioning Freedom of Information (FOI) regime in establishing trust and transparency in public life;

notes, with concern:

— the recent admissions that the Tánaiste and the Minister for Foreign Affairs have both deleted relevant material from their mobile phones; and

— that public confidence in political life has been eroded and will continue to be eroded without action; and

calls on the Government to:

— establish robust procedures in each Department to ensure that Ministers are no longer destroying records that should be maintained by the Department;

— ensure that all Ministers are aware of their responsibilities under FOI legislation, all relevant documents and materials are retained as required and all FOI requests are appropriately dealt with, and all relevant material is provided when requested;

— enhance the powers of the Information Commissioner's Office to allow the Commissioner to refer complaints under FOI legislation to the Standards in Public Office Commission for investigation, where it is believed that a public body, Minister or relevant person has intentionally or recklessly failed to fulfil their obligations under FOI

legislation;

— ensure that all public bodies, including those established under Companies Acts, are immediately brought under the remit of FOI legislation upon establishment;

— commit to an annual review of all bodies to which FOI legislation applies, including any bodies to which a partial exclusion applies and whether this is consistent with the Act's principles of oversight, transparency and accountability; and

— bring pension payments related to former Taoisigh, Ministers, Presidents and Office holders under the remit of the FOI legislation.

Beidh mé ag roinnt mo chuid ama le mo chomhghleacaithe, na Teachtaí Doherty, Ó Broin, Munster agus, sílim, Cronin.

If the events of tonight have taught us anything, it is that we clearly need to restore public confidence in political life and that we need robust procedures to ensure public accountability and absolute transparency. The debate we had earlier is a perfect example as to why we need to enhance our freedom of information, FOI, regime. The reality is that in this State for most of its history there have been very significant concerns as to transparency and access to records and data. Some would tell us this was all in the past and ancient history, so to speak.

Let me remind those people that this time last year the Government was attempting to lock away for 30 years records involved in the mother and baby homes scandal. It seems ancient history continues to manifest itself in contemporary policy, and that is precisely why the enactment of the Freedom of Information Act in 1997 was such an important moment and was, indeed, a watershed one. It was one of the first big steps in transparency to give our citizens three new legal rights. These were, first, the right to consult official records, excluding those relating to internal security and foreign relations; second, the right to update and correct personal information that was inaccurate; and third, the right to be given reasons public decisions are made when they affect the person in question.

Freedom of information has been essential for journalists, political researchers, concerned citizens, NGOs, historians and victims of State abuse. It has been a means to get access to information on politicians' expenses and to gain access to reports on scandals in our nursing homes, hospitals and industrial schools. It has played very significant roles in sagas that have been detrimental to this State.

Many transparency campaigners and journalists have been saying for a very long time that they have very significant concerns as to the ability of the FOI Act at this time. John Devitt from Transparency Ireland said it played an essential role in underpinning our faith in public affairs but that it has been deliberately diluted in recent years. That is its importance here in that it has an essential role in underpinning our faith in public affairs.

This time last year I began researching the problems that currently exist in our FOI regime because not only were we hearing it from the transparency campaigners and journalists but so many other people were coming to me on this issue. It was because of those concerns that I conducted a survey with those who often and regularly use the freedom of information mechanism. The results were absolutely damning. Any of us who has tried to use the freedom of information regime can very much relate to what these results say. What we saw was that almost 80% felt that the regime was performing poorly or very poorly and 86% said it had se-

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riously declined in recent years. I raised this with the Minister repeatedly but his response in June was that the regime was “robust and functioning well” - famous last words because the events of Zapponegate, or whatever you want to call it, soon overtook matters and have raised serious concerns about adherence to FOI and the importance attached to the FOI regime within the Government.

Those events really show the attitude towards the FOI regime and the fact that it needs to be strengthened. We know that deleting official correspondence is a clear offence under the Act, but this seems to be disregarded again. Public bodies were claiming that correspondence did not exist only to show later that it did. This is nothing new, however. Anyone who has been using FOI can tell you that this happens regularly. We know from Right to Know that Ken Foxe has said we have public bodies failing to meet their obligations time and time again, and it is the same organisations year after year. They seek time extensions for routine requests, do not bother answering requests, refuse access to everything and fail to find records that are later shown to have existed. Some of this may be cultural or educational, and some are resource-based and cannot be tackled through legislation, but many of the current weaknesses of our FOI regime can be tackled through legislation: the lack of accountability for those who fail to fulfil their obligations under the Act; the failure to bring new public bodies immediately within the scope of the Act; the failure to extend the remit of the Act more fully to certain public bodies that are only partially covered; and the refusal to grant information on the pensions of retired Taoisigh, Tánaistí agus Airí, which once was available.

The Act has, in addition, a lot of shortcomings. For this reason my colleague, Deputy Clarke, and I felt that urgent action was needed. That is why we drafted our forthcoming FOI (amendment) Bill, much of which is included in tonight’s motion. To be clear, this is not something we have conjured up in the past few days; it is something we have been working on consistently over the past year. We need urgent action. I have seen the amendment the Government has proposed. We do not need more reviews and delays. What we need is action. I hope this second legislative attempt by me to increase transparency and accountability will not be pushed down the road like the Regulation of Lobbying Act, which we also need to see implemented. We were told the Government would create its own Bill in the intervening period but, thankfully, now we can deal with this Bill and it can move to Committee Stage.

I often hear and heard again tonight - and it does my head in, for want of a better term - Government party spokespeople say the Opposition should offer solutions. Well, here I am. Here we are. We are offering solutions and I have been here before offering solutions. We are seeing delay after delay by the Government. It wants us to offer solutions. We are doing so. This motion would deal with some of the very real issues we need sorted. First, with the admission by a Government Minister in recent weeks that he deleted text messages, we very clearly need to establish procedures in order that each Department ensures that Ministers no longer destroy records that should be maintained by the Department. Second, either FOI does not seem to be taken seriously by the Government or it is not aware of its duties. The Government must therefore ensure that all Ministers are aware of their responsibilities under FOI and that all documents are made available. Crucially, we need to enhance the powers of the Information Commissioner to allow the commissioner to refer complaints under FOI legislation to SIPO for investigation. If there is a concern that a public body or a Minister or relevant person has intentionally or recklessly failed to fulfil their obligations, there needs to be consequences.

It has been said that democracy dies in darkness. An FOI request is a way to shine the light into the darkest corners of our political systems. It is time to recharge the batteries of FOI. I

implore the Minister to support the motion.

Deputy Pearse Doherty: I welcome this motion. I commend Deputy Mairéad Farrell on the work she has done on this issue and also on the lobbying Bill. Stalling that Bill for nine months was ridiculous. What was the purpose of it? SIPO has been looking for those powers for years. The Government has not delivered. Its predecessors in government have not delivered. Deputy Mairéad Farrell and I have drafted the legislation and it is there. Let us work on it and deal with this issue. Maybe some of the stuff that has come to haunt the Minister's term in government which we have just dealt with and other issues would not have happened if we had that type of robust lobbying Bill in place. The Government should stop the delaying tactics and let us move on now that that is going before a committee.

Freedom of information is based on the premise that the public have the right to know, including the right to know how government arrives at decisions and who is influencing government decisions. The question for us in the Dáil is whether we really believe in that right to know. That right has been undermined continually over recent years and it has got to a point where freedom of information legislation and the whole process is under severe pressure. It is possible that in some cases it does not work any more. I will give the Minister just a couple of examples that lead on from the conversation and the debate we had earlier. We have a Government Minister who still has not apologised for deleting Government records and has not said he will stop doing it. He destroyed departmental records that there is a legal obligation to hold on record. He can do whatever he wants with his phone and delete messages and direct messages and so on, but only after he has made copies of them and placed them with the Department because the public have a right to know.

He is not alone, however. The Tánaiste, Deputy Varadkar, deleted messages. We would never have known about the #LeoLeaks controversy that has led to the criminal investigation if we had relied on freedom of information. Why? Because the selected messages from Maitiú Ó Tuathail to Deputy Varadkar - not all of them, since earlier messages are still there and were subject to freedom of information, but the ones seeking that confidential document and the ones arranging for it to be delivered - were deleted from Deputy Varadkar's phone. Therefore, when we put in a freedom of information request, we were told that no record existed. Let us look at that controversy further. The Minister, Deputy Harris, was contacted by Maitiú Ó Tuathail on his phone. We know this because the messages are in the public domain and a private citizen took screenshots of them, but when I put in a freedom of information request to the Minister, Deputy Harris, who was on the record last week on RTÉ radio saying he does not delete his messages, for those messages and any other messages from Maitiú Ó Tuathail, the answer came back that the records did not exist.

Then we had the Coveney affair, or Zapponegate, involving a freedom of information request that I and many journalists put in looking for the records relating to that issue involving the Tánaiste, Deputy Varadkar, and the response came back that the records did not exist. What is the excuse Deputy Varadkar peddled out? "I was on holiday." That is not a relevant excuse and does not offer any protection under the freedom of information legislation. He has a responsibility to provide the information.

The problem here is that this is not just about the Zappone affair or the #LeoLeaks affair; it is that Government Ministers are using backchannels. The question is how deep this goes. Many Government Ministers have used private emails in the past. We had Deputy Coveney telling an Oireachtas committee he does not use private emails but the record shows that he did in the

past. He has said he used private emails for Government business to arrange various events and so on that would be and should be subject to freedom of information. Are backchannels now being used by Government Ministers that allow for a whole different road for lobbyists, developers and speculators to have access to the corridors of power, knowing they are outside of the reach of freedom of information and knowing they will never come into the public domain?

The public have the right to know. My colleague, Deputy Mairéad Farrell, has drafted legislation to reinforce that right to know. There are many activists who have a lot of good ideas. Let us get this right, bring transparency to the heart of government and close down the backchannels that have been left open by the Government for far too long for those on the inside.

Deputy Eoin Ó Broin: I commend my colleague, Deputy Mairéad Farrell, on both bringing forward the motion and her work with Deputy Clarke on the related legislation. I want to broaden out the debate a little to some direct experiences I have had with FOI that really show why the public and very specific groups of people absolutely have the right to know. These are reflections on my experience struggling to get responses to FOI requests, some of which I am still battling several years on.

As Members of the House will know, in Millford Manor, Newbridge, County Kildare, there was a very serious fire a number of years ago due to very shoddy Celtic tiger-era construction work. An entire block of terraced homes burnt down in 60 minutes when there should have been a 60-minute fire break between each home. Deputy Kelly was the then Minister with responsibility for housing. He commissioned an urgent study. That study was completed. However, it took us two years to get that report published. Residents living in the surrounding houses who were living in homes built by the very same developer, potentially with the same defects, were denied access to that report for two years. What better case for the right of the public to know than not knowing whether the home in which you are living is unsafe? I can see no reason many of us were denied access to that report despite repeated FOI requests. The usual excuse is deliberation. While that is acceptable for a short period, it was not for the full duration.

More controversially, as Deputy Doherty will know well, it has been almost five years since the Mulcahy report, commissioned into allegations of planning corruption in Donegal, was completed following the request of the then Minister for the Environment, Heritage and Local Government. We have been submitting FOI requests in respect of that report every six months since 2017 or 2018. Not only has the most recent request been refused but we have been told the Department has no timeline. That may have been acceptable when these matters were matters within the Department but they are now matters for the Planning Regulator, and I can see no reason that report, which again relates directly to individuals who had to fight in the courts to clear their names and good standing, cannot be released. Therefore, the Department and the current Minister seem to be following the approach of his predecessor in using various ruses to prevent access to that really important report, which may reveal significant issues relating to the ongoing controversy in regard to defective block and mica affecting thousands of families in Donegal.

I am also fighting battles to get records of correspondence between Dublin City Council, Dublin Fire Brigade and Stanley Holdings in respect of two fire safety inspections in 2011 and 2012 at a housing estate in Belmayne, north County Dublin, again in regard to an issue of defects and whether systems failed between the council and the fire brigade, and in regard to what interactions they had with the developers between a fire safety inspection 2011 that found no

defects and one in 2012 that did.

I have other disputes in respect of the Land Development Agency and the shared equity loan scheme. I have experience of submitting identical FOI requests to three State agencies and getting different responses from each of them. While I appreciate there are rules and the FOI officers do a very good job, I am convinced that at a political level decisions are being made and excuses are being found in the legislation to deny the public access to this documentation unacceptably.

For those reasons, I urge the Government not only to support the motion but also to listen to the concerns of the Opposition to ensure these other issues will be dealt with into the future.

Deputy Imelda Munster: Most of us know there are serious issues with freedom of information procedures in this State. I have had difficulties accessing information and have been denied access to information that ought to be obtainable under FOI, as has been the case for many Deputies, journalists and members of the public. Nevertheless, the events surrounding the recent Katherine Zappone appointment controversy have shone a light on these issues and the need for clear legislative reform. A proper, functioning freedom of information regime is essential in any democratic state and we do not currently have one, leaving us with a lack of transparency and accountability across government and public bodies.

So bad is it that the Minister, Deputy Coveney, deleted official correspondence, in violation of the Freedom of Information Act, and he has yet to acknowledge that fact. Moreover, a freedom of information request made by Sinn Féin to the Department of the Taoiseach was denied, with the Department stating that the records did not exist. Subsequently, however, they were provided by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. Those records related, as we all know, to the legality of the Merrion Hotel event. It is absolutely shocking. It is not sloppy or careless but an abuse of ministerial office and the Taoiseach needs to take responsibility. We need a commitment from the Taoiseach that Ministers will fulfil their obligations under the Act, and we need urgent reform of the legislation.

Sinn Féin has proposed a Bill to do precisely that. No action has been taken by the Government thus far other than, apparently, a review of FOI mechanisms, which some Ministers were not even aware of. We know what the problems are. We need action, not wishy-washy excuses. Some of the changes we are proposing include ensuring that SIPO will be given the power to investigate FOI failures. We need to broaden the remit of the Act to ensure that bodies such as RTÉ are fully covered under it and we need to ensure there is consistency across Departments and public bodies. It is clear the Government is not willing to deal with this issue. It is happy enough with the existing dysfunctional regime because it can be abused and it can hide behind it. Sinn Féin will not stand by that and allow this to go on. We want urgent reform and we need to reform how the parties in government do business. This arrogant approach, this cronyism, just has to stop.

The Taoiseach is the leader of the Government and it is his responsibility to ensure Ministers adhere to the law of the land. We need leadership, but where is it? What is the Taoiseach afraid of? Is he afraid there is more to this, that more Ministers or Departments will be found out and that he will eventually have to accept this is an endemic problem throughout the State? Is he afraid that if he pushes this too far, Fine Gael will pull the plug and that will bring an end to his reign as Taoiseach? Either way, he needs to snap out of it and sort this out. He needs to lead from the front, as does the Minister, unless he is happy to turn a blind eye to all of this. If he

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is happy to do so, it means he does not have a problem with this sort of murky politics, which totally lacks transparency and accountability. The proof will be in the pudding if the Minister does not support the motion.

Minister for Public Expenditure and Reform (Deputy Michael McGrath): I move amendment No. 1:

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

“recognises the importance of a well-functioning Freedom of Information (FOI) regime in establishing trust and transparency in public life; and

notes that:

— the objective of Freedom of Information legislation is to ensure openness and transparency around the conduct of the business of public bodies and to enable members of the public to obtain access to their personal information;

— in broad terms, indications are that Ireland’s FOI system is functioning well;

— the number of FOI requests dealt with by relevant bodies increased from approximately 15,000 in 2010 to over 41,000 in 2019;

— the FOI regime covers a wide range of sectors, including Government Departments, State bodies, the Health Service Executive, voluntary hospitals, mental health services, third level institutions and local authorities;

— the Freedom of Information Act 2014 provides that FOI applies to an entity by default where it meets certain criteria;

— in 2020, even as every individual and organisation in the country was significantly impacted by the Covid-19 pandemic, 32,652 FOI requests were processed by public bodies;

— approximately four out of every five FOI requests were granted in full or in part, which is broadly in line with previous years and over half of the requests processed are for individuals’ personal information;

— review mechanisms are available for those who are not satisfied with the FOI decision received and internal reviews - those conducted at a more senior level on a particular request with the relevant public body - account for about three per cent of requests in most years and independent reviews by the Information Commissioner are sought in about one per cent of cases annually;

— there is scope to improve and strengthen the FOI regime;

— the Minister for Public Expenditure and Reform announced in June 2021 that his Department will undertake a comprehensive and careful review of the Freedom of Information Act 2014 that will:

— consider the experience of all stakeholders;

— take account of the transformation in the manner in which people seek, con-

sume and interact with information since the Freedom of Information Act 2014 came into effect;

— review international good practice and developments; and

— consult with the Office of the Information Commissioner and other key stakeholders in the data/information space;

— a consultation on the scope of the review will take place later this year, with further consultations to be undertaken in 2022; and

— while it is intended that the scoping consultation will determine the key themes of the review, the interaction between the FOI legislation, data protection legislation and records management requirements will be considered as part of the review.”

I thank Deputy Mairéad Farrell and her colleagues for tabling the motion. I welcome the opportunity it affords to discuss Ireland’s freedom of information system. I think all Deputies are in general agreement that the principles of openness, transparency and accountability should be at the core of Government and public administration, and I certainly believe that.

The FOI system is one key element of this broader movement. I am glad to have the opportunity this evening to reflect on the operation of the FOI system, as well as on the challenges we undoubtedly face in moving forward. In June of this year, well before the recent controversy, I announced that a thorough and comprehensive review of the FOI Act and related issues would be undertaken by my Department. The approach to the review is currently being finalised and I will bring a memorandum to Government with the details. I expect that we will shortly publish a roadmap setting out the process and the details of how anyone interested can get involved. I want to put on the record that, from my perspective, this review is not about narrowing or limiting the scope of FOI; it is about strengthening it, modernising it, and reforming it in a way that speaks to our priorities for openness and transparency.

It is now almost seven years since the 2014 Act was put into being. I want to acknowledge the architect of that legislation, former Minister, Deputy Brendan Howlin, for his great work in bringing forward what was genuinely reforming legislation, which has served us well. Indeed, it is now almost a quarter of a century since the FOI model first became firmly established as part of Irish public administration. When we think of the kinds of changes that have occurred in the intervening period, in how people seek out and interact with information, and the rise of the Internet and the information society, it is clear to me that a review at this point is timely and necessary. At the time that FOI was first introduced, it was fairly unusual for households to have a home computer or Internet access. Now, of course, the majority of us carry smartphones in our pockets giving us finger fingertip access to a world of information that could only have been dreamt of in 1997. Undoubtedly, these developments present challenges to the FOI model, which was devised to deal with an operating environment where record-keeping was generally paper-based and relatively discreet, rather than the proliferation of hundreds of thousands, if not millions, of electronic records generated on a daily basis across the civil and public service, scattered across various devices and servers. These issues go far broader than just the FOI access mechanism, taking in knowledge management and record management in a more general sense. Of course, every Department has its own records management policy, which reflects the legislation in place: the National Archives Act, the Data Protection Act and, indeed, the FOI Act.

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Work has been ongoing in my Department, particularly in the Office of the Government Chief Information Officer, OGCIO, to support an approach to data and systems that is suitable and fit for purpose for the modern world. In addition, a record management plan for the public sector is being developed as part of the data strategy to provide a baseline for the constant improvement of the handling and use of information in the sector. Despite these challenges - and there are undoubted challenges, which I have readily acknowledged - in general terms, I believe that the overall system is operating well. My Department monitors the operation of the legislation on an ongoing basis and it is likely, of course, that this review will result in the need for legislation. I look forward to seeing the Deputy's legislation. I have not yet seen it and I will engage with her on it in good faith.

I want to put on the record again some of the key figures. The Freedom of Information Act 2014 widened the scope of FOI to take in approximately 600 bodies. Between 2014 and 2019, the number of requests processed across the civil and public service roughly doubled to more than 41,000 requests in 2019. The 2014 Act removed the application fee for making an FOI request. In addition, no application or search or retrieval fees apply for requests or for reviews that involved requests for personal information. As such, no fee whatsoever applies at any stage to the approximately 60% of FOI requests in most given years that involve individuals seeking their personal information. Sometimes we forget that that is in many respects the use of the Act in its current form. In the majority of cases, people are looking for their own personal information. That, too, is important, as well as all of the other roles the Act plays. In 2020, clients of public sector bodies comprised by far the largest single group of requesters - when we say "clients", we mean people, individuals - at 50% of the overall total, while journalists comprised 23% of requesters. A range of supports are in place for the implementation of FOI across the civil and public service. My Department maintains a range of guidance, documents and manuals, while the Office of the Information Commissioner has also issued guidance on the correct interpretation of the legislation. In addition, my Department is put in place a standardised training framework that all bodies can draw on in meeting their FOI obligations. More than 7,000 public sector employees have received training under the framework from its introduction in 2015 to date. By and large, I believe they are doing a good job.

Independent review by the commissioner and his expert staff is the key oversight of FOI decision-making standards. In 70% of cases in which the commissioner issued a formal decision, the approach taken by the public body was affirmed as having correctly applied the legislation, which is an important point. I, therefore, believe that while there is scope for improvement and modernisation - which I absolutely accept and will implement - the overall FOI system has a lot of merit, providing a solid footing from which we can move forward. I acknowledge that while these stats allow us to understand at a glance the basic outline of the system, standing alone they are not sufficient. Indeed, the figures themselves suggested issues that may require further examination, such as whether there is a case for refining the system in certain areas, such as the large number of requests for personal information from the health sector and bodies such as Department of Social Protection. It is for these reasons, and others, that I have directed a comprehensive review to commence. The review process will allow an opportunity for stakeholders across the system, from public bodies and FOI officers, to journalists, academics, activists, as well as the public, and, of course, Oireachtas, to have their say.

In conclusion, I want to ensure we have a system whereby we reduce the need for more and more FOI requests; that by default we publish more information; that we genuinely embrace openness and transparency; and that we reduce the dependence on the need to apply for free-

dom of information to access records that should be published in the normal course of events.

Deputy Sorca Clarke: I note what the Minister has said with some interest. There are legitimate and genuine concerns surrounding the current freedom of information regime, which are shared by journalists, researchers, citizens and victims of institutional abuse. Yet, instead of building on the 1997 introduction of FOI and ensuring that there would be a complete and robust mechanism to access information, what we have now is a flawed system that feeds directly into a lack of transparency and accountability. It is crystal clear that urgent action is needed to address the shortcomings in FOI. That is why myself and my colleague, Deputy Mairéad Farrell, drafted the FOI (amendment) Bill. Those shortcomings are being exploited in a manner that is simply wrong. They are being exploited with a view to limiting public access to information. The belief is now that there is a culture of loophole-seeking in order to obstruct requests. The public has a right to know. Yet, when they utilise legislation, the wagons are effectively circled to ensure that little or no information is provided.

We have seen FOI eroded, almost under constant threat, and altered to protect political elites. Information relating to former taoisigh's pensions is no longer included in FOI. Yet, at the same time, the Government tried to lock away the records of the mother and baby homes scandal. The recent admissions by the Tánaiste and the Minister for Foreign Affairs that they have both deleted relevant material from their phones erodes any level of public confidence in FOI. That erosion will continue without urgent action. It also begs the questions: "who else?" and "what else is being deleted?" Ministers are using disappearing messaging apps on their phones, or worse, having conversations with their Secretaries General, knowing full well that when there are no records, there is no accountability. We need robust procedures in every Department to ensure that Ministers can no longer destroy records that should be maintained. FOI requests, appropriately, should be dealt with and relevant material should be provided when requested.

The Minister quoted internal reviews in his contribution. Is he aware that there are public bodies that ignore FOI requests, even at internal review level, to the extent that that is then sent to the Office of the Information Commissioner? I am sure the Minister will agree with annual reviews of all bodies to which FOI applies for consistency with principles, oversights, transparency and accountability. He has said that guidance documents are produced, manuals are produced and standardised training frameworks are in place. Would he not like to think they are being adhered to? Would he not like to have proof that they are being adhered to?

The powers of the Information Commissioner need to be enhanced because that body needs to be able to refer complaints under FOI to SIPO for investigation where a Minister or a relevant person has intentionally and recklessly failed in their obligations. I echo what Deputy Mairéad Farrell said earlier; democracy dies in darkness. The Minister, Deputy Michael McGrath, should not be the Minister who sees FOI die. That is not something he would want as a legacy. If he is genuinely serious about wanting to work with the Opposition to fix FOI, I would expect him to support our Bill when it comes forward. After all, our proposals are also contained in his statement.

Deputy Réada Cronin: Robust freedom of information legislation acknowledges power. That power does not belong to a Minister, a political party or the Government; it belongs to the people. I commend my comrade, Deputy Mairéad Farrell, on tabling this pertinent Private Members' motion. Fine Gael's proposed ham-fisted, naked crony appointment of an envoy to the UN saw a Minister delete information on Government business, removing it from scrutiny. According to the Taoiseach, he deleted it in good faith. However, on Government information,

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that is not the Taoiseach's assertion to make. The integrity of office is at issue here. The authority of the Office of Taoiseach is what is at issue, and not the personal authority of its current occupant who excoriated his own party colleagues while absolving Fine Gael.

Fine Gael's treatment of public information while in office has been arrogant and reckless. It has been too long in power and regards government as its political right. Familiarity has bred contempt in the very people in whose name they hold office and information. I believe that if my party had engaged in such political shenanigans, deleting texts on Government information and so on, the usual suspects would be outside doing a candlelit vigil or something, talking about democracy itself. When it is Fine Gael, we got a turned cheek from Fianna Fáil, a blind eye from the Green Party and a pass from their supporters. They claim there is nothing to see here except mountains out of molehills and ask us to move along.

In the interests of democracy, Sinn Féin has tabled this motion on freedom of information, its proper retention and release. We are constitutional enough to consider the holding of Government information not as a party right or as a political privilege, but as a public duty. Government work is serious work. It is not about slick videos or not-so-slick videos, jobs for the girls and boys, deletions, leaks or TikTok posts.

Our motion brings pensions to former Ministers, taoisigh, presidents and senior officeholders within the remit of FOI, something the public will value given the new report urging at least 40 years' work to claim the State pension. Crucially, it gives the Information Commissioner power to refer FOI complaints to SIPO for investigation where a public body, Minister or relevant person is believed to have failed intentionally or recklessly to fulfil their obligations under the legislation. Overall, it seeks to return public information to its rightful owner, not to a Minister, a political party or a government, but to the people themselves, whom we serve.

Deputy Ruairí Ó Murchú: I welcomed some of the things the Minister said. Obviously, we will keenly watch his roadmap regarding the process of review. As some of my colleagues said earlier, we are beyond the need for a review to tighten up and address the weaknesses within FOI. I accept that the whole system should be constantly reviewed. We are in a changing world, particularly regarding technological advances. I also welcome the Minister's stating that he wants to see fewer FOI requests on the basis of greater openness and publication of Government material. We need to get to that point, but until we get there, we need to ensure we have empowered the FOI system to the degree that it needs to be.

I was not quite sure where regular people might stand on the issue we debated earlier today because I accept that politicians sometimes operate within a political bubble. However, many people who interacted with me saw this as the continuation of cronyism and connectedness. They saw this as just more of the same and that nothing had really changed. Some of them were angered and some of them were absolutely case-hardened. A number of them stated to me that they had a feeling similar to the feeling we got on the doorsteps during the last general election campaign - that the only thing that will change this is a change of government.

The Minister now has an opportunity to deal with the specifics of FOI. We previously dealt with Deputy Mairéad Farrell's legislation on lobbying. Given the day that we have had here and given the last eight weeks we have had, we need movement on such legislation in order to stop that revolving door, and stop that connectedness or even the perception of it. It is vital that we do this as soon as possible. Many people have already said that we have issues with regular citizens, politicians and campaigning groups trying to seek the truth and trying to seek informa-

tion from public bodies. We are aware that certain public bodies are not under the rules of FOI. We need to ensure all these gaps that exist are filled so that we can provide people with the light as opposed to the darkness where, as some of my colleagues have said, democracy goes to die. We need to ensure this does not happen.

What we are asking for is very simple. I welcome the Minister's saying that he will critically engage with the legislation from Deputies Clarke and Mairéad Farrell. We need to make those moves so that we have absolute openness and transparency.

Deputy Ged Nash: I plan to restrict my remarks to some constructive criticism of the current regime and some of the legislative lacunae that hamper the full operation of the freedom of information system. We have learned a considerable amount over the past 24 years since the first legislation was enacted by my colleagues in the Labour Party. The Labour Party is proud to be the party that created Ireland's freedom of information system. Of course, the initial legislation back in 1997 was subsequently amended, to put it diplomatically, by a Fianna Fáil-led Government, only for it to be, as the Minister has acknowledged, amended again to have that damage undone by one of the Minister's predecessors, Deputy Howlin. I acknowledge that the Minister has recognised Deputy Howlin's commitment to reform in this space, and some of the practical measures he undertook to widen the scope of our freedom of information legislation and, generally speaking, to make it better.

I also acknowledge the Minister's commitment to the notion that we should be reducing FOI requests based on the principle of open government. I hope that is not merely a slogan or a form of empty words trotted out. I take the Minister at his word and I look forward to engaging with the review when it is finally constituted.

The 2014 reforms are important in respect of the events that have fed into the tabling of tonight's motion. Those reforms updated and modernised our FOI laws. They widened the scope of the legislation where new provisions would apply to make electronic devices, relevant material held on phones and non-official email accounts holding relevant information amenable under the Act once the material concerned relates to functions of the office holder. As the Minister who designed the amended legislation, Deputy Howlin, told *The Irish Times* recently, that Ministers should be expected to embrace not just the letter of the law but the spirit too. The same article went on to state that the report was borne out by a 2015 memorandum from the Department of Public Expenditure and Reform's central policy unit. It states "regardless of the form in which they are held", they are subject to the Freedom of Information Act. All of that said, it would be wise to create more legislative clarity about what precisely constitutes a record under the FOI Act and the National Archives Act. The Minister referred to the National Archives Act in his initial contribution.

We need to provide clearer rules and guidance on the creation of records by relevant bodies and individuals, the retention of such records, and provide for a stronger regime in respect of deletion and security, and when an offence is committed in the event of deletion. In this regard, section 52 of the Act needs our attention. I recognise that the Minister has embarked on a review of the freedom of information system. I hope that section 52 and its provisions are focused on in the review of the operation of the Act.

The Department's code of practice on freedom of information was published in 2015 under section 48 of the Act. Page 21 acknowledges the challenges that public bodies have with record-keeping with the advent of new information technologies. It refers to a lack of clarity

and knowledge deficits relating to the management of electronic records. There is a compelling need for more sound management of electronic records and better practices and systems, notwithstanding what the Minister said in his earlier contribution about recent improvements.

The Minister will be aware that the Act is not itself a records management Act. The 2015 code makes recommendations to public bodies about the drawing up of guidelines for their own record management procedures but it is devoid of detailed guidance or a framework around which to build such a system. Some bodies have introduced their own systems but there seems to be a lack of uniformity and clarity in that space. The National Archives Acts, 1986 and 2018, are also drafted with the natural assumption that public bodies will maintain records. It governs their mandatory transfer to public access but like the FOI Act, it does not amount to a records management Act either, since its fundamental purpose is to regulate the transfer of records retained by Departments rather than to regulate what records they should retain.

As the FOI code adverts to, power is given to the Minister under section 19(3) of the 1986 Act to make regulations “for the proper management and preservation of Departmental records in the custody or care of a Department of State”. It is interesting to note that no such regulations on records management have been made under section 19 and the result is that as far as departmental records are concerned, including but not confined to electronic communications, official practices regarding record retention and storage still exist in a kind of legislative vacuum. We should all be concerned on that point.

We make all kinds of assumptions about what is available to us under the FOI Act and what should be retained and we think we know what constitutes a record or what does not, but it is something of a minefield and can be confusing for everyone. The FOI code displays a somewhat confused approach. On one hand, the code is addressed to other public bodies, which are statutorily obliged to have regard to its provisions. On the other hand, its provisions regarding records management are, in important respects, addressed to the Department of Public Expenditure and Reform itself, and the code calls for action to be taken under a second body of legislation, the National Archives Acts, to properly regulate records maintenance in Departments and bodies under the aegis of the Act.

Pending the making of regulations under the National Archives Acts, as recommended by the 2015 code from the FOI central policy unit in the Department, there is no precise legislative framework for the management and preservation of departmental records. This is a yawning deficit in the system and it was pointed out six years ago. Two Governments on, this significant matter of public policy relating to open government, good governance and transparency remains unaddressed. Notwithstanding the prominence given to the issue by the FOI central policy unit in 2015 when it inserted its call for action into the published code of practice, I have reviewed this, and the issue does not appear to feature in the incoming Ministers’ briefs in either 2016 or 2020. This appears peculiar and suggests a certain resistance at senior level in public administration to tackle this head-on. It did not appear in the briefing material provided to the Minister last year but I hope that this gap will not deter him from acting to deal with this lacuna as he is empowered to do.

Will he commit to addressing what should be a fundamental pillar of any freedom of information regime, with a transparent, clear system for the creation, management and retention of records, underpinned by legislation and regulation, in his reform programme? This would be an important message for him to send about his commitment to real reform.

Deputy Róisín Shortall: I commend Deputy Mairéad Farrell and Sinn Féin on bringing forward the motion, which is important. There is no doubt that the FOI legislation is in need of review. I welcome the Minister's statement and his commitment to ensuring that a review takes place. It is curious that we are talking about a review of freedom of information this week, given all that has happened in recent weeks with the Zappone debacle. An excuse put forward by several Ministers was that we needed to review freedom of information. That was put forward as some kind of explanation for why some of our Ministers did not comply with freedom of information. It would be a mistake to get into that kind of mindset, saying that we need a review and that the FOI legislation is problematic, which is why it was not handled properly. That is not the case and this should not be used in any way to distract from the mishandling of FOI requests by both the Minister, Deputy Coveney, and the Tánaiste.

I will talk about what is needed in the review but will first address what has happened in recent weeks regarding non-compliance with freedom of information. This started when questions were asked about how this famous envoy position came up, with the fact that there was no transparency. When the Minister, Deputy Coveney, was asked about that and for records of the communications that he had had with and about Katherine Zappone, he told us that he had deleted those text messages from his phone. The excuse that he gave the first time was that he needed to create storage space on his phone. The following day, he completely changed his story and said he did it for security reasons, because he had been hacked. He did not seem to realise that the FOI legislation applied to him as an officeholder. It is incredible that he did not seem to know that digital communications are covered by legislation on freedom of information. At what point did he delete those text messages? If he deleted them after FOI requests went to his Department, that is a serious offence.

We never really got satisfactory answers about that on either occasion when he came before the Joint Committee on Foreign Affairs and Defence. It was because his responses were so inadequate and untrue on the first occasion that he had to come back the second week to provide further explanations about what happened. That point has not been addressed adequately. If he did it after the request came into his Department, that is an offence. If he did it before the FOI request came into his Department, it is poor practice, at best. Ministers and office holders are required to ensure that any records, digital or otherwise, relating to Government business are retained.

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If there was any reason for clearing his phone, and it is hard to imagine what reason there could be that would stand up, he was required to keep those texts to ensure a record of Government decisions or proposals was retained. He did not do that. His obligations are quite clear in that regard. What is extraordinary is the fact that he did not understand what his obligations under FOI were, despite being a Minister for ten years. If he did not understand those obligations, that is a serious matter. It indicates a certain attitude and approach to FOI that is not acceptable on the part of a Minister. We never got any proper explanation for that.

The other aspect of this recent saga is the attitude of the Tánaiste to FOI. Early on in this whole debacle, FOI requests were submitted. Jack Power from *The Irish Times* was one of the earliest people to submit a request to the Tánaiste's Department. After some time, he received a letter from the FOI officer in the Department of Enterprise, Trade and Employment. That letter, which Jack Power published, was very specific. It outlined in quite a bit of detail the lengths to which the officer had gone to respond to the request. He made it very clear that ev-

everything possible was done to try to identify whether records existed. He said that he carried out a comprehensive search within the Department. Not only did he do that, he also carried out interviews with a number of the Tánaiste's advisers who said there was nothing. Questions need to be asked about that. How was it that advisers to the Tánaiste gave replies? Surely, they would have checked with him. I accept he was on holidays but, nonetheless, an FOI request, especially in the circumstances in which those FOI requests were made, is a serious matter. Did the advisers check with the Tánaiste? Why was it so badly and inappropriately handled within the Tánaiste's Department? Again, we never got an explanation for that. Either the request was seriously mishandled and inaccurate responses were given or there is a similar lax and sloppy attitude to legal requirements on Ministers, and those advising them, in terms of compliance with FOI legislation.

Either way, these are serious developments in the two Departments. There are serious questions about the Minister, Deputy Coveney, and the Tánaiste in respect of their non-compliance. I would add it was curious that within a short space of time the FOI officer in the Department of Enterprise, Trade and Employment left his post. You just have to wonder about that. This whole matter just does not stack up and leads people to believe that this was, at best, a lax attitude to FOI and, at worst, a cover-up. We still do not know which it was. It is unacceptable behaviour either way on the part of senior Ministers, or any Minister for that matter. That, along with many other things, was the reason many Deputies could not possibly vote confidence in the Minister tonight. There has to be a mechanism for ensuring there is close compliance with FOI requirements by all office holders. Steps have to be taken to ensure that that is the case. Is there adequate training for staff, Ministers and advisers? Can a system be put in place to ensure they are aware of their legal obligations? There is a serious chance they are not and that is being charitable to them.

On the general issue of FOI, there is a need for a substantial review to be carried out for other reasons. That is because of the frequent frustration of politicians and journalists when trying to access to information, which should be available to them as a matter of course when a parliamentary question is tabled or when a request for information is submitted to a Department. It is not acceptable that on so many occasions requests for information are flatly turned down and people are left with no option but to submit an FOI request. That is not what open government and transparency are about. The Minister has an obligation to ensure that while it is good that FOI legislation is there, it should be an absolute last resort. A culture should be developed within government. There is no indication whatsoever that that exists. An open government culture has to be created, which is about making as much information available as possible.

Deputy Paul Murphy: I will open with some quotes from leading Fine Gael politicians. First, "I do not, as standard, keep text messages" was not said by the Minister, Deputy Coveney, but by the Tánaiste on 5 November 2020. On 31 August 2021, Deputy Coveney stated: "I do not hold on to text messages for long periods in terms of data on my phone and so on." On 7 September 2021, he also stated that he cleared texts from his phones regularly when business was done, or something like that. At the risk of pointing out the obvious, that is not normal behaviour. Let us forget about Ministers, freedom of information or anything else; people do not do that. Unless they have something to hide, people do not finish a text message conversation by saying, "Oh, that's done, I'll delete that". It is not like getting a letter someone does not want and putting it in the green bin. Unless people are like Deputy Danny Healy-Rae and have a Nokia that does not have enough space for text messages, they do not do that. People do not

delete text messages, in terms of normal behaviour.

We are not, of course, dealing with normal, regular citizens but, rather, with Ministers who have obligations under the FOI Act to retain records. In all of the earlier responses from members of the Government during the motion of confidence debate, what was most troubling was that their main line of argument - when they were not just attacking the Opposition, which was most of the time - was that the man apologised and what more do we want? It was almost as if they believed we were engaging in cancel culture, were trying to cancel the man for making a mistake, and while the man has made a mistake, he has also done all this great stuff and he has apologised. However, he never apologised and he never acknowledged the most significant aspect of all of this in everything that followed, apart from the actual act of cronyism, which was the deletion of text messages relating to official Government business and the breaching of the FOI Act by doing so. He did not apologise for that and he never acknowledged it was a mistake. He tried to simultaneously maintain, for example, on the second occasion he appeared before the foreign affairs committee, that while he had deleted the text messages relating to the appointment of Katherine Zappone as special envoy, he does not delete text messages relating to Government business because that would be in breach of the FOI Act, despite the fact that the two statements clearly contradict each other.

What was most amusing, and made me raise my eyebrows the most during the defence of the Minister was Deputy McHugh's contribution, who at one stage wondered that if we voted no confidence in Simon Coveney, what message that would send out to young people thinking about getting involved in politics. Perhaps it would send a message to the young people getting involved in Fianna Fáil and Fine Gael about careerism and there might not be much of a hope for strokes and so on because there are consequences for actions. However, most people would say it is good to send a message that there are consequences if someone breaches the FOI Act and are engaged in blatant cronyism etc. There should be consequences. This stuff should matter.

Clearly, there is a pattern, at least among some senior Fine Gael politicians, of consciously deleting text messages which are official Government business to avoid there being an electronic paper trail of controversial decisions and to avoid them being accessed. There is now significant evidence to suggest that is a conscious policy. The text messages to which the Tánaiste was referring in November 2020 were messages he had sent to Maitiú Ó Tuathail, the chair of the National Association of General Practitioners, to whom he had leaked the draft GP contract with the Irish Medical Organisation. There were text messages about the delivery of the contract. It was obviously very convenient. Technologically, they were WhatsApp messages. Therefore, they should have continued to exist in the cloud but, apparently, they were also deleted from there, which would have required a special effort. It is not in the normal business of people deleting messages that they are finished with and so on that somehow they are gone; it would require a special effort to remove them from that. The Tánaiste is under Garda investigation for that. We will see what transpires. I have previously given my views on that, but it is quite significant. Then, we get to this issue of the other contender for the leadership of Fine Gael openly saying he is doing the same thing in terms of deletion of text messages.

It is clearly a breach of the FOI Act. Someone who deserves much credit for his work in trying to shine light on the murky business of Government and the use of the FOI Act, despite all the frustrations there are with it, is Ken Foxe from Right To Know. A consequence of one of the many cases he has taken is the decision of the Information Commissioner that where email accounts or messaging on mobile devices are used to transact official business, such records

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should be filed as part of the record management process. It is very clear that did not happen in the case of the Tánaiste and the GP contract, nor did it happen in the case of the messages on Deputy Coveney's phone.

Another of the multiple aspects related to this, to which Deputy Shortall referred, is the text messages between Katherine Zappone and the Tánaiste. It is troubling that journalists were submitting FOI requests precisely for records, including on the Tánaiste's mobile phone between him and Katherine Zappone and being told point-blank that such records did not exist. Then the messages came out. There is controversy about it. The response of the Tánaiste in a statement was:

The relevant FOI officer who received the request, checked all emails and records and found no records. I was on annual leave at the time the decision was released and I wasn't contacted to check my phone for records.

Someone is somehow empowered to say, "We have checked the phones and there is not a record" - the phones are specifically mentioned - despite not having talked to the Tánaiste. It stretches credibility at the very least or certainly would indicate a real problem in terms of process. What that indicates is that we have a significant problem. That poses the question: how many times have journalists, Deputies or ordinary people been told that records do not exist when they do and they are simply not caught out on it?

All the blame is heaped on this anonymous individual in the Department. I do not wish to make that individual not anonymous. I do not want to heap any blame on that person. They were presumably doing their job. There is political responsibility here, but the twist at the end was when the Tánaiste told the media that the person is no longer at the Department. They just kind of disappeared. One can imagine the staff photo from one year and there is a blank face the next year because all the blame is being put on that person. This is another person thrown under the bus - this time to protect the Tánaiste.

The final issue in this saga is that two or three days ago the Tánaiste was on the radio speaking about all of this and precisely to avoid dealing with the repeated flagrant breaches of the FOI Act by the Government to cover stuff up, he announced we were going to have a review of the legislation while forgetting the fact there has been a review in process for two months and that we have a law and decisions about the law already from the Information Commissioner that need to be applied right now. However, the Tánaiste announced that we will have another review simply to distract attention and to pretend that there is a problem with the law as opposed to the implementation of it. How about the Government implementing and obeying the law as it exists? Then I would be all for reform of it, as I outlined, in the direction of making things more transparent, etc., but it is not an excuse for breaking the law as it currently exists.

Deputy Peadar Tóibín: Gabhaim míle buíochas leis an Leas-Cheann Comhairle agus le Sinn Féin as an rún seo a thabhairt os comhair na Dála inniu. Tá sé fíor-thábhachtach agus cinniúnach mar gheall ar na fadhbanna atá ar siúl sa Stát seo agus is rud iontach anois go bhfuilimid in ann labhairt faoi go háirithe sa ghéarchéim seo. Freedom of Information is a key part, one of the building blocks, of a functioning democracy. It makes information easier to access. It creates greater public awareness of laws, policies, regulations and procedures. It improves public participation in democracy. It also creates greater efficiency and responsiveness within a society. More importantly and critically, it creates a transparency that is important for the proper functioning of a society. It is the enemy of wrongdoing, corruption and cronyism, which

often haunts democracies across the world.

The 2014 Act was extremely important legislation. As a Deputy, I would be lost without it. I have used it frequently down the years but more frequently in recent times. Our democracy has been significantly restricted during the past 18 months. It is impossible to say it has not been. We have seen Dáil sittings radically reduced. There have been fewer opportunities to question Ministers and table parliamentary questions, and less room for debate. Anybody who is on this side of the Chamber who does not have the private mobile phone numbers of Ministers will say it is really hard to get people in Departments and in ministerial offices. When you ring you are told that person is working from home and we will try to get that person to ring you back, instead of having some technological wizard of an invention to be able to redirect a phone to a phone at home so that a person could simply answer your question.

I have used the Act for a number of reasons. I recall, for example, getting access to an email that was on the Minister, Deputy Simon Harris's account, which showed that homeless students were being refused Student Universal Support Ireland, SUSI, grant assistance. That was an incredible, jaw-dropping situation. Students who did not have a roof over their heads were still being refused supports with respect to SUSI grant assistance in this country. Another FOI request I submitted at the start of the pandemic inquired if the National Treatment Purchase Fund had written to nursing homes at that time and asked them to accept a surge of patients from hospitals into those nursing homes and through that I found that they had. We found out that, at the start of the crisis, we shifted thousands of the most vulnerable people from hospitals into the epicentre of the crisis, nursing homes. That information came from a freedom of information request as well.

There is no doubt but that the job of the media, of the Opposition and of citizens to keep the Government to account and to know what it is doing would be radically more difficult if it were not for the Freedom of Information Act. This issue has come into significant focus over the last while in light of the Katherine Zappone situation. This is a shockingly unedifying situation in which the Tánaiste and one of the most senior Ministers have talked about either not having information on their phone or admitting that they did. Information pertaining to the running of the Government and involving communication between Ministers and other individuals about key decisions relating to the running of the Government is being shredded by Ministers of this Government. That is a phenomenal situation. I heard another Minister go on television and indicate that technology has moved on beyond some of the direct diktats of the legislation. That is nonsense. It is like saying that one was not caught by the letter of the law but by the spirit. With this motion, we are not just asking Ministers to abide by the letter of the law but to do right by citizens. There is no other interpretation of that action, from a citizen's point of view, but that the relevant Ministers are seeking to hide information from them. The only reason I can imagine for a Minister seeking to hide information from citizens in this country is that they understand that what they have done is wrong. We had a debate here a little while ago on that matter. It is very clear that the process involved absolutely no transparency whatsoever and that an individual made a paid position for a friend.

I will also make a point on the lengths of time involved and the difficulties involved in accessing information under the current freedom of information process. It can sometimes take phenomenally long periods of time for individuals to get information back. Eons can pass. Sometimes you get back an answer saying that the request you made was too broad. Other times you are told the request is too narrow. From this side of the fence, it often feels like those requests are often designed to stymie one in seeking that information. I recall a request

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Aontú made regarding CervicalCheck. We sent the same correspondence to the HSE and to the Department of Health. The Department of Health told us that no such correspondence existed while the HSE gave us some 78 pages of correspondence. Two organisations under the remit of the Minister for Health understood the exact same request in two different ways and, as a result, there were two different responses. There are major problems with the freedom of information process in this country. Until we fix it, there are going to be spaces for Ministers who are involved in wrongdoing to hide. As a Dáil, we need to prevent that.

Deputy Thomas Pringle: I believe I am sharing time with the Leas-Cheann Comhairle. I do not know how she is going to manage to be in two places at the one time. Perhaps I can stand in for the Leas-Cheann Comhairle at the end of my contribution and let her get in.

An Leas-Cheann Comhairle: Perhaps the Deputy will change his voice slightly for me.

Deputy Thomas Pringle: All right.

I commend Sinn Féin on this motion and I support the sentiments contained in it. This motion was brought forward at short notice as Fianna Fáil, the Green Party and some other cheerleaders who appear to be naively enmeshed in the present Administration - although maladministration might be a truer description - danced a dance earlier on to defend the indefensible actions of a Fine Gael Minister. Sadly, this accurately reflects how these three parties stand on issues of openness, accountability and, most importantly, responsibility. The motion highlights the confirmed failures of the Tánaiste and the Minister for Foreign Affairs to understand or comply with our freedom of information, FOI, laws. This shows that there is a widespread misunderstanding of FOI and, indeed, general data protection regulation, GDPR, legislation within the apparatus of the State. There appears to be an attitude across public bodies in general that FOI requests are unnecessary prying by the public and that they should resist complying genuinely at all costs. They seem to interpret the GDPR primarily as a tool to facilitate the suppression of information. Somehow, the idea of openness and transparency has been lost. This is not the purpose of either. Confident and mature administrators at any level in the State would see these as tools to aid, inform and reaffirm their decision-making processes. However, when leadership is sorely lacking at the highest levels of administration, what hope do we have?

Ultimately, this motion should not be required at all. If we had the government we wanted, there would be no need for FOI. Everything one can access through an FOI request should be available as a right and without a tortuous application process. All decisions, minutes of meetings and considerations of decisions should just be available without the requirement to submit an FOI request. Perhaps I am just being naive. Maybe that is just pie in the sky. If I had any doubts before, the amendment tabled by the Minister, Deputy Michael McGrath, has tonight bolstered my beliefs. It is heavy on statistics and light on substance but that is no surprise to any of us in the Opposition. We are often forced to fall back on FOI requests when we receive sub-standard replies to parliamentary questions. I am sure that many of my Opposition colleagues will agree that we spend much time seeking information through FOI requests which should be openly available to us to allow us to properly scrutinise the actions of Government.

Again, the Minister's amendment quotes selective figures on full and part disclosures arising from FOI requests, but that does not tell the full story. How many of us have had to appeal a decision and then appeal again to the Information Commissioner? How many of us have been told that records of phone messages do not exist? Can we believe that any of these FOI requests were dealt with properly? From the experience of recent weeks, it certainly seems we cannot.

We should look at the lengths the likes of Gavin Sheridan, Ken Foxe and others involved in Right To Know have gone to in order to force transparency on Government and public bodies and at what it has cost them. We should be pursuing a policy of open government. All records that relate to the deliberations and decisions concerning State grants, schemes, services and the administration of public moneys should, as a matter of course, be openly and easily accessible to the public. At the very least, this would save the hours presently spent in dealing with requests and appeals. It would also remove the sense that a miracle and political goodwill are needed for things to happen. When your entire existence relies, as do those of Fianna Fáil and Fine Gael, on maintaining mystery around service access in order to peddle the impression, whether real or imaginary, that you are able to influence a process, sadly, we will never see real reform. That is the situation. I support the motion.

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I thank all of the Members who have contributed to this debate this evening. It has highlighted the timeliness of the review of FOI legislation my colleague, the Minister, Deputy Michael McGrath, began in June 2021. The Department of Public Expenditure and Reform will undertake a comprehensive and careful review of the Freedom of Information Act. The approach to this review is being finalised and a report will be published shortly setting out the process. Collaboration and input from stakeholders across the public sector, academia and the media, as well as the experiences of individuals, will drive the issues to be considered in the review. A consultation on the scope of the review will take place later this year, with further consultations to be undertaken in 2022. While it is intended that the scoping consultation will determine the key themes of the review, the debate today has provided a valuable insight into the issues to be considered. The review will consider the experience of all stakeholders and will take account of the transformation of the manner in which people seek, consume and interact with information since the Freedom of Information Act 2014 was enacted. It will review international good practice and developments, consult with the Office of the Information Commissioner and other key stakeholders in the data information space and consider interaction between FOI legislation, data protection legislation and records management requirements. As some Deputies mentioned, it is a complicated area.

While there are challenges to be met and benefits will accrue from strengthening the current FOI system, it is important to recognise that in general the system functions well. As the Minister, Deputy Michael McGrath, set out earlier, the system saw and managed a doubling of requests from 2014 to 2019. FOI requests since 2014 have been made to approximately 600 bodies. Four out of every five FOI requests decided on in 2020 were granted in full or in part, which is broadly in line with what we saw in previous years. Robust review mechanisms are available where a requester is unhappy with the outcome of the FOI process. However, uptake of the mechanism has remained notably and consistently low. In 2000, 3.3% of requesters sought an internal review, while 1.3% sought a review by the Information Commissioner, which is almost identical to what we have seen in each of the past five years.

The 2014 Act removed the application fee for making an FOI request. In addition, no application or search and retrieval fee applies for requests or reviews that involve requests for personal information. As such, no fee applies at any stage in relation to approximately 60% of FOI requests in most given years that involve individuals seeking their personal information. Effective support structures are in place to support decision-makers with quarterly civil and public service network meetings providing a forum for them to share experience and get input from the Department's central policy unit. The Department for Public Expenditure and Reform

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maintains a central training framework from which FOI bodies can draw to ensure their staff are up to date on FOI requirements.

More than 7,000 public sector employees have received training under the framework from its introduction in 2015 to date. Guidance is available from the Department for Public Expenditure and Reform and the Office of the Information Commissioner on the operation of FOI. The purpose of these structures is to support decision-makers across the public sector in effectively meeting their FOI obligations. Even in 2020, as the pandemic wrought unprecedented destruction across all sectors of Irish society, 32,652 FOI requests were processed by public sector bodies. I take this opportunity to recognise the hard work and tenacity of workers across the Civil Service and public service who in the face of the pandemic have ensured that the FOI system continues to operate efficiently. This has required innovation, flexibility and no small measure of determination on the part of public sector workers as normal working methods were subject to unprecedented disruption almost overnight.

I encourage everyone with a view on the FOI system and how it might be improved to take the upcoming opportunity to make their voices heard so we can improve the system and ensure it is fit for purpose in the modern world.

Deputy Matt Carthy: Freedom of information legislation has become a bedrock of democracy across the western world. It is in place to provide transparency, accountability and confidence in government. It is in place to allow citizens access the decisions made and the process that led to them. We have seen in recent weeks that, in Ireland, rather than providing such confidence, the actions of some Departments and organisations with regard to adherence to FOI legislation is diminishing it. There are Ministers who have deleted and destroyed Government records related to how they carry out their work. If we had a functional FOI system in place, that would not be tolerable. Plenty of examples have been cited this evening of FOI requests being made which were denied, responded to with partial information or, in all too many cases, told information did not exist when it did.

For example, a number of weeks ago I submitted an FOI request to each Department asking for all correspondence in relation to the infamous event in the Merrion Hotel. I received a response from the Department of the Taoiseach which stated no record existed of any correspondence, documentation or minute related to that event. From the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin's, Department I received documentation that indicated that the Department of the Taoiseach was in correspondence with that very Department. It was only when the FOI information was printed in national media and it was inferred that the Department of the Taoiseach had indicated that no such documentation existed, that that Department released the document we already had from another Department. That happens all the time.

It beggars belief that in all the FOI information made available there is never a minute of a Minister sitting down for a meeting with a Secretary General deciding how decisions are made. The most basic small and medium-sized companies would have minutes of their chief executive talking to the chairperson of the board, which is a similar relationship, particularly when decisions are made that impact on finances or policy changes.

Other organisations are particularly adept at avoiding transparency. The State broadcaster, RTÉ, refused over half of all FOI requests last year. I know from our interactions in the Committee of Public Accounts that if the RTÉ board continues to operate as it does, it will have no

credibility in declaring “The truth matters” on the banners it employs. It is symptomatic of the way too many State agencies interact with requests for freedom of information. This needs to change. I commend Deputy Mairéad Farrell on bringing this motion to the House and all her diligent work to ensure more transparency, more accountability and better answers about how decisions are made. Too often, we operate under a cloud of incense.

We ask that Ministers stop leaking and destroying records relating to their work. That should not be too big of an ask but apparently it is. It is also important we ensure that minutes are kept of key decisions, particularly when they relate to expenditure or policy changes, regardless of who is in that meeting. We need to have a record. In many cases, I am sure it provides Ministers with cover. When they come up with what might seem to be implausible stories, as we referenced earlier, would it not be helpful if a minute of conversations that had taken apparently place was available? We call on the Government and each Minister to ensure that all agencies and bodies under their remit answerable to FOI legislation adhere to the letter and the spirit of that. We want to see government based on transparency and accountability. I think the people want that too and that the Government needs to start acting accordingly.

Deputy Mairéad Farrell: Gabhaim buíochas leis na Teachtaí a labhair ar an rún seo. We know from the conversations and speeches tonight and from long before this evening that this regime is in crisis. This is not new. Transparency campaigners have been saying this for a long time. All of us here who have tried to get information through the FOI regime will understand the frustration of those transparency advocates who have told us time and again that this is in crisis. We should not be fooled in this regard. It was very clear today and over the past number of weeks that Ministers either do not have a clue what they are supposed to do in regard to the freedom of information process or they are simply ignoring it and do not think it is that important. As was said several times tonight, the FOI system really is a cornerstone of democracy. This is not an issue of Government versus Opposition; it is, simply put, a democratic issue and it needs to be dealt with at this stage.

As I said earlier, I have raised this issue with the Minister in the past and he has said previously that he considers the system to be robust. I take his point that he announced in June that he will undertake a review. However, that is not good enough. We do not need a review. What we need now is action, not another review. Some days ago, I heard the Tánaiste speaking on radio and it was clear that even he is not aware this review is taking place. What we have heard tonight and in recent weeks, as well as the fact Ministers are not aware that a review is taking place, shows the FOI regime is not being taken seriously enough and people simply do not seem to care about its importance. The Minister’s amendment states that there should be a review etc., but my view is that we have gone beyond a review. We need only look to what has been said tonight and the fact we have Ministers claiming they did not know they should not delete text messages that relate to Government business. That shows we need more than a review. What is needed is action and what is being proposed is not good enough.

The Sinn Féin Bill is not something that was just drafted at the last minute. We have worked on it for some time. This motion deals with much of what is covered in the Bill. Why will the Minister not enact the motion and ensure the Information Commissioner is able to refer complaints, under the FOI legislation, to SIPO? Surely that is of benefit to everyone in this Chamber? Why not ensure that when public bodies are established under the Companies Act, they are immediately brought under the FOI legislation? These are simple and practical steps we can take. I urge the Minister to commit to doing an annual review of all the bodies to which the FOI legislation applies, including those bodies that are partially within the remit of the system. This

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would ensure we are consistently doing our best in terms of transparency and accountability.

I totally agree with the Minister about not needing to rely on the freedom of information legislation. Although we will always need that legislation, I would love to have a situation where we do not need to rely on it to access information. As it stands, however, we have the FOI legislation in place and we cannot get the information half the time. We know there are breaches of the legislation. While I agree with the Minister that it would be great to see the day when it is not needed, we are very far from there. I urge the Minister to reconsider his amendment and recognise that the motion provides simple and practical steps, such as the enactment of our Regulation of Lobbying (Amendment) Bill, that can be taken. We should do the right thing in this regard.

Amendment put.

An Leas-Cheann Comhairle: A division has been called. In accordance with Standing Order 80(2), the division is postponed until the weekly division time on Thursday, 16 September 2021.

Ceisteanna - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Employment Rights

46. **Deputy Louise O'Reilly** asked the Tánaiste and Minister for Enterprise, Trade and Employment when legislation delivering a right to request remote working will be published; and if he will make a statement on the matter. [43777/21]

Deputy Maurice Quinlivan: In advance of the phased return to workplaces from 20 September, many workers are wondering when they will have a legal right to request remote or blended working arrangements. Can the Tánaiste give an update on the drafting of legislation to deliver a right to request remote working?

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar): The right to request remote working is part of a broader Government vision to make remote working a permanent feature of Ireland's workforce in a way that can benefit all, economically, socially and environmentally. The commitment to introduce legislation to underpin an employee's right to request remote working was made in the national remote work strategy published last January. The pandemic has certainly brought remote working centre stage and work on this important legislation is well advanced.

The Bill will set out a clear framework to facilitate remote and blended work options, in so far as possible. It will ensure that when an employer declines a request, he or she must give stated reasons for doing so. Remote working will not work for everyone, which means we must take a balanced approach with the legislation. On 20 August, I published the views of members of the public and stakeholder groups on the new legislation. The summary report of the 175

submissions is now available on my Department's website. Informed by the public consultation and a review of international best practice, the drafting of the general scheme of the Bill has commenced and I will be seeking Cabinet approval for the drafting of heads of Bill in quarter 4 of 2021. The Bill will be progressed through the Oireachtas as quickly as possible thereafter. The intention is to introduce a mechanism for employees to request remote working that is fair but does not place undue burdens on employers.

In the meantime, we will continue to provide up-to-date advice, guidance and information on all aspects of remote working for workers and employers. On 28 June, I launched my Department's Making Remote Work campaign. The campaign aims to raise awareness of the advice and information available from Government to help workers and employers facilitate more remote and blended working. It includes guidance for employers and workers and a remote working checklist, all of which are available on the Department's website. I can also inform the House that the work safety protocol has been updated, in consultation with unions and employers, and I should be in a position to publish it tomorrow or the day after, in advance of the phased return to offices that will begin next Monday.

Deputy Maurice Quinlivan: Since the announcement by the Government of the phased return to work from 20 September, many workers have expressed concerns to us about what that will mean for remote and blended working in the future. From the Tánaiste's response, it seems we are a good bit away from having the right of workers to request remote working delivered into law. In the absence of that firm legal footing for workers, will he publicly state that the Government's preferred option is for employers and managers to agree with workers, their trade unions and representatives a blended working programme that takes into account the health and safety of workers? This means ensuring engagement with workers, their trade unions and representative bodies as the phased return to on-site working happens. Furthermore, will the Government lead by example in this regard by ensuring remote and blended working options are offered to workers in both the civil and public service? That would be a good start in that regard.

Deputy Leo Varadkar: We expect to have heads of the Bill, that is, the general scheme of the Bill, in the next couple of weeks. Obviously, that will have to go to the committee chaired by the Deputy. We hope to have the legislation enacted, realistically early in the new year, but if we get it done before then that would be great.

I am a big fan of remote working and blended working. It is part of the future. Part of the dividend from this pandemic is that we will not have people crowded into offices in the way they used to be. The office will be a different place. It will be a more creative place. Most people, or many people at least, will work sometimes from home, sometimes from the office and possibly sometimes from a remote hub in a small village or town. Of course, services have to be provided and the work has to be done. However, so long as services are provided and the work is done, we want people to have maximum choice and flexibility around that.

The return to the office begins next week and the message we are sending out to employers is that it will be phased. The public service will lead by example in that regard. It might initially involve people returning to the office for only one day or two days a week. People who can successfully work from home should be facilitated to continue to do so if that is their wish.

Deputy Maurice Quinlivan: I thank the Tánaiste for his response. Many people are concerned regarding what will happen. It is good that the Government is calling on employers to

do X, Y and Z but we will be coming into this very soon. I agree with the Tánaiste that one of the benefits of the pandemic is that working will change for many people. My colleagues and I have spoken to many people on this issue in the past couple of months and the message we have received is that a blended approach would suit many people, while working from home suits other people. Some people want to get back to the office full time.

As the Tánaiste noted, I am Chairman of the committee to which the Bill will come. We will not be lax in getting it through as fast as we can and we look forward to receiving the heads of Bill. We will work with the Tánaiste in that regard.

Deputy Leo Varadkar: Essentially what I want to do here is to maximise choice for people. Many people have seen the benefits of working from home and remote working. Many people said it could not be done or that we would see a big drop-off in productivity. Generally speaking, that has not been the case although some people would dispute that. We are keen to make this part of the new normal.

The legislation will put in place a structured system whereby a person can request remote working. The employer will have to provide a response within a defined timeframe and will have to give a reason for refusal. That reason can then be challenged. That is the system on which we are working. It is similar to the system in place in the UK. In the meantime, I hope employers and employees will be practical and sit down together to work out the best arrangements for them. There are many people now working from home because they have to do so due to Government orders and Government advice. That will change. It is going to be much more choice-based in the future.

Office of the Director of Corporate Enforcement

47. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he will outline, in the context of the corporate enforcement authority, the organisational structure and the required human resources from the perspective of the civil and public service and the Garda Síochána; and if a memorandum of understanding is or will be put in place to ensure guaranteed Garda resources are available at all times. [44054/21]

Deputy Catherine Murphy: Under the recently published Companies (Corporate Enforcement Authority) Bill 2021, the Office of the Director of Corporate Enforcement, ODCE, will be taken over by an independent statutory agency, namely, the corporate enforcement authority. The aim is to have that body up and running by 1 January. Will there be a memorandum of understanding with the Garda regarding resources available at all times?

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): The Government approved publication of the Companies (Corporate Enforcement Authority) Bill 2021 in July and it will be presented to the House tomorrow for its Second Stage reading. When enacted, the Bill will give effect to the programme for Government commitment to transform the Office of the Director of Corporate Enforcement into the corporate enforcement authority, CEA, which will be an independent statutory agency.

The new authority will have a commission structure. This structure will allow the authority to bring in expertise as necessary to meet the different demands of its remit, which includes investigation, prosecution, supervision and advocacy. It also allows for clear lines of responsibility.

ity and enhances the capacity of the authority to investigate numerous complex investigations simultaneously.

In April, the Tánaiste received the report of the Joint Committee on Enterprise, Trade and Employment following its pre-legislative scrutiny of the Bill. The report was carefully considered. It stressed the need for sufficient resources being available to the authority. This is something on which the Tánaiste and I agree. In line with an assessment of the new authority's staffing needs by the Director of Corporate Enforcement, my Department has already increased the budget of the ODCE by €1 million over previous levels and sanctioned 14 additional staff at Civil Service grades, representing a 35% increase in such staff.

As regards increased Garda resources, as part of his assessment the director identified a need for an additional nine members of An Garda Síochána to be assigned to the authority. Although the Garda Commissioner and the director are independent in their statutory functions, the Government has noted the Garda Commissioner's confirmation to the director that nine additional members of An Garda Síochána will be provided to the authority. This means the level of Garda resources available to the director will be doubled. The total increase in the overall headcount for the new CEA will be nearly 50% on previous levels.

I look forward to the enactment of the Bill and the establishment of the authority at the earliest opportunity.

Deputy Catherine Murphy: There was a problem with the secondment of gardaí to the ODCE. An article on the matter written by Ken Foxe was published in *The Irish Times* some time ago. Essentially, the director wrote to the Garda Commissioner seeking six new detectives but all he got in return was an acknowledgement. It took a long time to fulfil that need. They are absolutely critical to the working of this new legislation, as the Minister of State is more than aware. Will there be a memorandum of understanding between the Garda and the new corporate enforcement authority? How can it be guaranteed that the priorities for the Garda Commissioner will not lie elsewhere? There is a history of what was requested not being provided.

Deputy Robert Troy: I point out that the director of corporate enforcement and the Garda Commissioner are statutorily independent in their functions. Matters relating to Garda resources are an operational matter for the Garda Commissioner. As it moves to establish the authority, the Government fully supports additional Garda Síochána resources being made available based on its statutory functions, its assessment of its resourcing needs and the vision of the Government for the new authority. As part of the Government's decision to publish the Bill, it noted and welcomed the Garda Commissioner's written confirmation to the director that nine additional members of An Garda Síochána will be seconded to the authority with effect from its establishment. This is in line with the assessment of the Director of Corporate Enforcement of the Garda staffing needs of the authority.

Deputy Catherine Murphy: I hope this works out very well because there has been underprovision in the area but there is also the fact that white-collar crime has not been taken as seriously as other types of crime. Some of that is down to the fragmentation of organisations such as the ODCE. I hope its successor will be more successful, but it can only be successful if it is independent and has the resources to do the job. Obviously, the Minister of State is giving me an assurance based on the written confirmation from the Commissioner. We will see how that plays out. I still have concerns in that regard because of the fragmentation of how the State goes about corporate enforcement.

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Deputy Robert Troy: The Deputy is right that white-collar crime is a menace. It is not a victimless crime and it is important that we take tough action against it. That is why there is a commitment in the programme for Government to establish this statutory body. It will be autonomous and independent in nature and it will have the powers to recruit the relevant expertise that is needed. That has already been commenced.

As regards the staffing arrangements between the authority and the Garda Síochána, the director and the Commissioner have committed to developing a new, formal and detailed arrangement in respect of the secondment of Garda resources to the new authority. Matters such as the filling of vacancies as they arise, funding etc. will be dealt with by way of written agreement. The Deputy is correct that there was an issue in the past. Thankfully, although both bodies are independent in nature, they have come together and formalised the arrangement and the Government welcomes that.

10 o'clock

Living Wage

48. **Deputy Louise O'Reilly** asked the Tánaiste and Minister for Enterprise, Trade and Employment his plans for the introduction of a living wage as committed to in the Programme for Government. [43778/21]

Deputy Maurice Quinlivan: I raised the issue of the introduction of a living wage with the Tánaiste a number of times prior to the recess. In previous exchanges, the Tánaiste mentioned that the improvement of workers' conditions has been a priority. As such, I would like to know how this priority is progressing. Can the Tánaiste provide us with a timeframe of when the Low Pay Commission review will be completed? It has been subcontracted and tasked with reporting back with some idea of the living wage.

Deputy Leo Varadkar: The programme for Government makes the commitment to "progress to a living wage over the lifetime of the Government". I have spoken before about how the pandemic has caused many of us to reconsider and re-evaluate what an essential worker is. We now understand that it is a much broader group of workers than people would have originally described, many of whom are on low pay and in the private sector. The Government has been clear in our belief that a legacy of the pandemic must be better pay, terms and conditions for everyone, but particularly for those on low pay. We are committed, therefore, to honouring the Government commitment to progressing to a living wage over the lifetime of this Government. In doing so, we need to recognise that many businesses have been badly affected by the pandemic and are struggling to pay existing wages. We need to make sure that we proceed in a way that does not cause jobs to be lost in terms of the numbers of people employed, or would see employees having their hours cut. To do so would be counterproductive.

Earlier this year I asked the Low Pay Commission to examine the programme for Government commitment and to make recommendations on the best approach. The commission is currently undertaking research on the topic and the terms of reference for this research were noted by Cabinet earlier this year. The report will consider the policy, social and economic implications of a move to a living wage and the process by which Ireland could progress towards it. It will do this by looking at international evidence on living wages, examining different calculation methods, examining the policy implications and outlining options for moving to a

living wage in Ireland. The findings and recommendations in the commission's report, which I expect to receive before the end of the year, will inform Government on the best practical approach to proceed.

While the living wage initiative is being considered, the Government will be guided by the recommendations of the Low Pay Commission with regard to any future changes to the existing national minimum wage. The national minimum wage seeks to find the balance between a fair and sustainable rate for low-paid workers and one that does not have significant negative consequences in terms of employment and competitiveness.

Deputy Maurice Quinlivan: As the Tánaiste is aware, I have expressed my scepticism already in respect of the Low Pay Commission and my concern that it will come back with too low a figure. It has previous on this with the national minimum wage, when it came back with figures that would have been described at the time as desultory, paltry and pathetic. It does not give me huge confidence if we are leaving the matter with the commission.

For many of our low-paid workers, the introduction of a living wage could be the difference between poverty and a minimum standard of living. The Tánaiste will be aware that a motion on a living wage that I introduced in November 2019 in the Thirty-second Dáil was passed. A living wage is vitally important to those workers on low wages and I believe it will be an important tool in ensuring that people remain in jobs that they would otherwise aspire to leave. Some of them know that they cannot stay in those jobs on the wages they are on. I urge the Tánaiste to use his influence to ensure that a real living wage is introduced in the quickest possible time-frame - a living wage that is decent and fair, and protects workers and businesses.

Deputy Leo Varadkar: I do not expect the Low Pay Commission to come back to us with the rate of the living wage. I expect it will come back to us with a method by which the rate can be calculated on an annual basis. Perhaps that is the same thing, but it is an important point nonetheless. There are two ways of calculating it. It can be calculated as a percentage of median wages, for example, 50%, 60% or 65%, and there are different arguments as to which figure should be chosen; or it can be calculated based on what is called a minimum essential standard of living based on a basket of goods and services that people need to be able to afford to get by. Then there is a debate about what should be in the basket or not. That is the kind of work that is being done by the commission at the moment. It is giving us advice on which method to go for and why.

I think the Low Pay Commission is a good body. It is a body that was established under the Fine Gael-Labour Party Government. It does it the right way. There is an equal number of employer and employee representatives on the commission, and there are a number of people who are independent figures who are not part of any sectional interest. I know there are some groups that calculate minimum wages, but they exclude employers. I imagine if employers had a group that excluded workers, it would come up with a different rate. Therefore, it is important that we have everybody involved. However, I have no doubt, because it is what happened in the UK, that whatever the living wage is set at there will always be a group of people who will say that it is not enough and they will then look for a real living wage. That is the way it goes.

Deputy Maurice Quinlivan: People will be bitterly disappointed if the commission reports back and the living wage is not €12.30 or more per hour. People have suggested that the living wage should be €12.30 per hour. The reason that we are demanding a living wage in this country is because issues such as the cost of rent, public transport and childcare have not been

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addressed. Until they are addressed, we are going to be demanding a living wage of €12.30 per hour.

I wish to remind people and businesses that we also need to amend the National Minimum Wage Act 2000, which contained an exception for businesses that could prove that they could not pay the minimum wage. The same thing should be done with the living wage. In fairness, as far as I am aware no company ever used that exemption because they realised they had to pay it and it was the decent thing to do and they wanted to keep their workers. I do not have to tell the Tánaiste, because it is proven, that the more you pay your workers when you can, the better outcomes you will have. It is better for productivity and the economy, and it means that there are fewer State interventions providing for people who are on poverty wages. I look forward to hearing the Tánaiste's response.

Deputy Leo Varadkar: There is a group - I forget exactly how it is described - that calculates the living wage at €12.30 per hour. If I remember, it also recommended that there be no increase in it last year. I do not know what the recommendation will be for next year. The group is made up mainly of people from the trade union movement, academics and those from NGOs. They are all worthy and learned people but they have not included in the group any representatives from small business or the employment or business sector, for example. That does affect the legitimacy of that calculation. As the Deputy is aware, one thing we always have to bear in mind is the difference between the minimum wage in Northern Ireland and that in this jurisdiction, and how that can affect Border business and cause businesses in the Border region to lose out, lose business and even lose workers and staff and have to lay them off if the differential between North and South is great. I would encourage the Deputy to use his influence to improve wages in the North if he can.

Covid-19 Pandemic

49. **Deputy Mick Barry** asked the Tánaiste and Minister for Enterprise, Trade and Employment the measures he will take to ensure the maximum possible engagement with workers and their representatives in the process of the return to work with the easing of Covid-19 restrictions; and if he will make a statement on the matter. [43779/21]

Deputy Mick Barry: I ask the Tánaiste what measures he will take to ensure the maximum possible engagement with workers and their representatives in the process of the return to work; and if he will make a statement on the matter.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English): I thank the Deputy for the question. On 31 August 2021, the Government published *Reframing the Challenge: Continuing our Recovery and Reconnecting*, containing updated guidance to take effect from 20 September 2021, as part of a gradual and careful re-opening process in advance of the further planned relaxation of restrictions on 22 October.

A sub-group of the Labour Employer Economic Forum, LEEF, which is the forum for high-level dialogue between Government, trade union and employer representatives on matters related to the labour force, has also published an additional guidance note on the *gov.ie* website on returning safely to the workplace from 20 September to assist businesses and employees.

The successful roll-out of the vaccination programme has allowed the advice on the need

to work from home to be revised from 20 September. As a result, an update of the work safely protocol with some minor changes is being finalised and will be published in the coming days. All employers and business managers who are considering a phased and staggered return to the workplace over coming weeks should familiarise themselves with the updated protocol. As workers return to workplaces, the role of the lead worker representative is particularly important, and this is emphasised in both the protocol and in the new LEEF guidance note published last week. All workers, regardless of the sector of the economy in which they work, are covered by the provisions of the work safely protocol and I can assure the Deputy that the Government is committed to continue to work closely with employers and trade unions to ensure appropriate guidance is in place for this next phase of reopening.

The Deputy has asked about good communication. I wish to emphasise that since Covid has hit these shores, we have been very lucky to have good engagement through LEEF and with the employee representative bodies through the unions and employers. We have been able to bring forward the work safety protocol and update it on numerous occasions. Most businesses have found it to be an extremely useful guide, as have their employees. Hopefully, that engagement can continue in the next few days as we move on to the next phase.

Deputy Mick Barry: On the issue of health and safety and maximum consultation, the Government decided to implement 100% capacity on public transport at short notice the week that schools went back. No opinion was sought from NPHE. There was no consultation with public transport workers who, by the way, played a key role in guiding society through the pandemic. However, the workers rejected the Government's instruction. They decided to keep capacity of 75%. In practice, they are allowing seats to be occupied and implementing a no-standing policy.

The way the Government handled this was an example of how things should not be done. The way the public transport workers handled it was an example of how things should be done. If there is consultation on health and safety, that is fine. If there is agreement on health and safety, that is good. If there is no agreement, then the workers must have the decisive say. As we approach 20 September, their example is one for the country as a whole. I ask for the Minister of State's comments on this.

Deputy Damien English: Again, I thank the Deputy for raising the question. He had not flagged any particular area in his question but I am happy to take on board his advice, guidance and suggestions. They will be passed on.

When any advice is updated on movement restrictions, the work safety protocol in place at the time is the one to be followed. The new version that will be published in the next couple of days will be about the sixth or seventh version. Workers going back to work at that stage will follow that protocol. The protocol has been very successful. In this regard, there have been over 42,500 inspections by our agencies. There has been an adherence rate of over 90% at all times. If the Deputy has any suggestions on the protocol, I will be happy to take them on board over the next couple of days.

Deputy Mick Barry: While workers will be back to work on 20 September, the teachers went back to work three weeks ago. The employer, the State, did not set a very good example in this regard either. Best practice ordains that every classroom should have a filter and a carbon dioxide monitor. Proper mitigation measures, according to Professor Orla Hegarty, would cost €10 per child. They were not put in place, however. How does the Minister of State explain

that to teachers? Will he comment on that?

I listened with interest to the Tánaiste when he said he is a fan of remote working. I note that some tech giants based in the United States but with operations in this country are cutting the pay of workers in the United States who choose to work at home in areas where the cost of living is less than in the area where their office is based. Will the Minister of State join me in making an explicit call to state that under no circumstances should this policy be pursued by the tech giants here in this country?

Deputy Damien English: On the matter of people going back to work in schools, they have been at work in schools since last autumn and have been teaching consistently throughout the period. They went back to school under the various protocols. The return to work safety protocol is the standard across all sectors. Naturally, each area — schools are a prime example — go further than that. Schools do so under the direction of the Department of Education. That is what has happened. We have had quite a good success story over the past 12 months in regard to in-school teaching. It has been quite positive.

On advice for employers in this country, we have strong employment laws and protections for all workers. That is advice we work to. Any employer here has to work according to our rules and regulations. I cannot comment on what happens in other countries. I doubt that the Deputy wants me to interfere with their laws. We can work on our own here.

Deputy Mick Barry: The question was whether the Minister of State will join me in making a call to the companies to say that under no circumstances should pay cuts of the kind in question be implemented here. I would appreciate an answer to that.

Deputy Damien English: To be very clear, we have had great engagement with all employers on the wage levels set in this country. The majority of employers go well above what is required. We have protections in place in regard to employee pay and conditions, and we have rules and regulations that have to be enforced. I cannot comment on any-----

Deputy Mick Barry: No clear call from the Minister of State.

Brexit Issues

50. **Deputy Michael Fitzmaurice** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he is satisfied that Irish food export companies are fully prepared for the changes proposed as part of the post-Brexit process, specifically in relation to products of animal origin, which are due to be introduced on 1 October 2021; the steps taken by him to assist Irish food export companies that will be impacted by changes; if his Department has engaged with Enterprise Ireland on this issue; and if he will make a statement on the matter. [43474/21]

Deputy Michael Fitzmaurice: I congratulate the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Troy, on his marriage to his better half during the summer.

My question is to ascertain whether the Minister for Enterprise, Trade and Employment, Deputy Leo Varadkar, is satisfied that Irish food export companies are fully prepared for the changes proposed as part of the post-Brexit process, specifically in regard to products of animal origin and which are due to be introduced on 1 October 2021. I wish to know the steps taken

by the Minister to assist Irish food export companies that will be affected by changes. Has his Department engaged with Enterprise Ireland on this issue? Will he make a statement on the matter? I submitted this question a week ago but I acknowledge that there have been changes in the past couple of days.

Deputy Leo Varadkar: I thank the Deputy. I appreciate that the announcement was only in the past couple of days and came after the Deputy submitted his question.

As Minister for Enterprise, Trade and Employment, I can assure the Deputy that the Government is very much aware of the challenges that Brexit brings for exporters, in particular for businesses in the agrifood sector. We continue to work closely with the agrifood sector to mitigate the impact of the new trading arrangements to operationalise the new EU-UK Trade and Cooperation Agreement, TCA. We are also continuing to engage with our EU and UK colleagues on the introduction of further administrative requirements for trade.

Last week, I met UK Cabinet Minister Michael Gove, MP, as part of Enterprise Ireland's trade mission and I discussed the additional measures proposed by the UK. Since then the UK Government has announced an extension to the current grace periods beyond 1 October and, it seems, at least until the end of the year.

The agrifood sector is a major and important contributor to the Irish economy, particularly our rural economy, and any further regulatory requirements will present additional challenges and costs for Irish exporters. We are committed to ensuring that Irish food exporters fully understand any potential new UK import requirements and everyone in the supply chain is as prepared as possible. Being fully prepared is not the same as saying there will not be problems. Of course there will if there are new rules and regulations, forms to fill in and checks. With this in mind, there is ongoing cross-departmental engagement involving my Department and Enterprise Ireland to put in place a range of financial and advisory assistance measures to help our businesses to prepare for this new environment.

My colleague, the Minister for Agriculture, Food and the Marine, is leading on sector preparedness, and his Department and its UK equivalent, the Department for Environment, Food and Rural Affairs, DEFRA, are engaging on the range of measures in place and proposed. His Department has also run joint webinars with DEFRA on the UK import controls. In a recent survey undertaken by Bord Bia, over 80% of Irish companies reported that they were ready for the new procedures proposed for imports into Great Britain of products of animal origin. They were planned for October. Therefore, if 80% are saying they are prepared, 20% may not be.

While the UK has announced the extension of grace periods, I remain confident that solutions exist, within the parameters of the protocol, to deal with the issues that have arisen to date. The EU has demonstrated time and again a considered, credible, solution-driven approach to these issues and will continue to encourage the UK Government to be similarly constructive in its approach.

Deputy Michael Fitzmaurice: I thank the Tánaiste. I am a member of the agriculture committee. In fairness to Deputy Cahill, he has brought this issue up also. It was going to be looked into at one of the meetings. If the arrangement had been implemented, especially on the food side, it is unknown how many vets would have been needed to sign off on products. My understanding from the Department of Agriculture, Food and the Marine is that it expected people to have products ready from 8 a.m. to 5 p.m. Many companies might work for six days per

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week and would not have storage places. This is where Enterprise Ireland and the Minister's Department need to come in. The companies would not have the storage space to store some of the foodstuffs they are exporting. Whether someone knew something or not, there was no willingness up until the last week to have enough vets on stream. In fairness, an awful lot of vets would be needed. Would the Minister's Department be able to take an interest, work with the Department of Agriculture, Food and the Marine and ensure Enterprise Ireland gets involved and teases out the problems? Whether it is tomorrow or in a year's time, the arrangement will come down the road sooner or later.

Deputy Leo Varadkar: I thank the Deputy. In an ideal world, I would like to see a closer relationship between the EU and the UK. I am not sure that is possible for the foreseeable future but anything that would align our standards, such as a veterinary agreement or food standards agreement, would dramatically reduce the number of checks and controls necessary and would be very beneficial to our farmers and exporters.

The issue of vets is obviously a matter for the Department of Agriculture, Food and the Marine but we talk about these things. The Department says it would have had enough people available. The Department would have had to use other staff, contractors and so on, but it says it was prepared for that.

On the issue of storage, I will have to look into the matter and give it some consideration. It has not crossed my desk yet but I can see why storage and stockpiling would be advisable whenever the new checks and controls come into place.

We have 24-hour, in-person support in place at Dublin Port to deal with any issues, ready-for-customs grants to help people scale up their in-house activity, webinars and online guidance. We will also continue to meet with stakeholders regularly and to listen and engage through the Brexit business forum.

Deputy Michael Fitzmaurice: I welcome the Minister's response. One thing that Enterprise Ireland or the Minister's Department needs to home in on is the storage part. My understanding from the veterinary side of this is that for eight or nine hours, a vet may be available. However, one may have a small company in this country that does not have the storage, where the lorries are going every three, four or five hours for six days a week - but not on Sundays; it may not have the facilities and the storage to ensure that when the vet is there the product can be signed off. It is imperative for us now when we have a kind of lead-in to this, hopefully, and as the Minister says, that regularisation will happen between the EU and the UK as to the agreement on food policy or whatever, and that we will then be able to work on this.

It is important because I am hearing that Enterprise Ireland is not greatly involved in this so far and it needs to get stuck in with problems such as this. I ask that the Minister might take note of the storage part of this to help businesses out. I thank the Minister.

Deputy Leo Varadkar: I thank the Deputy and I hear what he is saying. I will definitely look into the issue of storage. I am unsure as to whether this is an issue for Enterprise Ireland, for the customs service or for the Department of Agriculture, Food and the Marine to take the lead on but this is an all-of-government matter and I will make some inquiries.

Ceisteanna Eile - Other Questions

Low Pay

51. **Deputy Catherine Connolly** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 41 of 16 June 2021, the status of the examination by the Low Pay Commission of a universal basic income; if he has received the final report to date; if not, when he expects to receive same; and if he will make a statement on the matter. [43792/21]

Deputy Catherine Connolly: Gabhaim buíochas leis an gCeann Comhairle. My question relates to a universal basic income and I am simply asking what the status is of the report on that that is being carried out by the Low Pay Commission?

Deputy Leo Varadkar: As I advised the Deputy in June, there is a commitment in the programme for Government to request the Low Pay Commission to examine universal basic income, UBI, informed by a review of pilots that have happened around the world that would also advise us on how we would carry out UBI pilot here in Ireland during the lifetime of the Government.

The Low Pay Commission is currently examining this issue and has commissioned the ESRI to conduct technical background research on the issues that would arise from the introduction of UBI and how that pilot might be designed for Ireland. The research has been commissioned under the terms of the Low Pay Commission/ESRI Research Partnership Agreement. This partnership delivers high quality research on issues impacting on the national minimum wage and low pay in Ireland.

This background research will inform the Low Pay Commission's findings on universal basic income and their recommendations for the design of a universal basic income pilot in the lifetime of the Government.

I expect to receive the report of the Low Pay Commission before the end of the year and I will examine its findings and recommendations and publish the report thereafter.

Deputy Catherine Connolly: I thank the Minister and that is certainly positive and is in keeping with his previous answer. Can we rely on the fact that the report will be on his desk before the end of the year? What contact has the Minister had with the Department of Deputy Catherine Martin? To save time I will not read out the full title of her Department. It was a recommendation of the task force on arts and culture recovery that it would be a pilot project on universal income.

Rather than duplication, can the Minister clarify what contact he or his Department has had on this?

Deputy Leo Varadkar: There has been contact at official and ministerial level and I am happy to clarify this point. As the House will understand, the whole idea and point of a universal basic income is that it is universal. This would be a weekly or monthly payment paid to every adult in the State, whether they are a Bono or a busker, a Deputy or someone experiencing homelessness. What was proposed in the report on the arts was something very different and was a basic income for artists and would not at all be universal. It would be the opposite to universal in being sectoral. We are treating these as separate projects. The Minister, Deputy Martin, is going to lead on a project relating to artists which will be a little bit like a stipend for artists that they will receive whereas we are going to lead on the genuine universal basic income

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project which would not be sectoral. It would not be men but not women, or people in Louth but not in Cork, or artists but not doctors. The whole point of a universal basic income is that it is universal and any pilot would have to take a random selection of the population to be valid.

Deputy Catherine Connolly: In the interests of brevity, I will leave it at that. Gabhaim buíochas leis an gCeann Comhairle. *Question No. 52 replied to with Written Answers.*

Trade Promotion

53. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the funding provided under the online retail scheme to date by county; if further funding rounds are being considered as part of the scheme; and if he will make a statement on the matter. [43381/21]

Deputy David Stanton: I am interested in the online retail scheme and I have asked for the breakdown of the scheme by county. I am curious to know whether there was more take-up in some parts of the country than in others and if further rounds are being considered as part of the scheme?

Deputy Damien English: I thank the Ceann Comhairle and Deputy Stanton for raising this question. We would see encouraging people to go online as a very important response to the current situation in retail. As the largest private sector employer, retail is a key element in providing for the needs of society and other sectors of the economy and it is vital that it continues to develop capability and remain competitive both on the high street and online to avail of all of those other customers that it can reach.

Trading online is a very important route for retail businesses to grow and improve and will be an important element in their recovery over the longer term. I welcome the significant progress made by the retail sector in Ireland to move to online commerce over the past 18 months.

To enable retailers to increase their customer base and build a more resilient business, my Department initially launched a pilot online retail scheme, in 2018. Some 40 retailers across Ireland were provided with €894,636 in funding over two calls of the pilot scheme with grants of between €10,000 and €25,000 on a 50% matched fund basis.

In 2020, my Department launched the Covid-19 online retail scheme in response to the Covid-19 crisis and the urgent need for retail companies to increase their online capability. The Covid-19 online retail scheme is helping companies in the indigenous retail sector that have already started an online journey to enhance and strengthen their existing online presence. This will help them to respond to both domestic and international consumer demand competitively.

To date the Covid-19 online retail scheme has provided funding of €18.2 million to 503 retailers under three calls, bringing the total approved to over €19 million. I have provided the Deputy with the full amount of the online retail scheme funding approvals per county as part of the background to the answer to this question but the Deputy will see for the record that Cork will be second on the table at just over €2 million. I am sure that the Deputy will not be surprised at the success of retail in Cork. Dublin now leads the field at over €5 million.

We are committed to supporting the needs of the retail sector through the retail forum, which I chair and which will meet again tomorrow, in developing their online capability and

enhancing their competitiveness. The online retail schemes to date are being reviewed and it is my intention to open a further round of applications for funding later this year and to build on that success in the years ahead as well.

Deputy Stanton will also be aware of the trading online voucher scheme, administered by the Local Enterprise Office network on behalf of my Department. This scheme was transferred into our Department at the start of this year and has allocated funding of €2.3 million to meet 2021 demand. This included a capital carryover of €10.2 million to meet outstanding liabilities from 2020. For the record, more than 13,000 applicants drew down that scheme last year. This year it will be a little less with 4,000 or 5,000 applicants, because of the big push last year. We have been discussing that scheme for years in here and in other places in trying to get businesses to take it up and during Covid-19 there was probably time to address it but also-----

An Ceann Comhairle: I thank the Minister of State and call Deputy Stanton.

Deputy David Stanton: I thank the Minister of State for his response. He mentioned in his response that a review is going to take place. Who is carrying out that review? Does the Minister of State feel that the scheme has been a success and if so how has such a success been measured? Is it the Minister's intention to expand this scheme further to support businesses in this way in a further round? Has any analysis been carried out as to whether, now that shops are open, this may have an adverse effect on the high street and that businesses might actually move online more and more to the detriment of the footfall on the high street, which will obviously also impact on restaurants and other establishments?

Deputy Damien English: The Deputy has raised an important point in that this is something we are trying to get the balance right on. We believe that the success and the future growth of the retail sector is to develop a sustainable online retail business as well as to continue with the high street presence. As a Government, under the programme for Government, our intention is to support both elements of that. The online trading vouchers are to enable those who already have a digital presence to expand that and to increase their sales and rather than to just sell to people in Cork or their local county, they can sell from Cork to Belfast, the UK, to France and so on. A big part of the work of this scheme which is administered by Enterprise Ireland is to try also to encourage that internationalisation of their business. There is great potential there.

We carry out a review after each round and make changes to the scheme to address that. The overall area of these schemes and the online trading voucher is being reviewed again to see how we can best enable here. Part of this is encouragement to invest in the digital online presence and to help with the skills and the marketing, to build on that and not just to have the presence. We see a great deal of potential here. To put it in figures, at this moment in time more than 70% of online sales in this country are still purchases from abroad. We believe that that is the opportunity to develop the retail sector, to make it more sustainable to complement the on-the-street presence.

Deputy David Stanton: I again thank the Minister of State for his response. Has he any indication as to what kind of business was done as a result of the online retail scheme? What increase occurred? Was there any value on that? Again, if there is a review, who will carry it out and what metrics will be used when it is being carried out?

Deputy Damien English: I do not have those figures on me but I will certainly get them for Deputy Stanton. What we generally see is that any business that invests in the digitalisation

agenda increases its sales as well as driving its innovation or its business. To allay concerns about online versus high street, the town centre first principal and approach is highly recommended in the programme for Government, and the framework to enable that work, which involves our Department, under the guidance of the Tánaiste, along with the Departments responsible for housing and rural affairs, will be ready for publication in the very near future. Deputy Stanton will have seen in the Housing for All document published just recently a drive towards town centre first. That will support housing, people living in our towns and villages and the development of retail and other businesses there. We really are committed on a regional basis, as well as addressing the difficulty in our cities now, to driving that town centre approach, which means people will be asked to spend money locally in the economy. That framework will assist, but I believe the combination of the two are required if we are to have a sustainable retail sector that can challenge, grow and create jobs. We know that prior to Covid there were nearly 300,000 jobs in the sector. We want to build on that. That can only happen with a physical presence as well as an online presence.

Enterprise Policy

54. **Deputy Jackie Cahill** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he will report on the mid-west regional enterprise plan. [43807/21]

Deputy Jackie Cahill: I ask the Tánaiste and Minister for Enterprise, Trade and Employment to report on the mid-west regional enterprise plan.

Deputy Damien English: I thank Deputy Cahill for raising this question. If it is okay, I might answer it because the Minister of State, Deputy Troy, and I chair the regional enterprise strategies, on behalf of the Tánaiste.

Regional enterprise development and sustainable local job creation is a key policy priority of the Government. Our Department is overseeing the development of nine new regional enterprise plans which will bring us out to 2024. The Minister of State, Deputy Troy, and I chair eight of them and the Tánaiste chairs the Dublin ones. These are “bottom-up” plans, developed by regional stakeholders, which will identify growth opportunities, recognise vulnerabilities and enable job creation across the regions, including in the mid-west region, through collaborative regional actions. As the Deputy will be aware, in his case that covers Tipperary, Limerick and Clare.

The new mid-west regional enterprise plan to 2024 will build on the core activities of the IDA, Enterprise Ireland and the LEOs with the wider range of State bodies involved in supporting enterprise development in the region. A big part of that is the relationship with our education system. In the Deputy’s case, LIT is very much involved, as is the ETB in Tipperary. As I say at all those regional meetings, a big driver of making this happen and the success of the regional plans are the local authorities. That ringtone is a message from Joe McGrath to make sure I do not forget to mention local authorities. I refer to the involvement of the local authorities in making these regional plans happen.

In driving the delivery of the new plan in the mid-west we have engaged directly with the mid-west regional steering committee, made up of regional stakeholders and chaired by Professor Eamonn Murphy. At this stage I think I have met Professor Murphy on four or five occasions. As the Deputy will be aware, he is the managing director of the Irish Centre for Business

Excellence. As a region Tipperary is very lucky to have him as a chair. He is really driven to make sure we have economic success across Tipperary, Clare and Limerick. The last time I met the steering committee was physically, last week, on 7 September. I am conscious that Deputy Cahill sent his apologies that he could not make the meetings we had in Limerick, and I thank him for that, but he was well represented by his colleague on the council, who put forward a very strong case for investment in Tipperary.

The regional stakeholders in the mid-west region are working to finalise focused strategic objectives for their region and actions to deliver on these objectives and intend to sign off on the new plan in the weeks ahead.

Deputy Jackie Cahill: I thank the Minister of State for his response. The objectives of this regional enterprise plan are to be lauded. I want to focus on Tipperary town, which is a black spot in my county for employment. I have to be critical of the IDA. Zoned land is extremely scarce in that town and we have a number of employers in the town who are seriously under pressure for space to expand. The IDA has sold off some of its portfolio but still had a small portion of land in the town. When the county council endeavoured to negotiate on the behalf of the industries in the town that needed this land as they were extremely short of space in their present premises, the IDA's response was to put the land up for sale and public auction. The land has no services or infrastructure to it, and the end result is that we have employers in the town thinking of relocating.

Deputy Damien English: I took time when I was in Tipperary last week to drive up and down nearly every street and every part of Tipperary town and I could see exactly what the Deputy is saying. It is an area that, in my view, has been suffering decline for a long number of years, not just in the past three or four years but possibly for even 20 or 30 years, and not because of Covid or Brexit or anything else. It is fair to say the bypass will make a big difference and is important. The message I got from all the groups I met in Tipperary was to make sure that that bypass happens and that the road upgrade happens to go along with that. That is a priority and I agree it would open up the town. Issues around IDA and Enterprise Ireland were mentioned to me as well and I was shown the options for the land. I am happy to engage with the Deputy directly on that. With the regional plan, I stressed to all the groups there that they need to focus in on that and that any key actions we want on a regional basis need to come through the regional action plan because that helps us as three Ministers involved in the draw-down of the funding from the different parts of Departments.

As the Deputy will be aware, his local authority is very much involved in driving the new actions in Tipperary under the Tipperary task force that was set up by the previous Government - just as it finished up - under my old Department. That is also bringing forward a very useful strategy for the town. I got a briefing on that when I was there last week. There is great potential in it. It will mean all the businesses working together. The Deputy is right that a big part of that has to be make available space where existing businesses are-----

An Leas-Cheann Comhairle: The Minister of State should leave Deputy Cahill time to come back in.

Deputy Damien English: Sorry, Chair. I will make one last point. The main request I got from the briefing was for land for light industrial use. I think that is what the Deputy is looking for, and that is something on which I am committed to working with them.

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Deputy Jackie Cahill: I very much appreciate the Minister of State's reply, but we have one business in that town that is expanding rapidly. I was in that man's yard a couple of weeks ago, and the cramped conditions the staff are working in are unbelievable. A number of years ago there was another budding employer in Tipperary town and again he met obstacles and found it impossible to get the infrastructure he needed and he relocated to a different town. We cannot allow this to happen in Tipperary town this time. This employer has 50 employed at the moment with plans to expand further. The asking price and the conditions the IDA has put on the piece of land that would be suitable for him make it economically unviable for him to relocate there. As I said, the county council has been heavily involved along with the enterprise board and we have failed to get a satisfactory solution. This is critical for the commercial life of the town. To lose an employer of that size in Tipperary town would be disastrous. I appreciate that the Minister of State has full knowledge of this and I am very heartened by his answer this evening.

Deputy Damien English: Again, I would be very happy to engage with Deputy Cahill on that because we are very clear and I know from talking to the local authorities that Joe McGrath, Anthony Fitzgerald and the other team involved in the hub there are very anxious that solutions are found in conjunction with all our Departments and agencies. Under the direction of the regional plans we are asking the IDA, Enterprise Ireland and local authorities to work together. There is a very strong relationship there, so I am of the view that a solution can be found. I am happy to engage with the Deputy off the floor of the House on that and to try to progress a solution because it really is important to me and it could not be any clearer that Tipperary town is a black spot when it comes to employment. That is something we want to address and fix. If there are people there who want to create jobs and expand, they are the easiest wins for us all.

Employment Rights

56. **Deputy Aodhán Ó Ríordáin** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the heads of the right to flexible working Bill will be published; the legal protections currently in place to support workers who are asked to return to the workplace but who would prefer to remain working remotely; and if he will make a statement on the matter. [43749/21]

Deputy Aodhán Ó Ríordáin: I know the Tánaiste has referred to this in a previous answer but I ask him when the right to flexible working Bill will be published; the legal protections that are currently in place to support workers who are asked to return to the workplace but who would prefer to remain working remotely; and if he will make a statement on the matter.

Deputy Leo Varadkar: The right to request remote working is part of a broader Government vision to make remote working a permanent feature of Ireland's workforce in a way that can be to the benefit of everyone - economically, socially and environmentally. The commitment to introduce legislation to underpin an employee's right to request remote work was made in the national remote work strategy published last January. The Covid pandemic has certainly brought remote working centre stage and work on this important legislation is well advanced.

The Bill will set out a clear framework to facilitate remote and blended work options insofar as possible. It will also ensure that when an employer declines a request, there are stated reasons for doing so. Remote working will not work for everyone, so we will need to take a balanced approach with the legislation. However, the overriding principle should be to facilitate

workers' choices, provided that services are delivered and the work is done.

On 20 August, I published the views of members of the public and stakeholder groups on the legislation. The summary report of the 175 submissions is available on my Department's website. Informed by the public consultation and a review of international best practice, the drafting of the general scheme of the Bill has commenced and I will seek Cabinet approval for the drafting of the heads of the Bill in the next few weeks. The Bill will be progressed through the Oireachtas as quickly as possible thereafter. The intention is to introduce a mechanism for employees to request remote working that is fair but does not place an undue burden on employers. In the meantime, we will also continue to provide up-to-date advice, guidance and information on all aspects of remote working for workers and employers.

On 28 June, I launched my Department's Making Remote Work campaign, which aims to raise awareness of the advice and information available from the Government to help workers and employers facilitate more remote and blended working. This includes guidance for employers and workers and a remote working checklist, which are available on my Department's website.

Deputy Aodhán Ó Riordáin: Within the legislation, is it envisaged there will be a right for workers to switch off? If a person is working remotely, there can be a sense of soft pressure for him or her to remain constantly on, with emails and communications from the employer.

I can appreciate this may very well suit the lifestyle of somebody in settled domestic circumstances, with a spare room, an office or whatever, but for a younger worker who may not have that facility, can we within the legislation ensure there will be a responsibility on employers to care for younger workers in particular, who may have only their own bedroom to work from? Will employers be required to provide a certain standard of work station within the space? As the Tánaiste will appreciate, it can be difficult for younger workers to make such demands when they are just starting off in the workplace.

Deputy Leo Varadkar: The legislation is still in development, so we do not even have the heads at this stage. There are many aspects that might end up in it and I am certainly open to suggestions. As for the right to switch off or disconnect, we dealt with that through a code of practice, which was published a few months ago. It is not a statutory code of practice but it is admissible in evidence where somebody takes a complaint in respect of the Organisation of Working Time Act, for example. After consideration, we just did not think it was the kind of measure we could include in primary legislation. Workplaces vary so much. Some are 9 a.m. to 5 p.m., while others follow the clock. We just did not think that could be legislated for in primary legislation, so we have done it through the code of practice giving people the right to disconnect. While that is not statutory, if people have had their working times protections breached, they can use it and it is admissible in proceedings.

In the case of younger workers, or any workers who might be in crowded accommodation such as a one-bedroom apartment or a studio, it is not envisaged that the employer would be required to provide a workspace in their private home. The idea is that if somebody wants to work remotely, he or she will provide that, although obviously it will have to be a certain standard. These are issues we will have to think through, I imagine.

Deputy Aodhán Ó Riordáin: I appreciate that the legislation is still being drafted and the Tánaiste is still welcoming submissions but I would impress on him the importance of the

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younger, more vulnerable worker. As I said, there may be soft pressure on younger workers to work from home. If people are 20, 21 or 22 years of age and starting off in the workforce, they would not necessarily have that type of space, if they still live in the family home, to allow them to be as productive as they might like to be, and they might not have the self-confidence to make the case for the company or employer to provide basic provisions to allow for effective working from home. Within the legislation, therefore, the Tánaiste might consider the reality of that younger person, or that person starting off in the workforce, who does not yet have the capability to move out of the family home but needs some basic provision of support from the employer in order that he or she can be effective. It is a reasonable suggestion and it would be relevant to the legislation.

Deputy Leo Varadkar: The Deputy raises an important issue and it is something to which I will have to give some thought with my officials. There are different scenarios. Somebody who applies for a job in an office and gets it might then request the option of working from home one or two days a week. In that case, the employee is making the request and there is more of an obligation on him or her to provide the space from which he or she is going to work. Increasingly, however, jobs are being advertised as remote. About 50,000 jobs across Europe are now being advertised as remote and the employees can work from almost anywhere. In that scenario, there is probably more of an obligation on the employer. If it is not providing a workplace and is saying the employee has to work from his or her own home, I think the obligation on the employer is a bit different.

I thank the Deputy for raising the issue because it has not really entered our deliberations thus far. I am grateful to him for bringing it up.

Covid-19 Pandemic Supports

55. **Deputy Louise O'Reilly** asked the Tánaiste and Minister for Enterprise, Trade and Employment if he or his Department has considered any mechanisms that could accommodate workers who need to stay at home with a self-isolating schoolchild due to Covid-19 or due to being a close contact of a person with Covid-19; and if he will make a statement on the matter. [43732/21]

Deputy Donnchadh Ó Laoghaire: In recent days, we have received many phone calls from parents of children who have had to self-isolate. It is important to stress that in such incidents, the parents are not necessarily close contacts themselves but are the parents of children who are close contacts. Accordingly, they cannot qualify for enhanced illness benefit and are not eligible for the pandemic unemployment payment, PUP. Some will have employers that are reasonable, thank God, and they will work with them and so on, but some are in difficult circumstances, particularly those on low and middle incomes or in insecure employment. This has been discussed for about a year and we have been raising the need to provide leave for parents and to support them financially where their children have to stay home from school because they are self-isolating.

Deputy Leo Varadkar: From the outset of Covid-19, many employers have taken the initiative, in line with subsequent requests from the Government, to be as flexible as possible in allowing staff to take time off to look after their children who are not attending school or crèche. Employers have a general duty of care towards their workers and that care is often expressed in the form of negotiation, compromise and flexibility. Some options to be considered for workers

with caring responsibilities that preclude them from working their normal hours in the normal way pre-Covid may include: offering paid compassionate leave; allowing employees to work from home; altering shifts in order that employees can co-ordinate caring between themselves and partners or another person; allowing employees to rearrange holidays; allowing employees to rearrange parental leave; allowing employees to take paid time off that can be worked back at a later time; or allowing employees to take unpaid leave until they can return to work fully or part time.

Now, with more than 90% of the adult population fully vaccinated, being a close contact of someone who has tested positive does not mean that a person has to self-isolate. Now they only have to do so if they have symptoms. Employees in such circumstances should follow the up-to-date public health advice and consult their employer. As the Deputy will be aware, the public health response to Covid-19 is constantly monitored, including in regard to approaches to testing, contact tracing, outbreak management, surveillance and sequencing. It is also under review in the context of planning for an overall transition in our approach to the management of Covid-19 and treating it as an endemic illness. The review will inform the development of a future public health response strategy and approach for the coming months, including the question of whether children should have to stay home from school in these circumstances.

As for social welfare payments, an enhanced illness benefit payment for Covid-19 was introduced as a short-term public health measure last year. It is payable for two weeks where a person is self-isolating as a probable source of infection and for up to ten weeks where a person has been diagnosed with Covid-19. Certification by a registered medical professional is required to support any claim for the special Covid-19 illness payment.

Deputy Donnchadh Ó Laoghaire: That is all true and I am sure it is fine and so on, but the Tánaiste will recognise that he did not address all the issues I identified. Many employers are great and will work with employees; we are not discussing those employers or the need for legal obligations to ensure they will continue to be reasonable. If they are going to be reasonable, that is fine. We are talking about employers that are not going to be reasonable. They are the minority - there is no question about that - but there is a minority that will not be reasonable.

The Tánaiste mentioned close contacts and the changes that have taken place in that regard. There is no proposal to vaccinate children, in particular primary school children, at this point in time. We will still be dealing with a situation where they have to self isolate. Their close contacts - their parents - do not qualify for the enhanced illness benefit. They will still be in a position where they will have to stay home and probably take time off. We talk about working from home, but if you have a primary school child of seven years of age or five years of age and an infant as well, there is not a hope of any work being done, realistically. Over the course of the last year, we have been raising this issue as essential to supporting parents and to ensure they are able to work with the reopening of schools. There is still no action on it. The obvious route is the expansion of *force majeure* leave. Has the Tánaiste considered that?

Deputy Leo Varadkar: As is always the case in these scenarios, you have to look at it from the point of view of the parent and of the employer. Particularly where the parent is a lone parent, their having to take time off work could be very injurious. There would be lost income and they do not have somebody else co-parenting with them to help out. Therefore, all the income in the household is lost, not just one of the two incomes. From the point of view the employer, if somebody takes time off to look after a child who is sick or self isolating, the employer has to pay a replacement, in many cases. The employer has to pay that person as well. That could

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be a real difficulty for the employer or the business. I imagine that this problem arose before Covid-19. For as long as I can remember, parents had to take time off work to look after sick kids. There is a new aspect to that now, which is that kids are told to self isolate. It is difficult to work out.

Deputy Donnchadh Ó Laoghaire: The frequency of those instances has increased.

Deputy Leo Varadkar: It probably has. We have to give some consideration to that.

Deputy Donnchadh Ó Laoghaire: If I am entitled to speak again, I would just ask the Tánaiste to genuinely consider that. Yes, this was an issue before Covid-19, but this is increasing in frequency and it is not going to go away. It will continue to be an issue, even if the guidelines are changed on self isolation.

Question No. 57 replied to with Written Answers.

Redundancy Payments

58. **Deputy Aodhán Ó Ríordáin** asked the Tánaiste and Minister for Enterprise, Trade and Employment if time spent on the pandemic unemployment payment will count towards redundancy entitlements; if he plans to bring forward legislation on this matter; if the suspension of redundancy rights will be lifted at the end of September 2021; and if he will make a statement on the matter. [43750/21]

Deputy Aodhán Ó Ríordáin: I would like to ask the Tánaiste if time spent on the pandemic unemployment payment will count towards redundancy entitlements, if he plans to bring forward legislation on this matter, if the suspension of redundancy rights will be lifted at the end of September 2021 and if he will make a statement on the matter.

Deputy Leo Varadkar: I thank the Deputy. Reckonable service is service that is taken into account when calculating a redundancy lump sum payment. The current situation is that the law provides that a period of lay-off within the final three years of service before redundancy is not allowable as reckonable service and is not included as service for the purposes of the calculation of the redundancy lump sum payment. Therefore, as matters stand, an employee who is in receipt of the pandemic unemployment payment, PUP, and who was laid off from their employment, that period of lay-off is not allowable for reckonable service. I appreciate that this is an issue for certain employees who have been on lay-off for an extended period of time, as a result of the public health restrictions. This is legally complex for several reasons, but I can assure the House that my Department, alongside the Department of Social Protection, has been examining the matter for a number of months to come up with a fair solution. One the main considerations is to ensure that any proposal does not impose any further financial burden on employers beyond their current obligations under the Act. Indeed, it is unlikely that we would be able to impose such an obligation on them retrospectively. I intend to make announcement in relation to this matter and a solution that we have developed in the coming weeks, because we need to provide fairness to workers facing redundancy due to the pandemic.

As the House is aware, the section 12(A) emergency measure was introduced because the Government was concerned that the financial impact of redundancy claims on employers would have a serious impact on their business and on the economy as a whole. This, in turn, could

have resulted in significant insolvency situations and further job losses. It is also considered important for employers to have a continued link to their job and a pathway to return to.

In June, I wrote to every registered business in Ireland to thank them for their efforts to date in keeping people safe during the pandemic and to update them on the suspension of section 12(A). Companies that are genuinely unable to pay will be able to avail of a deferred payment arrangement, as confirmed in the economic recovery plan. The current end date for section 12(A) is 30 September 2021. The Government is not giving any consideration to extending this.

Deputy Aodhán Ó Ríordáin: I welcome the Tánaiste's response. It is clear that this is something that is on his agenda. He is engaging with the Minister for Social Protection on it. He is due to make a statement on the matter in a number weeks' time. That is welcome. I note that ICTU has encouraged the Government to reform employment law in order to deal with this issue. The Tánaiste can appreciate that if you were in receipt of the PUP, you were, by Government mandate, taken out of the workplace. We, in the Labour Party, appreciate that this is a very unusual situation. It is a once-in-a-lifetime pandemic. Government has been forced to respond and not every response will be perfect. I accept the Tánaiste's bona fides, and the fact that he is dealing and engaging with the other Department on that. Can the Tánaiste give a more detailed timescale than that? Does he envisage that primary legislation may be necessary?

Deputy Leo Varadkar: I hope to be in a position to bring a proposal to Government either next Tuesday or the Tuesday after. Obviously, I will have to do so before 30 September, so that people who are triggering their redundancy claims will know where they stand on that. We have had some consultations with the Irish Congress of Trade Unions, ICTU, Irish Business and Employers Confederation, IBEC, and others, as part of this. Potential solutions are being worked on by my Department and the Department of Social Protection, because this potentially brings the Social Insurance Fund into play. There is also work with the Department of Public Expenditure and Reform. It is anticipated that we will require primary legislation.

The legislative programme, which I think was published today, or will be published tomorrow, proposes that our Department will put through six pieces of legislation. One of these relates to redundancy. The purpose is to give effect to our preferred solution. As the Deputy acknowledges, this is not a situation we envisaged when we created the pandemic unemployment payment. We thought people would only be on it for a few weeks. We now have people on it for more than a year. If this period does not count as a reckonable service, they could lose maybe half of their lump sum. That would be very unfair. We are trying to find a solution that is fair.

Deputy Aodhán Ó Ríordáin: I appreciate the Tánaiste's remarks and that the Government is coming from the right place on this. We look forward to seeing the proposals from Government and, hopefully, to being in a position to support the Tánaiste's efforts in this regard.

Questions Nos. 59 and 60 replied to with Written Answers.

Work Permits

61. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the extent to which he and his Department can facilitate the urgent staff require-

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ments in the construction, catering, food processing and tourism sectors; if a means can be found to accelerate the procedures thus eliminating long delays in the processing of applications for work permits; and if he will make a statement on the matter. [43621/21]

Deputy Bernard J. Durkan: This question seeks to focus on the difficulties experienced by many enterprises in replacing staff who need to be replaced following the lifting of the regulations. Might it be possible to speed up the processing of work permits and visas relating to their particular situation, because many of them have to go outside the jurisdiction?

Deputy Damien English: I thank the Deputy for raising this question. This is a common theme that we have dealt with over the last couple of months. We have engaged with many sectors that are having difficulty filling job vacancies. As the Deputy mentioned, food processing is one of those. I have engaged with these sectors and they clearly show me where they are missing out on opportunities to expand and grow. They cannot reach their customers. It is an issue in many sectors.

To be clear, the policy responsibility for each of the individual sectors that the Deputy mentioned, such as construction, food processing, catering and tourism are a matter of each Department. They will feed into this conversation in our Department around the rules around employer permits, and so on.

This is, therefore, something I am aware of. We are trying to engage and find solutions to that. Two of these relate to the employment permits system, which is designed to facilitate the entry of appropriately skilled non-EEA nationals to fill skills and-or labour shortages in circumstances where there are no suitably qualified Irish or EEA nationals available to undertake the work and that shortage is a genuine one. The system is managed through the operation of the critical skills and the ineligible occupations lists, which are subject to twice yearly evidence-based reviews.

A review of the occupation list is currently under way, with submissions received from the sectors Deputy Durkan mentioned, namely, the construction, hospitality and agrifood sectors. All submissions are under active consideration and it is envisaged that the review will be finalised in the early autumn. Normally, the work of that review would be completed and published by November. The commitment I have given to the various sectors is that we will try to have that work completed for October. We are under pressure to do that, but we will try to do it and have it out for early October.

11 o'clock

In addition, applications for employment permits have seen a significant increase over the course of the year. As of the end of August, 14,600 applications had been received, representing a 35% increase over the same period in 2020, which was expected because there is much more movement of people this year.

The processing times have been impacted negatively and the waiting time at the moment-----

Deputy Bernard J. Durkan: I thank the Minister of State for his detailed reply. Arising from the information, I appreciate that he understands the situation. Is it possible to speed up all the areas where particular obstacles have arisen? I know some of these things take time. Having regard to the losses suffered by employers and employees during the pandemic restrictions,

it would be beneficial in the run-up to the Christmas season to get that established as quickly as possible in order that the businesses that are now trying to place people in employment would be facilitated in every way possible.

Deputy Damien English: The current waiting time is about 11 weeks for trusted partners, people with regular engagement permits, and 17 weeks for those who are not, which is extremely long. Waiting times were considerably less than that up to a couple of months ago. It is still better than most countries we compete with. Along with the Tánaiste, I met the Secretary General and officials from the section to discuss having additional staff resources to process those applications. Those staff are now working extremely hard and taking on overtime and doing everything they can to try to get these permits dealt with. We will reduce the waiting time quite quickly.

July is the usual rotation time for many doctors in the system. The cyberattack on the HSE greatly complicated the process of application for permits for health staff. As the Deputy will understand, owing to the Covid pandemic, we needed to focus on permits for health staff. That took up considerable resources but we are also dealing with this.

There have been 26 submissions to the review of those who qualify for a permit or do not. The sector the Deputy mentioned has made submissions. We are working through them and we are engaging across each Department to see how we can adjust those lists. I ask for the Deputy's assistance in this regard. It is a complicated situation for us. Many companies have approached me seeking to bring labour in.

An Leas-Cheann Comhairle: The Minister of State will get a chance to get back in.

Deputy Damien English: I am trying to have a useful discussion.

An Leas-Cheann Comhairle: I am doing my best here.

Deputy Damien English: That is fine.

An Leas-Cheann Comhairle: When I let people go over time-----

Deputy Damien English: However, the Deputy was not complaining.

Deputy Bernard J. Durkan: I will accept this reply as the final reply.

An Leas-Cheann Comhairle: The Deputy may give the Minister of State his extra time.

Deputy Bernard J. Durkan: I know that.

An Leas-Cheann Comhairle: There are two minutes left, one minute for the Deputy and one minute for the Minister of State.

Deputy Damien English: I think he wants the answer I am going to give him.

An Leas-Cheann Comhairle: There are two minutes left.

Deputy Damien English: Fine.

An Leas-Cheann Comhairle: I think the Minister of State is forgetting the procedure. We are all getting tired.

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Deputy Bernard J. Durkan: I am happy with the general thrust of the Minister of State's reply.

An Leas-Cheann Comhairle: I am delighted.

Deputy Damien English: I understand the procedures but I had understood there is an allocation to discuss the overall topic and I am trying to get the full answer in. The difficulty we have is that many employers are now contacting us looking for permits. They are asking us to go beyond the European labour market to find resources. That is a difficult piece to address when more than 100,000 people are in receipt of the pandemic unemployment payment and more than 100,000 people are deemed to be long-term unemployed as well.

We are trying to engage with employers and sectors to find other solutions to source labour locally through education and training, through apprenticeships, through new training involving SOLAS, further education and training and so on. We are trying everything we can but even with that there is a difficulty and we will need to issue permits to try to fill these spaces. These sectors have clearly shown to me that they are missing out on opportunities to grow their businesses, which cannot continue.

Deputy Bernard J. Durkan: I thank the Minister of State.

Question No. 62 replied to with Written Answers.

Industrial Development

63. **Deputy Alan Dillon** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of the IDA commitment to establish a further facility (details supplied) in County Mayo. [43841/21]

Deputy Alan Dillon: The Tánaiste may recall a commitment in IDA Ireland's capital investment strategy to establish an additional advanced building solution in regional locations, including one in County Mayo. I seek an update on the progress in making these plans a reality and where in Mayo this will be located.

Deputy Robert Troy: I thank the Deputy for his question. The locations in which IDA Ireland will provide property solutions over the lifetime of its new strategy, Driving Recovery and Sustainable Growth 2021-2024, were chosen based on extensive analysis, engagement, review and consultation, as well as macroeconomic considerations, existing clusters and available resources.

IDA Ireland will deliver 19 advanced building solutions to regional locations. As the Deputy is aware, IDA Ireland is committed to building an advanced building solution in Castlebar as part of the implementation of its new strategy. I am advised it has commenced the process of evaluating suitable site options in Castlebar.

The national capital investment plans outlined in the new IDA Ireland strategy, subject to planning permission and public procurement process, are expected to commence and be delivered within the term of the new strategy at all identified locations.

Over the past five years, IDA Ireland's regional property programme enabled the winning of

capital-intensive projects of significant scale in regional locations.

In May 2020, Meissner Filtration Products announced that its new manufacturing facility in County Mayo is now operational following the announcement in February 2019 that it would expand its manufacturing operations in Castlebar, creating 150 jobs over five years. Meissner established the facility in an IDA Ireland-constructed advanced manufacturing building, which was completed in late 2018.

Deputy Alan Dillon: I thank the Minister of State for his reply. The use of these advanced building solutions by IDA Ireland is critical in levelling the playing field for regional locations such as Mayo. The construction of high-spec commercial infrastructure greatly increases our attractiveness for inward investment. I am conscious that some companies have delayed on-site visits due to public health restrictions over the past 18 months. We must ensure progress in making plans for these facilities to maximise the desired inward investment. I am glad the Minister of State referred to the enormous success of the existing IDA Ireland facility in Castlebar, now occupied by Meissner.

Mayo has a lot going for it. Our road infrastructure is currently being primed. More than €500 million has been invested in the N5 and the Ballaghaderreen to Scramoge road. These IDA Ireland facilities create an excitement and confidence. We are eager to get moving on the next one for our county.

Deputy Robert Troy: I agree wholeheartedly with the Deputy regarding regional development and the importance of investment in the regions to ensure we attract foreign direct investment, FDI. That is why IDA Ireland's new strategy, Driving Recovery and Sustainable Growth 2021-2024, aims to ensure that FDI can make a significant contribution to the recovery and future growth of the economy. Regional development is at the very heart of the agency's strategy. There is a commitment to more balanced compact regional development, which can help to advance national development. Under the regional development pillar, IDA Ireland aims to win investment to propel recovery and support development in each region. For the first time we have set a target of 50%, which is 400, of the investments in regional locations by the end of 2024. Of that 400, there is a target of 76 for the western region. There is a target to build advanced building solutions in Mayo and Galway as part of the new strategy between 2021 and 2024.

Deputy Alan Dillon: We need a timeline for this exciting new project for County Mayo. I hope that IDA Ireland will engage with the new chief executive of Mayo County Council on the development of industrial lands. The county council has acquired 149 acres. This would be very important in how we strategically develop inward investment and also for the strategic development zones at Ireland West Airport Knock and at the IDA Ireland lands in Ballina.

I re-emphasise the importance of IDA Ireland putting the advanced building solutions into motion, as well as considering future projects for the county to maximise inward investment. Job creation will always be the driver for balanced regional development. I hope this project can move as swiftly as possible.

Deputy Robert Troy: I agree wholeheartedly. In 2021, IDA Ireland allocated an additional €10 million for its regional property programme. That is an acknowledgment of the importance of investment in the regions to ensure they can attract foreign direct investment. Recently I met Denis Curran, the director of regional development with IDA Ireland specifically to discuss

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Mayo. He is committed to working with the chief executive of Mayo County Council to ensure that Mayo gets its fair share. I know the Deputy has been to the fore in highlighting this issue, as has his constituency colleague, Deputy Calleary. It is a commitment in the plan for 2021 to 2024 and it will be delivered.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

General Practitioner Services

Deputy Michael Lowry: A thriving town centre general practice in Templemore is closing as the HSE has failed to appoint a replacement for the retiring doctor. The proposed closure of this practice, which has 800 patients, is causing distress, fear and inconvenience. Patient-doctor relationships are built on trust and confidence. The family doctor ethos is cherished and respected by every family in Templemore and the district. Medical card patients in Templemore are being transferred to the only other GP practice in the town. Private patients have been left to source their own future medical care. In Templemore, the GP in question made his intentions known to the HSE last February. The HSE recruitment campaign has failed dismally to attract interest from doctors. The people of Templemore are angry and feel let down by the HSE. I give way to my colleagues.

Deputy Jackie Cahill: I thank the Minister and Leas-Cheann Comhairle for taking this Topical Issue matter this evening. We were at a protest in Templemore last Saturday. We have been contacted by numerous constituents in the area who are extremely concerned about the general practice of Dr. Hennessy not being filled by the HSE. Dr. Hennessy had a significant practice over many years and he served the locality well. The HSE failed and it has not tried hard enough. My request to the Minister tonight is for the HSE to provide an extension of six months to the practice in the town to allow ample time to get a replacement. This is for both public and private patients. If public patients are taken on by the other practice in the town, that practice will be overrun with patients. We have seen mergers of practices in other areas of our county where the level of service to patients is not up to the standard required. The earnest request I make of the Minister this evening is for a six-month extension for Dr. Hennessy's practice in Templemore to allow the HSE ample time to get a replacement.

Deputy Martin Browne: I echo the words of Deputies Lowry and Cahill. The people of Templemore are angry that the HSE seems to be ignoring them for some reason. Some 700 patients are being transferred from one practice to another that is already at capacity. This will lead to trouble and is just not good enough. I know from other Deputies and the people of Templemore that the HSE has not communicated what is going on to the people of the town. We all know there are problems with getting locums or replacements but the HSE is talking about no longer providing locum GP cover from 21 October. There is significant worry in the community. As with the other Deputies, I seek an extension and ask the HSE to push to replace Dr. Hennessy. We realise Dr. Hennessy is at retirement age.

Minister of State at the Department of Health (Deputy Mary Butler): I am taking this Topical Issue matter for the Minister, Deputy Donnelly. I thank all three Deputies for raising the

issue of the impending closure of a general practice in Templemore following the recent retirement of Dr. Joe Hennessy. The Government is committed to ensuring that patients throughout the country continue to have access to GP services and that general practice is sustainable in all areas in the future. It is imperative that general practice remains an attractive career option for newly-qualified GPs and that services are provided in a way which is accessible to all patients.

The Government is aware of workforce issues facing general practice, including the influence of demographic factors. In recent years, it has implemented a number of measures to improve recruitment and retention in general practice. These measures include increasing investment in general practice by approximately 40%, to €210 million, between 2019 and 2023 under the terms of the 2019 general medical service and general practice agreement. The agreement provides for increased support for GPs working in rural practices and for those in disadvantaged urban areas, and for improvements to maternity and paternity leave arrangements. In addition, the number of GP training places increased from 120 in 2009 to 233 in 2021, an increase of 94% over the 12-year period in question. The intention is to continue to achieve annual increases in the number of training places available. These measures will see an increase in the number of GPs working in the State, improving access to GP services for patients throughout the country.

Regarding the GP vacancy in Templemore, it has not, to date, been possible to source a locum to provide consistent cover for this practice. Since July 2021, eight locum doctors have provided cover, which is not ideal for delivering a quality service and continuity of care for patients. Two recruitment campaigns have been undertaken. The panel was advertised locally, nationally and in the *British Medical Journal*. In addition, the advertisement was shared with all GMS practices across the mid-west and with the mid-west training scheme in an attempt to attract newly-qualified GPs. Unfortunately, the HSE has not been successful in recruiting a GP to this single-handed general practice in Templemore. It is therefore planned that the group practice in the town of Templemore will take on the panel of patients on an interim basis. An additional GP has been recruited by the practice, which means that three doctors will provide the additional capacity, to provide a safe, accessible and consistent service to the patients in Templemore and the surrounding area. Additional nursing and administrative staff have also been recruited for the practice. This reflects the developing trend in general practice to have larger practices, which can both improve the services available to patients and provide an improved working environment for GPs and their staff.

General medical card scheme patients have been advised of the new arrangements and how to access the new practice. While the HSE has no responsibility for private patients, private patients have been advised by practice staff of the need to source a new GP. Private patients can contact the group practice, or any other practice of their choice, to request to be taken on as a private patient. Should any private patient find it difficult to source a new GP, he or she can contact the local HSE primary care unit which can support him or her in accessing a GP insofar as it is possible.

Deputy Michael Lowry: The scenario in Templemore is being replicated throughout rural Ireland. The entire system must be examined as a matter of urgency. Attracting GPs to sole practices in rural areas has been a problem for a very long time. The problem is growing and will continue to grow. We must lift the excessive restrictions on qualified doctors from countries outside Europe who are willing to practice in Ireland. Incentives must be put in place to make rural practices more attractive to GPs to avert a pending crisis. As far back as 2015, the Irish College of General Practitioners stated that if measures were not introduced to support rural practices, further inequality of access to healthcare among rural populations would result.

This warning was ignored. Templemore is just one example of the fall-out from that lack of policy.

Deputy Jackie Cahill: I thank the Minister of State for her answer, but I am not overly happy with it. The reply I received from the HSE stated that Templemore is a rural setting and it was finding it impossible to get a replacement. This is a town that is on the Dublin-Cork railway line and only about five or six miles from the Dublin-Limerick motorway. It has a great educational infrastructure and would be an attractive place for any young GP to begin a practice.

This situation is replicated throughout rural Ireland. The HSE is failing to fill places in practices. The reimbursement of GPs in these areas has to be looked at. An incentive has to be put in place to make young GPs look at rural locations. As I said, Templemore is anything but in the rural hinterland. It is a town that is extremely accessible to every part of the country, with the transport infrastructure it has. When we see a town like this fail to get a GP, it shows why the HSE is failing in other parts of rural Ireland. The merger of GP practices is not working. When practices are merged in other towns in Tipperary, patients do not get the level of service they deserve and expect.

Deputy Martin Browne: I also thank the Minister of State for her reply. The HSE informed me, through a parliamentary question, that it has not been successful in getting a GP for a single-handed practice in Templemore. In that same reply, the HSE all but admitted that it wants to see all GP services delivered through a single clinic. As Deputy Cahill said, a single practice, or everything in one setting, is not working. It is like the closure of St. Brigid's Hospital in Carrick-on-Suir. I have been contacted by people in Cahir about the difficulty they have in accessing GP services in the town, which leads people to go to the accident and emergency department in Clonmel hospital when they cannot get a doctor. That is creating problems for the hospital there. A similar situation is arising in Thurles because a replacement GP in a practice there cannot be sourced by the HSE.

As far as I, and the people I talk to, are concerned, it is another attack on the health services in Tipperary. The HSE needs to get real. As Deputy Lowry said, we need to see GPs from outside the country being brought in to relieve the backlogs.

Deputy Mary Butler: I reiterate the Government's commitment to ensuring that patients throughout the country continue to have access to quality GP services. That is what all the Deputies have reiterated tonight. The important role that GPs play in the delivery of our health service and the commitment to providing a responsive and high-quality service to patients is acknowledged. The workload in many GP practices remains quite heavy and the last few years have been particularly challenging.

I also recognise that GPs working in rural and socially disadvantaged areas play a particularly important role. I assure the House that the Government is committed to ensuring that general practices in such areas remain a sustainable and attractive option for doctors. The 2019 agreement on the reform and modernisation of the general medical services contract will be key in supporting and resourcing general practice into the future and making it a more attractive career option for young doctors.

On GP services in Templemore, as I outlined earlier, the HSE has made every effort to fill the vacancy but has been unsuccessful. In order to ensure the continuity of care, and in the best

interests of patients, an alternative arrangement has been put in place with an existing group practice in the town of Templemore. This arrangement will ensure local access to GP services for existing patients of the retired GP. However, I will take on board the request that Deputy Cahill initially made about an extension of six months; I will take that back to the Minister. I assure Deputies that the HSE is committed to working with GPs in the area to ensure services can continue to be provided to the local community.

Agriculture Schemes

Deputy Matt Carthy: I thank the Minister of State, Deputy Heydon, for being in attendance. It is important to recall that the beef exceptional aid measure was put in place to provide farmers with temporary financial aid in response to a prolonged period of depressed beef prices. It was a recognition that farmers were on their knees. The difficulty with the scheme from the outset was that it included a provision that farmers were required to commit to a 5% reduction in bovine livestock manure nitrogen, effectively meaning they were to reduce their stocking rate. When you consider that most of the farmers availing of this scheme were suckler farmers, who are probably the most sustainable farmers and producers of beef in the world, it made little sense. It was something I had a little concern about from the very start.

Notwithstanding that, the scheme was beset with confusion from the very beginning. Almost immediately, we heard reports of farmers waiting up to six weeks to receive figures from the Department, and farm advisers who had figures that were different from the Department's. As a result of those debacles, a deferral or six-month extension to the scheme was secured, rightly, at the height of the third wave of Covid. This was the least that farmers should have expected. However, we now learn that 3,627 farmers within the State are now facing a clawback of €5,227,820. This is money that is now being taken from farmers who received the payment in the first place because of exceptional need.

I welcome the fact that the Minister of State today instructed his officials to apologise for attempting to raid areas of natural constraint, ANC, and targeted agricultural modernisation scheme, TAMS, payments in a very underhand manner. I appeal to him to put in place measures that we seek exceptional support at a European level to provide a further extension to those farmers who were not able to avail of the first one.

Deputy Jackie Cahill: I acknowledge Deputy Carthy for allowing me to share his time on Topical Issue matters and I thank the Minister of State for being present. This scheme was brought in for hard-pressed beef finishers in 2019, who suffered continuous bad beef prices over a prolonged period. The conditions of the scheme were extremely bureaucratic for hard-pressed beef finishers. The fact that it was undersubscribed is a sign of how unattractive the scheme was for farmers. For a scheme for beef finishers to be undersubscribed, told its own story. It is now the case that many farmers who applied for the scheme are failing to meet the conditions and the money they received will have to be reimbursed.

These farmers are still under severe financial pressure. Beef finishing is still a very unprofitable business. I ask the Minister of State to bring in a system similar to what we had for the super levy in 2016, when farmers incurred a very large super levy bill but were given a period of years by the Commission to pay back the money. That is the very least that needs to be done in this case. We should have a prolonged period of time to allow these beef finishers to pay back the money in instalments. They just cannot afford to have the money taken from them in any

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calendar year. We need a sustained period of time to allow these beef finishers pay back this money. We cannot argue that they failed to meet the criteria of the scheme. The Department will tell us an audit will insist the money be repaid. We can argue that point and, hopefully, the Minister of State will argue it strongly. These beef finishers cannot afford to pay back this money in one instalment. A precedent was set with the superlevy bill where farmers were allowed three years to pay back the money. I would seek an even longer period for these beef finishers who are still under severe financial pressure to repay this money.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I thank Deputies Carthy and Cahill for raising this issue. As has been rightly outlined, 2019 was a very difficult year for beef farmers. There was a need for support to help them cope with market difficulties, which were largely driven by Brexit. That is why we fought hard to get money from Europe to establish the beef exceptional aid measure, BEAM, which ended up with €77 million being paid to 33,000 farmers in 2019, €50 million of which came from the EU with the balance having come from the national Exchequer. In return, farmers were required over the following two years to reduce by 5% their bovine organic nitrogen produced on the farm. The European Commission insisted there was an element of restructuring of the Irish beef sector built into the scheme. Money is never given without some conditionality attached. That was clearly set out in article 1.3 of the Commission regulation 2019/113(2) of 2 July 2019 and it was also in section 7 of the BEAM scheme's terms and conditions in 2019. Such was the urgent nature of the market difficulty that the money was paid upfront, subject to the participants' compliance with the scheme requirements.

Almost 19,000 farmers have now met their requirements and exited the scheme. A further 11,000 farmers have opted to avail of the flexibility the Minister, Deputy McConalogue, fought hard for and secured in January from the European Commission. This allowed a farmer to opt for a later reduction period over which the 5% could be delivered. The later period runs from 1 January 2021 to 31 December 2021 compared to the original period which ran from 1 July 2020 to 30 June 2021.

All 33,000 farmers in the BEAM scheme had the opportunity to avail of the later reduction period if they wished and if it was necessary. Farmers could apply for the deferral between 19 March and 21 June. The Department made it clear to farmers there was no downside to applying for the deferment option because we wanted to make sure everybody who wanted to apply for that deferment could do so without any fear. Those who opted for the deferment but met the scheme conditions in the original period were automatically removed from the later reduction period because they had met the requirements. Almost 5,300 farmer participants were in this category and have exited the scheme without recoupment. The remaining 3,600 farmers decided not to opt for the later reduction period and, as of the end of June 2021, have failed to meet the obligations they signed up to under the BEAM scheme's terms and conditions.

Of the 3,600 farmers, 66% or 2,396, who are in the recoupment situation increased their nitrates during that reduction period. These 3,600 farmers will have some or all of the money they received in 2019 recouped. The total being recouped is now €5.2 million with the average recoupment per farmer at €1,700. Among the 3,600 farmers, almost 10% of cases involve less than €200 and almost a quarter involve less than €400.

The rules on recoupment of interest are the same across all schemes. They are set down. There is conditionality with respect to European rules involving European money. The Deputies highlighted concern for the farmers involved. They had the option to continue on in the

scheme but decided not to do that. As I said, two thirds of these farmers decided to increase their nitrogen organic output. The majority of those farmers made that conscious decision in the full knowledge that they were outside the terms and conditions of the scheme. That was a business decision for them to make and they felt it was the right thing to do, which was their right, but the terms of the scheme mean that money has to be recouped.

I accept the communication around the recoupment letter to the 3,600 farmers could have been clearer and was not handled properly. The Minister, Deputy McConalogue has instructed Department officials to issue an apology to this cohort of farmers for the premature manner in which their moneys were deducted. I take on board the concerns raised. I am happy to answer further in response to supplementary questions.

Deputy Matt Carthy: The difficulty is we are dealing with farmers who do not have this type of money. They received this payment because it was recognised they were in exceptional difficulties. To give the Minister of State a sense of the amounts involved, in my constituency in County Cavan 133 farmers will be expected to pay back €157,000 and in Monaghan 138 farmers will be expected to pay back €193,000. If they cannot make those payments within 30 days they will be expected to pay a 3% penalty rate. I would like a direct answer to this question. Will the Department make contact with the European Commission to find flexibility to allow those farmers who did not, for whatever reason, and in some cases it was because they were not fully aware of the proposition, seek an extension, which they can now do, or measures such as Deputy Cahill said that would allow flexibility in the repayments? The Minister of State has outlined the current situation but we will not know if we can change it unless we ask.

Deputy Jackie Cahill: I thank the Minister of State for his reply. He said there is never a scheme without conditions attached. In 2020 we had a far more straightforward scheme. I accept that EU money was not put into the 2020 scheme, but it was a far more straightforward scheme and the money was used up. Before we finish this 2019 scheme a third of the money that was allocated to hard-pressed beef finishers will not have ended up in farmers' pockets. That is a serious indictment of a scheme that was introduced to provide for hard-pressed beef farmers. I support Deputy Carthy's call to the Minister of State to return to the Commission and ensure we are given the maximum flexibility possible for these affected farmers. Their income has not improved in the interim. They are still under severe financial pressure. We need to do the utmost to ensure the future financial viability of these farmers is not put under further threat. They cannot afford to pay back this money in any significant amounts. They need consideration to be shown by the Commission. A precedent was set on the superlevy bill where farmers faced with a bill were given ample time to repay it.

Deputy Martin Heydon: I thank the Deputies for their supplementary points. The fact of the matter is that almost €72 million of the €77 million has gone to beef farmers. Some 19,000 farmers met the scheme's requirements and have exited the scheme because of that. Deputy Cahill is right in saying the scheme was not over-subscribed. It was under-subscribed. A number of beef farmers who were in financial difficulties, as were all beef farmers at that time, checked the scheme's conditions and decided not to participate in it because of the conditionality attached, and that was their right. In terms of the decisions by farmers to join the scheme, lessons have been learned about the scheme's design. If one were designing a scheme from scratch in normal circumstances one would not design like this one, but it was exceptional because the need was exceptional. You would not normally pay in advance under such a scheme where the conditionality came to bear afterwards without some clawback. In an ideal world one would not do that because it can give rise to difficulties. Farmers have a right to make that decision

in the full knowledge that, as two-thirds of the farmers have done, if they decide to increase their nitrogen organic output in the future - it is their right to do that - to be fair to everybody in the scheme and to those who decided not to go into it because of the conditions attached, there has to be recoupment. The rules on the interest rate and the recoupment periods are set down. They are EU regulations. Deputy Cahill mentioned the 2020 scheme and he rightly said that was fully Exchequer funded. There is much more flexibility with Exchequer funded schemes. There is not the same flexibility with EU schemes. That means we have to stick to the rules that apply. The flexibility shown in the earlier part of the year was hard fought for. Some 11,000 farmers are able to avail of that flexibility.

Tax Code

Deputy Ged Nash: It transpires that the single malt tax shelter the Minister, Deputy Donohoe, thought he had closed down in 2018 appears to be still very much open for business. The so-called single malt allowed companies incorporated here to minimise their corporation tax bills by funnelling profits into low tax states, in this case Malta, with which we have tax treaties. We now know, thanks to Christian Aid, that at least one company, in this case, the pharmaceutical giant, Abbott, is still availing of a single malt-type tax avoid structure to avoid tax on profits from its rapid diagnostics division. The Minister, Deputy Donohoe, attempted to close down the single malt structure in 2018 yet three new Abbott-related entities were set up here in 2019, purely with the intention of avoiding tax on profits. Thanks to what Christian Aid has described as the narrow drafting of the Ireland-Malta tax agreement, the deal that the Minister said in 2018 “should eliminate any remaining concerns about such structures” and which he said represented “another sign of Ireland’s commitment to tackling aggressive tax planning”, it has turned out to be nothing of the sort. The Maltese operate a generous series of tax write-offs against intellectual property including licences, trademarks and so on. There is little that we in Ireland can do about that but, according to Christian Aid, it is the narrow drafting of the tax treaty that allows this abominable practice to occur in the first place. This is Ireland’s problem. It is our problem. This elaborate game of pass the parcel might be lawful, bizarre as that sounds, but it is disgusting and immoral. The practice literally takes food out of the mouths of children in Ethiopia and Nepal, where Abbott sells Covid kits. Taxes on sales profits in those countries ought to be paid there. Christian Aid’s analysis says that these structures will enable this entity to avoid paying corporation tax on nearly €500 million worth of profits attributable to intellectual property for its rapid tests, including its Covid-19 tests.

This is just the latest in a series of embarrassing tax controversies for the Government, although it comes at a particularly sensitive time in light of the ongoing OECD reform process. Ironically, it can be argued that the Abbott case has also come about due to the previous Government’s failure to sign Ireland up to Article 12 of the OECD multilateral instrument despite warnings from Christian Aid and others at the time, including the Minister of State’s ministerial colleagues, the Ministers, Deputies Michael McGrath and Darragh O’Brien, that this could lead to the kind of tax avoidance we have seen revealed by Christian Aid in the media today. Today’s revelations prove yet again that standing on the sidelines of international agreements and taking a “whack-a-mole” approach to closing tax loopholes, as Christian Aid has rightly described it, simply does not work when the tax avoidance industry is always one step ahead.

Is it news to the Minister of State that these kinds of scheme still exist? What action will this Government take to close the loopholes exposed here? Are Abbott and its related companies

the only series of firms exploiting such arrangements? Are there more? Are the Revenue Commissioners privy to this arrangement? Do they have knowledge of the arrangement operated by Abbott? Moreover, did they approve it at any level?

Minister of State at the Department of Finance (Deputy Sean Fleming): I thank Deputy Nash for the opportunity to address the report on behalf of the Minister, Deputy Donohoe, this evening. From the outset I must point out that, while the Deputy has mentioned the name of a particular company and has gone into its tax affairs in detail here in the Chamber, people will understand that it is absolutely not appropriate for the Minister for Finance to comment on the tax affairs of individual businesses. That is a basic law and understanding of how this Parliament should work. A Minister should not be going down the road of talking about the tax affairs of a named individual business or individual person.

Recent years have seen significant progress in global action to address the issue of aggressive tax planning by multinational companies. Ireland has fully engaged in the base erosion and profit shifting, BEPS, process since 2013 and we have proactively and diligently reformed our tax code in line with emerging new international norms. A lot has already been achieved. We must recall that, today, we have far more robust international tax rules and safeguards to prevent abuse, arbitrage, base erosion and profit shifting than existed a decade ago. Significant progress has been made.

In respect to the issues highlighted in the Christian Aid report, it is relevant to note that the Revenue Commissioners entered into a competent authority agreement with the Maltese competent authority, its Ministry of finance, to counteract so-called single malt arrangements that could otherwise result in double non-taxation. At this late hour of the night, people will forgive me for specify that when I mention “single malt”, I am not talking about whiskey. The word “single” relates to a business that has single residency in an area. The word “malt” is short for “Malta” rather than having anything to do with whiskey, in case people thought that was what we were talking about here tonight. Specifically, this competent authority agreement addresses issues where there is a mismatch of residence and domicile provisions which could otherwise result in double non-taxation. I am advised that this competent authority agreement provision is operating as intended and companies should not be able to avail of double non-taxation on the basis of a mismatch of residence and domicile provisions.

The Minister is committed to taking action to ensure the Irish tax code is in line with new and emerging international tax standards as agreed globally. The January 2021 update to Ireland’s corporation tax roadmap highlights the actions that have already been taken, and which will continue to be taken, in this process of corporation tax reform.

It is important to remember that in recent Finance Acts the Oireachtas has substantially progressed transposition of the anti-tax avoidance directives through: the introduction of controlled foreign company rules, anti-hybrid rules and a revised exit tax regime; the introduction of defensive measures against listed jurisdictions through enhanced controlled foreign company rules; the updating of transfer pricing rules; the introduction of legislation for OECD BEPS measures on mandatory disclosure rules; and a substantial widening of the scope of the exit tax regime with the result that, on the migration of a company from Ireland to another country of residence, the increase in the value of assets to the date of the company’s departure will be chargeable to the full rate of corporation tax. It should also be recognised that Ireland has a long-standing general anti-avoidance rule which goes beyond the standard required by the EU anti-tax avoidance directives. Furthermore, in the upcoming Finance Bill, it is intended that

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we will complete the transposition of the anti-tax avoidance directives with the reintroduction of interest limitation rules and anti-reverse hybrid rules. It is intended that these rules will be effective from 1 January 2022.

Deputy Ged Nash: I too understand the rules, conventions and protocols in this House but I have no difficulty in identifying, as the media have today, firms that may be practising tax strategies that, although lawful, are immoral. These are not the type of tax strategies or tax avoidance structures that should be facilitated in any way by this country. This is where we interrogate important issues of public policy in this Republic. We are elected representatives of the people and we have a constitutional obligation to interrogate and explore these issues, particularly when states such as our own and others across the European Union and the developing world are being deprived of resources that are rightfully theirs because of the arcane and elaborate structures that certain organisations are permitted to operate. It is bizarre that these are lawful, as I remarked in my initial contribution. We have seen the response from the firm involved to the media. It is predictable. It has said that it has done nothing unlawful so it is okay. That is its defence.

While I understand that the Minister of State does not want to make direct reference to this company, is he aware of any other schemes that are in place that may be similar to the single malt mechanism, which we had been told was closed down in 2018? The Minister of State has gone to some lengths to describe the kind of due diligence that the the Department and the Revenue Commissioners may engage in to identify shelters such as this where they crop up but has any recent assessment been undertaken by his Department in respect of the corporation tax liabilities of Irish-incorporated companies that are tax resident in other tax treaty partner countries since the residency rules changes in the Finance Act 2014 came into force last December?

I will make a final point with the indulgence of the Leas-Cheann Comhairle. This Abbott case again shows how taxable profits are being siphoned away from the poorer countries where sales are being made, in this case, Nepal and Ethiopia. I know that a spillover analysis was done by the Department regarding the impact of these kinds of measures on developing countries. Will the Minister of State undertake a similar analysis in light of these reports?

Deputy Sean Fleming: I thank the Deputy again. I must reiterate that it would be inappropriate for a Minister or Minister of State to comment on the tax affairs of an individual taxpayer here in the House. The competent authorities agreement that was signed came into effect in November 2018. This effectively brought an end to the single malt structure the Deputy has been speaking about. The objective of the agreement was to counteract the arrangement that sought to take income out of the charge of tax in Ireland on the basis that the company was not tax-resident in Ireland but also out of the charge of tax in Malta on the basis the company was not domiciled there.

The Christian Aid report provides no evidence that the competent authority agreement was ineffective in achieving that objective. On the contrary, paragraph 18 of the report states that the 2018 competent authority agreement appeared to end the spate of new single malt structures that multinationals had begun to set up from 2015 onwards. Since November 2018, only four companies have been incorporated in Ireland with a place of business registered in Malta. The four were subsidiaries of one group, registered in 2019. One case is being discussed and the Revenue is keeping a close eye on that.

In effect, the Christian Aid report acknowledges the competent authority agreement has

achieved its objective in preventing double non-taxation that would otherwise arise from a mismatch of the rules. The real story is why sufficient prominence was not given to the Christian Aid report in that regard. Within a short period, it was effectively eliminated and there is only one case outstanding. That is receiving close scrutiny. The purpose of providing opportunities for double taxation is set out clearly in the various reports and Ireland has a proven record of improvements in our international corporation tax regime. We have listed a number of the improvements that have happened year by year over the past couple of years. There will be further developments in the coming budget.

Early Childhood Care and Education

Deputy Jennifer Murnane O'Connor: For young families to succeed, childcare must be affordable, accessible, of high quality and sustainable. I welcome the Minister's commitment to ongoing learning and listening to providers, parents and guardians. However, despite significant increases in funding and the welcome and ambitious First 5 strategy, Ireland still has one of the most underfunded childcare systems in Europe, failing to meet the EU average of UNICEF targets for investments. We have one of the highest costs of childcare in the OECD. It is over half the average wage in Ireland.

In the early years staffing survey report for 2021, 97% of providers said they feel low pay and staff leaving the sector will have a negative impact on the provision of services. More than 70% found it extremely difficult to recruit staff in the past 12 months and 42% of early years educators are actively looking for a job outside the sector, with 75% identifying low pay as the reason for leaving the profession. Providers and educators in 4,500 early years and after-school settings in Ireland stepped up during the pandemic and the provision of quality care and education to children has been highlighted as a critical contributor to a functioning society and economy. We have to get this right in the future.

I have met and engaged with stakeholders on this. I have met and listened to providers, parents and staff. This weekend, I am meeting more stakeholders in Carlow and Kilkenny to discuss the issues in advance of budget 2022. That will be crucial. They have told me Ireland's early years system is not working for parents and is failing the educators. Underfunding of childcare has led to a lack of options for educators who leave the sector, providers who close their doors and parents and guardians who cannot afford it.

Deputy Marian Harkin: I am pleased to raise the hugely important issue of early years childcare services and the need to provide adequate funding in the next budget to ensure sustainable and accessible childcare services for 2022 at least. I do not say it lightly but there is a crisis in the sector. Early years educators are expected to work for approximately €12 per hour. That is untenable. Is it any wonder up to 50% are actively looking for employment elsewhere? Early years professionals, 98% of whom are women, are among the lowest-paid workers in Ireland with 50% earning below the living wage. That is the value we put on early years education. In the Netherlands, the hourly wage is €26 per hour. In France, it is almost €20. In Germany, it is €18. In Ireland, it is €12. An additional €75 million is the minimum needed to improve pay scales and to ensure all staff earn above the living wage.

Parents in Ireland pay the highest fees in the EU. They are, on average, about €184 per week. Compare that to Sweden, which I acknowledge is at the lower end, where childcare costs €31 per week. If the Minister were to invest a further €75 million in the upcoming budget, it

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would help ensure affordability for parents and, therefore, access to high quality, sustainable services. I seek the Minister's commitment on that.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O'Gorman): I thank the Deputies for their contributions. It is a key priority for me as the Minister for Children, Equality, Disability, Integration and Youth to improve the affordability, accessibility and quality of early learning and care, ELC, and school age childcare, SAC. Historically, there have been low levels of investment in ELC and SAC in this country, although in the past five years we have seen a 141% increase in investment. That stands now at €638 million per year. This increase has funded a second year of the early childhood care and education, ECCE, preschool programme, an access and inclusion model, AIM, and enabled the introduction of the national childcare scheme, NCS.

The draft guiding principles developed by the expert group states:

The funding model should be based on an acceptance that ELC/SAC is a public good... It should seek to support the delivery of this public value through the provision of high quality, affordable, accessible, and sustainable ELC and SAC services.

It also states that the funding model should make best use of the available public management tools. I expect this principle will inform the report of the group.

12 o'clock

Last December, working in partnership with SIPTU and Childhood Services Ireland-IBEC, I began a short process investigating the potential of a joint labour committee for the sector and how it might support a better wage rate. We engaged Dr. Kevin Duffy, former chair of the Labour Court, to chair the process. Following that, I wrote to the Minister of State, Deputy English, and he has since signed an establishment order for a JLC for the early years sector. I regard this as an extremely significant and welcome development. I know it has been welcomed by both employers and workers in the sector.

Deputy Jennifer Murnane O'Connor: I thank the Minister and welcome the information he gave. As we have said, despite their qualifications, most early years professionals are earning below the living wage of €12.40 an hour. That is unacceptable. I welcome the Minister's reference to a new funding model. Will that model include a clear career path for educators and a clear guide to supports for providers struggling to sustain businesses under a significant administrative burden, which includes inspections, increased commercial rates and insurance costs? There are many issues on which we need to give confidence to childcare providers, parents and staff. That is going to be very important.

This is a vital sector and it must be supported. The Minister said he will look for more funding from the Minister for Public Expenditure and Reform, Deputy Michael McGrath. I will be speaking to the latter in the next few days. The budget for 2022 will be crucial in this regard. I know how dedicated the Minister, Deputy O'Gorman, is and how important the sector is to him. We need to get the funding right and ensure the sector is not underfunded into the future.

Deputy Marian Harkin: I thank the Minister for his response. I can hear that he has a real commitment to the childcare sector. He spoke about the expert group recommendations that are due in November. Those recommendations are important but they will be too late for many in the sector. The Minister must know that. There has to be an extra investment in the sector. I

am saying that €150 million is needed in the next budget, which will be announced before those recommendations are published. In my constituency, there are more than 100 childcare providers employing thousands of staff. They cannot wait for the recommendations of the expert group, which I understand has the possibility of delivering a quality service. When I said there was a crisis, I did not say it lightly. I said it because, one after another, childcare providers and those who work in the sector are telling me there is one. The expert group is great but, in the meantime, I ask the Minister to make a commitment to keep the sector afloat until its recommendations can be implemented.

Deputy Roderic O’Gorman: I thank the Deputies. This sector, like many sectors of the economy, is coming out of an incredibly difficult time following Covid. It is a sector that certainly stepped up during the crisis, which both Deputies recognised, particularly last January when it did not shut but continued to provide early learning and care for the most vulnerable children and the children of essential workers. How we managed to deliver that was through the employment wage subsidy scheme, EWSS, and the sector exemption for childcare that I negotiated with the Department of Finance at the time because we knew, with the pods arrangement, that providers had an obligation to have more staff on site, which required greater funding. We provided that through the EWSS. All the providers I have met have recognised how important that support was up to this point. They also recognise that we have been very clear there will not be a cliff edge in terms of the EWSS and that the support will be tapered out.

We are now looking beyond Covid. Budget 2022 is the opportunity to move us beyond this period to start to implement the recommendations of the expert group. Those recommendations will not come as a surprise to us on the day they are published in November. I have been engaging with the group and I have a sense of the key elements. Everyone in the sector has a sense of those key elements and they will form the basis of my engagement with the Minister, Deputy Michael McGrath, and my other Government colleagues in the context of budget 2022.

It is essential, as Deputy Murnane O’Connor said, that we provide a career pathway for workers in this sector. We have a workforce plan for staff but it requires them to see that they will get a living wage as they move on through their career. One of the most depressing things for me in this regard was talking to a constituent I know well, a young woman who has just graduated from a third level institution and who left the sector after working in it for three months because the pay was so bad. We must give people like her a future in the sector. The actions the Government is taking will do that.

The Dáil adjourned at 12.05 a.m. until 9 a.m. on Thursday, 16 September 2021.