



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 16 Meán Fómhair 2021

Thursday, 16 September 2021

Chuaigh an Ceann Comhairle i gceannas ar 9 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Electricity Generation

1. **Deputy Darren O'Rourke** asked the Minister for the Environment, Climate and Communications if he will provide assurances that the State will not face blackouts in winter 2021 as a result of the demands on the electricity generation and transmission network, including from data centres; the steps he is taking to address the increasing number of amber alerts and supply and demand challenges; and if he will make a statement on the matter. [44107/21]

Deputy Darren O'Rourke: Can the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, as Minister with responsibility for energy and electricity, provide assurances that the State will not face blackouts this winter as a result of demands on the electricity generation and transmission network, including demands from data centres. Will he outline the steps he is taking to address the increasing number of amber alerts and supply and demand challenges? Will he make a statement on the matter?

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan): I thank Deputy O'Rourke. The Commission for Regulation of Utilities, CRU, has statutory responsibility for monitoring and taking the measures necessary to ensure the security of electricity supply in Ireland. It is assisted in this statutory role by EirGrid, which is responsible for the day-to-day management of the electricity transmission system.

CRU has advised me that it has identified challenges to ensuring the continued security of electricity supply. It is in the process of addressing these. They include lower-than-expected availability of some existing power stations; anticipated new power stations not being devel-

oped as planned; expected growth in demand for electricity, including through the growth of data centres, as mentioned by the Deputy; and the expected closure over the coming years of power stations that make up approximately 25% of conventional generation capacity.

There is a range of actions being taken by CRU and EirGrid to ensure security of electricity supply. These include maximising the availability of existing generators; the development of new generation capacity, including temporary generation capacity in advance of winter 2022; making changes to the grid connection rules for data centres; and working with large energy consumers to reduce, where possible, their electricity demand during peak periods.

While a number of system alerts have been issued over the past year, including two last week, they have not affected the supply of electricity to customers. I am advised by CRU that owing to the expected return of two key gas-fired power stations by November, the outlook for the coming winter has improved. However, it does not eliminate the potential for further system alerts. My Department is supporting CRU and EirGrid as they progress the actions necessary to ensure continued secure electricity supply.

Deputy Darren O'Rourke: The prospect of blackouts is quite incredible. In my area, County Meath, and in Dublin West, there are particular pressures. I am aware of this from having spoken to people in the sector. We have noticed a significant increase in outages. Whether they are related to the issues under discussion is a separate matter but there is certainly a coincidence, at the very least.

We are hearing from a range of people about the prospect of blackouts. This is in the public discourse. I heard Professor John FitzGerald on the radio over the summer talking about going back to the 1970s, when we faced the reality of blackouts. There is genuine mismanagement and policy incoherence. On the one hand, there is the shift towards renewables but, on the other, there is increasing demand for data centres. What assessment has been made of current and future demand from data centres? How has this been factored into our energy policy?

Deputy Eamon Ryan: This is a complex situation. There is multi-annual complexity. We have to look forward to the next decade and beyond, but particularly to the next three to four years. Our expectation is now that we will not have outages this winter but we never know. There could be a power station breakdown, or something similar to the loss of the two large gas power stations that went offline early this year. There are always developments that cannot be completely predicted but, subject to the return of the two gas power stations, we expect to be able to get through this winter period. However, no one should underestimate the scale of the challenge we will face in the coming winters, particularly the three or four after the coming one. We have to retire, by 2025, some large generators, such as those at Moneypoint coal-fired power station, Tarbert and Edenderry, or at least switch them from being high fossil fuel generation stations to low fossil fuel generation stations.

The demand side is very much a part of the equation. Data centres are only one element. CRU has produced a major study and has engaged in public consultation on how it will work with data centres to make sure they complement our electricity security system.

Deputy Darren O'Rourke: I might get the Minister to expand on his point on how data centres will be factored in. He will appreciate that there are those who would use this opportunity to try to make the case for increasing our existing dependency on fossil fuels. The Government needs to be very clear on its position on that. In that regard, I would make reference to the

existing planning permission application by Shannon LNG, among others.

The point I want to raise is on the impact of the challenges on the cost of electricity. We are facing another winter at a time when costs are increasing continually. From one supplier, there has been a 50% increase over the past 12 months. It is having a huge impact on families. How is the Minister going to address it for families?

Deputy Eamon Ryan: To go back to the last point I was making, the data centres have to fit in with our decarbonisation plans. We can achieve this by considering their demand response and whether location can vary demand. Many data centres have been located in the Dublin area. EirGrid has been doing a lot of work on the question of bringing the generation to where the power is used so our grid will work better. It is also a question of ascertaining whether the centres can have their own backup power, and work within a system of backup power, so they can contribute to system security.

Deputy O'Rourke is right that there is a significant issue over increases in energy prices. The increase affecting gas has had consequences for electricity. It is primarily subject to international factors. It is an issue right across Europe and most of the world. It is a complex situation but it is primarily driven by a massive increase in gas prices. It is occurring because last winter was very cold. There is a very low level of gas storage and the price of carbon on the international carbon market is very high. It is an issue of switching off coal plants internationally and switching on gas plants. The circumstances I have described, and a huge increase in demand for gas in Asia, are leading to a spike in gas prices, which is the primary cause of the increase in electricity prices.

An Leas-Cheann Comhairle: I hate to interrupt but there is a time limit. Could we all just work within it? I am aware it is not perfect.

Climate Change Policy

2. **Deputy Ivana Bacik** asked the Minister for the Environment, Climate and Communications the steps he plans to take to ensure that Ireland will have a just transition towards meeting Ireland's international emissions reduction goals in advance of the 26th UN Climate Change Conference, COP26, and in view of the recent report by the UN Intergovernmental Panel on Climate Change on the climate crisis. [44137/21]

Deputy Ivana Bacik: I welcome the Minister to the House. What steps does the Government plan to take to ensure Ireland will have a just transition towards meeting its international emissions-reduction goals in advance of COP26, which is due to take place in Glasgow at the end of October. In advance of this event and in light of the alarming content of the recently published report of the UN Intergovernmental Panel on Climate Change, IPCC, we need to take the necessary steps urgently. I would like the Minister to outline those steps.

Deputy Eamon Ryan: I formally welcome Deputy Bacik to the House. Well done to her on her election. I wish her the very best and look forward to working with her as a constituency colleague.

We have to make sure our transition is just. Social justice must be achieved in the wake of addressing the ecological crisis. There are so many different parts to that. The Government and

its predecessor have done a lot of work on the establishment of a just transition commissioner, Mr. Kieran Mulvey, who has been working very specifically in the midlands. The midlands is our first example of determining how to transition a community in genuinely difficult circumstances. We have to switch off the extraction of peat and the use of peat in power generation and other areas and create alternative employment. I believe that work is starting to bear fruit. We are starting to see a significant number of new jobs as Bord na Móna switches from brown to green. There has been significant investment of €100 million in the rehabilitation of bogs. More than 200 people are now employed to work on bogs. Those are the same people, using the same skills, who were previously involved in peat extraction. I could go into the details of how those projects are being rolled out and creating real employment. Bord na Móna is expanding, as is employment in the midlands. The retrofitting of social housing within local authorities is also occurring and that is an example of what we need to be doing. That is only the start and there are many sectors in our society that we need to start thinking about and planning their transition. We need to start considering how to manage the transition of the agricultural, forestry and car sectors.

I am engaged in ongoing work with the National Economic and Social Council. Its secretariat has done a lot of good work and thinking around structures for just transition. Work in the midlands is ongoing. We need to work with the European Commission to use European funds to build on the work that has already been done. I will come back to the Deputy with further measures in which we are engaged.

Deputy Ivana Bacik: I thank the Minister for his warm welcome. I appreciate that, as a constituency colleague. I was thrilled and honoured to have been elected this summer to represent the people of Dublin Bay South.

I also thank the Minister for his response on the just transition point. There is a broader issue here, however, about the dangers of unregulated free markets and untrammelled economic growth. There is a need for us to look at how we can address climate change, the climate emergency and crisis. We must build an economic and class analysis into our response so that we do not see green policies in a silo. I know the Minister agrees with me on that point. Those policies do not exist in a vacuum and must include an economic and class response.

I have seen a very scary map of what Dublin would look like - what a rise in sea level would mean for us as citizens in Dublin - if COP26 does not hold back global warming. We know that COP26 is seen as the last best chance of keeping global warming to 1.5% above pre-industrial levels. If it does not succeed in doing that, we know the consequences for all of us.

Deputy Eamon Ryan: Interventionist measures are required and the State is going to have to play a significant role to subsidise and support the retrofitting of social housing and the provision of the fuel allowance. We will have to use a sufficient amount of the carbon tax revenues we are going to raise to make sure that people are protected from fuel poverty, particularly in this time of rising international gas prices. I will also make the broader point that many of the measures associated with the transition will bring with them a more balanced, more equitable and fairer economic system. I will offer a basic example. The transport area is a huge part of the emissions problem. A major part of the solution is going to be the development of active travel and public transport. I have always seen that as a social justice project as well as an environmental project because those on the lowest incomes tend to have the least access to cars. Active modes of transport are often the most economically efficient, in that they cost the least. We need to think of the co-benefits of some of the environmental measures that will deliver

social change.

Deputy Ivana Bacik: I agree with the Minister on the issue of cycling, in particular, and the need to invest in public transport. That is more than a transport matter; it is a social and economic justice matter.

We were disappointed that the Minister did not accept the amendments we submitted to the climate action Bill but we very much look forward to working constructively, as part of the Opposition, with him on the upcoming publication of the climate action plan to ensure real commitment across all sectors and Departments to ensure we meet our emissions targets. As I said, the consequences are too dire for all of us if we do not do that. I look forward to working with the Minister. My party leader, Deputy Kelly, yesterday spoke about the dangers of short-termism in politics. As the Minister has said with regard to this issue, we must move on a multi-annual basis to take account of long-term thinking and to work constructively together to ensure that climate change is addressed and that we meet these targets. As a constituency colleague of mine, the Minister will appreciate the consequences for Dublin Bay South, where there is the prospect of flooding. There will be consequences of a rise in the Grand Canal and the Liffey and Dodder rivers. We can see the consequences starkly across Ireland and the world.

Deputy Eamon Ryan: I agree with the Deputy and the Labour Party leader, Deputy Kelly, that we need to think long term. I also believe that the response to the climate challenges requires a politics of collaboration and co-operation. This is not an issue that should divide us. It is not a party political issue. It is an intergenerational issue but it is one we must tackle together.

Probably the most contentious area of the just transition is agriculture. I am firmly of the view that we need to start paying a new generation of young farmers and foresters to be part of this transition. One of the benefits, as we pay for nature-based solutions, will fall to the poorer areas of our country, which are often are more regional and rural areas distant from the major cities. The climate response is going to require massive investment and redistribution, as it were, through carbon taxing and other measures, including via the Common Agricultural Policy, whereby we invest in those areas for the restoration and protection of nature as part of our climate adaptation and mitigation strategy. That will be a part of our just transition.

Climate Change Policy

3. **Deputy Darren O'Rourke** asked the Minister for the Environment, Climate and Communications the status of the process and timeline for the introduction and implementation of carbon budgets in view of the recent IPCC report; and if he will make a statement on the matter. [44108/21]

Deputy Darren O'Rourke: In light of the recent IPCC report, can the Minister provide an update on the process and timeline for the introduction and implementation of carbon budgets? Will he make a statement on the matter?

Deputy Eamon Ryan: The recent IPCC report is an important statement on international science's understanding of the climate system and climate change. Its publication could not be more significant or timely. It details the increasingly dangerous future that is ahead of us unless action is taken by all of us now. The Climate Action and Low Carbon Development (Amendment) Act, which was passed in July 2021, requires the Government to adopt a series

of economy-wide, five-year carbon budgets, including sectoral targets for each relevant sector on a rolling 15-year basis, starting this year. The next stage of the process will be the preparation of regulations and carbon accounting, in consultation with the Climate Change Advisory Council, CCAC, and consistent with the Paris Agreement and EU rules. This will be followed by the production of carbon budgets by the CCAC. These carbon budgets will be presented to the Oireachtas and then approved by the Government. The Government will then set sectoral emissions ceilings, determining how each sector of the economy will contribute to the achievement of the budgets.

Deputy Darren O'Rourke: In response to my previous question, the Minister mentioned the price of electricity and the issue of wholesale prices. I would also make the point that the public service obligation, PSO, levy and the carbon tax have direct implications for the cost of electricity for households. The Minister has an ability to address at least those measures.

I will ask about the timeline in respect of this question. I heard from the Minister earlier in the week that the new climate action plan will be announced in the coming weeks, likely in early October. What relationship does that have with carbon budgets? What is the timeline for the carbon budgets? They are significant outworkings of the climate action Bill and we want them to be considered.

Deputy Eamon Ryan: I will make one comment on the point the Deputy made about the PSO and carbon tax. The PSO was always a protection, in a sense, against volatile markets. At times like this, when the price of gas is very high and the price of electricity is driven up, the PSO falls away and drops dramatically. The PSO is having the opposite effect. It is being taken out at the moment and that is reducing the price increase effect. It is doing what it was designed to do. It provides a floor at times when gas prices are low. When gas prices are high, the PSO drops. That is helping to cut prices or abate the cost increase. Similarly, the carbon tax we have does not apply to the electricity sector or the emissions trading system, ETS. The international price of carbon does apply but our own carbon tax system does not. That is having no effect on the electricity price increases we are seeing.

We are on a tight timeline because we want to include this year in our plans and we want to get as much done as we can before we go to Glasgow. The Climate Change Advisory Council is expected to deliver its budget before this, and then we will respond with the revised climate action plan. We expect all that to take place in the first week in October.

Deputy Darren O'Rourke: Perhaps the Minister might comment on when we in the Houses of the Oireachtas might see the carbon budgets. Also, I ask him to reference the opportunity there will be for stakeholders to engage in the process and when they might have that opportunity.

On the broader question, and I am not entirely clear in relation to it, of the relationship between the fiscal, economic and climate objectives, are there conversations at governmental, ministerial and departmental levels as to how we are going to square all of that? My understanding is there is a McKinsey report that has not been published. Is that being factored into considerations? How are we going to align, because it is essential we do, the climate objectives with the economic and the social objectives?

Deputy Eamon Ryan: As I have said, I expect the Oireachtas committee, the House and stakeholders to be able to see these carbon budgets when the Climate Change Advisory Council

delivers them at the end of this month or the first week in October at the latest and then very much to get engaged. On the alignment between economic, social and environmental objectives, the way the Bill was passed was to allow for all stakeholders, particularly Members of the Oireachtas, to make their contribution and for us to debate within this House how we get that balance right. We will have to do that in terms of the sectoral targets we will set, the budget in terms of how we manage it, and the Common Agricultural Policy budget. We will then review it every year. There is an ongoing review of the climate action plan, which is an evolving and iterative plan, and the Oireachtas has a central role. The plan is to get that balance right.

Renewable Energy Generation

4. **Deputy Jennifer Whitmore** asked the Minister for the Environment, Climate and Communications the analysis his Department has carried out to date regarding the use of energy by data centres, including their effect on energy prices and the impact their energy demand will have on Ireland's capacity to reach renewable energy targets; and if he will make a statement on the matter. [44120/21]

Deputy Jennifer Whitmore: I would like to ask the Minister what analysis his Department has carried out to date on the use of energy by data centres, including their effect on energy prices and the impact their energy demand will have on Ireland's capacity to reach our renewable energy targets.

Deputy Eamon Ryan: The Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy 2018 acknowledged the role of data centres as part of the digital and communications infrastructure for many sectors of our economy. The statement also noted that data centres pose considerable challenges to the future planning and operation of Ireland's power system.

In 2020, data centres accounted for approximately 11% of the total electricity used in Ireland, demonstrating that the impact of data centres on Ireland's energy demand and the related electricity emissions is significant. EirGrid, in its Generation Capacity Statement 2020-2029, project that demand from data centres could account for 27% of all demand by 2029.

Electricity and gas retail markets in Ireland operate within a European regulatory regime, wherein these markets are commercial, liberalised and competitive. The Commission for Regulation of Utilities, CRU, is responsible for ensuring all electricity customers and network users receive value for money within a transparent, fair and equitable charging regime. The costs of renewables are supported by the public service obligation, PSO, levy which is charged to all electricity final customers in Ireland, including large energy users.

Operating within the overall EU framework, responsibility for the regulation of these matters is solely a matter for the CRU. In June 2021, the CRU published a proposed direction to the electricity system operators related to data centre grid connection for consultation. This included a number of options for managing data centre connection demand.

Earlier this year, EirGrid carried out a public consultation entitled Shaping our Electricity Future. The aim is to make the electricity grid stronger and more flexible so that it can carry significantly more renewable generation as well as meet increasing demand from high-volume energy users such as data centres. This may include potential geographic restrictions or incen-

tives of large demand customers closer to the generation of power, potentially giving a more regional balance of data centres.

Deputy Jennifer Whitmore: The Minister referenced the Department of Business, Enterprise and Innovation's 2018 strategy. My fear is we have two arms of Government that are pulling against each other when it comes to this policy. We have the Department of Enterprise, Trade and Employment that is promoting data centres from an economic perspective, despite the fact it does not collect any information on the number of jobs created by these data centres, and the Minister's Department, which obviously has obligations, as does the entire Government, to meet our climate and renewable energy targets.

The Minister has talked about changes that may happen and how geographical changes may be required and conditions put on data centres. The reality is that 30% of our electricity use will be data centres. It could potentially be 50% if the current applications are approved. These data centres are applying for permissions now, they will be conditioned now and there will be no retrospective ability to change their location or the conditions that are placed on them. Therefore, the risk is those data centres will impede our ability to meet our targets by 2030. Would the Minister agree with a moratorium on data centres until there is specific analysis done on that to show the exact impact?

Deputy Eamon Ryan: There is no division in Government in policy terms on this issue. We all agree that meeting our climate targets has primacy. Every sector and industry is going to have to contribute to that. At the same time, as Deputy O'Rourke said in the previous question, we need economic and social balance. The digital industries we have in this country play a huge part in providing us with the finance to be able to achieve many of the social objectives we have. We all use mobile phones daily and everything goes through data centres.

As I have said in respect of the policy work being done in the CRU and EirGrid, we have the means to manage this, through both the planning and grid connection systems, and to set conditions so that we bring in data centres but they contribute to our electricity security and decarbonisation plans and do not hinder them. That is clear. First and foremost, the policy objective is the decarbonisation plan. These companies understand that. They are international operators who have committed themselves to decarbonisation strategies. When we are saying that, it is not going against what international investors or others would expect in a modern country.

The question is how we balance that huge balancing system. The EirGrid study from March this year, *Shaping our Electricity Future*, was asking the right questions. Do we bring the usage to where the power is? How do we manage the grid? The grid is central and key in this. The CRU is asking if the data centres can be flexible within a system and if they can have their own backup power we can use to help give us stability. Can we take the waste heat and use it to meet some of our climate targets?

Climate comes first. Digital industries and others have to fit in within decarbonisation plans. We are good at balancing renewable powers in this country. We are probably the leading country in the world in that respect. EirGrid has more expertise than any other transmission system operator, TSO, so we can and will be good at this. The data centres fit into climate, not *vice versa*.

Deputy Jennifer Whitmore: I must respectfully disagree with the Minister. Climate is not coming first in this regard. While it is positive the CRU and other agencies are looking at

the issue, coming up with questions and looking at potential solutions such as the geographical distribution or conditions being placed on data centres, they are not there yet. In the absence of those rules being determined and put in place, the data centres are applying for planning permission and getting the planning permission. They will be entitled to operate under the planning permission they receive. Therefore, we will have a disparity. We will have a significant number of data centres that will be drawing off our electricity and renewable electricity resources and the systems are not in place. I understand there is a commitment in the programme for Government to bring in efficiency standards for data centres. I am wondering where they are up to and what the progress is on that.

The main question is, how many data centres is enough? At what stage do we say we have met our responsibilities from a data perspective? We will have potentially 50% of our electricity being used by data centres compared with 3% across Europe. Do we as a country have to take on Europe's responsibility here too?

Deputy Eamon Ryan: I do not believe we will have 50% of our power going to data centres. I do not believe the attention going to this one issue, and it is one we have to manage, is reflecting the real challenge. One of the challenges at present is that we need new backup generation to help manage not just data centres but also our use of electricity for transport, heat and a range of different areas. We have 2 GW of old conventional plant that we need to switch off in the next five years. We need to replace this with balancing capability plant that will help us run this renewable-dominated system. That is one of the biggest and most immediate challenges. There are also other demand issues. How do we power our fleet of electric vehicles, EVs? That is more of a grid management issue on the distribution side but balancing that is also a significant issue, as are district heating and a range of other demand issues. The data centre sector is one which must be fitted in but it is a complex problem and challenge. The biggest immediate issue is the question of how to get flexible backup generation not only to power data centres but to manage and power the whole system. The question of data centres will be easier to manage than that issue in the coming years.

Renewable Energy Generation

5. **Deputy Darren O'Rourke** asked the Minister for the Environment, Climate and Communications the status of the introduction of the microgeneration scheme; when the scheme will be in operation; the way it will operate; and if he will make a statement on the matter. [44109/21]

Deputy Darren O'Rourke: Will the Minister provide an update on the introduction of the microgeneration scheme? When will it be in operation and how will it operate? Will he make a statement on the matter?

(Deputy Eamon Ryan): The programme for Government commits to expanding and incentivising microgeneration to help people generate renewable electricity for their own use and to sell excess electricity back to the grid. My Department outlined proposals for a new microgeneration support scheme in a public consultation that closed in February last. A summary report of the submissions received has been published on my Department's website. While the primary aim of a microgeneration scheme is to enable a household to meet its own electricity needs, it is intended that a suitable payment for excess electricity generated on site and exported to the grid will be available to all renewables self-consumers later this year, subject to regula-

tory arrangements, in line with the transposition of Articles 21 and 22 of the recast renewable energy directive.

It is expected the CRU will publish a draft framework in the coming weeks outlining the details, including eligibility criteria and timescales for introduction, of the clean export guarantee payment for exported renewable electricity. This framework will introduce an obligation on all electricity suppliers to offer remuneration to their customers, by way of a clean export guarantee payment, for excess renewable electricity exported to the grid by eligible micro and small-scale generators.

Further to the public consultation mentioned previously, my Department is developing a final scheme design for the microgeneration support scheme which incorporates feedback from the consultation and subsequent additional analysis. It is envisaged a proposal on the supports to be offered to homeowners, farms, schools and businesses under the scheme, which may include grants or premium tariff payments, will be submitted to Government later this year.

Deputy Darren O'Rourke: I thank the Minister for the update. This is one of those areas in which all of us can see opportunity. We are all frustrated with the rate of progress in this area. My party colleague, Deputy Stanley, published legislation four years ago which would have introduced a scheme, had it been adopted. There are great opportunities in this area. Any of us who have seen similar schemes in operation elsewhere know the potential of it. My colleague, Senator Boylan, and I made a submission to the public consultation and highlighted numerous areas of concern and a number of opportunities and barriers that could be addressed. There was a concern about the scheme with regard to the building energy rating, BER, that applicants would have to meet. Is that going to be part of the new scheme? That would exclude a lot of schools, community groups, farm buildings and that sort of thing. Will they be included?

Deputy Eamon Ryan: Many of the grant schemes we have in place are associated with higher BER standards. This is because, for example, if a building is not properly insulated, the use of a heat pump can be very wasteful. We want to incentivise retrofitting and to make sure there is efficiency in electricity use and in every other area first. There is always a desire to connect efficiency with any grant system. The microgeneration support price will be subject to the CRU details which are to come out in the coming weeks. It needs to be much simpler. It needs to be much easier to implement and straightforward and should not necessarily have so many conditions and complexities. The electricity supply company serving a household will be obliged to pay it. It has to be standardised. There cannot be conditions and complexity. I am very frustrated at the delay in this area. We are going to be delayed by months rather than years but it will be in place this winter and by the end of this year. It will be critical to help farmers and householders sell power back.

Deputy Darren O'Rourke: By way of follow-up question, another group which is falling through the cracks in all of these developments, and there are a range of developments although they are not happening nearly as quickly as we might like, is renters. We have the prospect of an increasing number of renters living in private rented accommodation or, it is to be hoped, social rented accommodation. Will there be specific measures for private landlords to ensure renters are not left behind in terms of the opportunities for microgeneration and that they are not left in poorly heated and poorly insulated properties?

Deputy Eamon Ryan: The Deputy is right. To go back to the just transition we were talking about earlier, no sector should be left behind. That is why there is a commitment in the

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Housing for All strategy, published two weeks ago, that we would put in place conditions, over a suitable time period to give landlords advance notice such that those rental properties would have to meet a rising BER standard so that the renter would not be disadvantaged and left paying very high energy bills and having an unhealthy apartment. That has to be done carefully over time so that landlords are not forced out of a market that is already short of supply, but it was absolutely appropriate for the Housing for All strategy to use that measure to protect renters and make sure they have an energy-efficient place to live, just like everyone else.

Ceisteanna Eile - Other Questions

Energy Infrastructure

6. **Deputy Neale Richmond** asked the Minister for the Environment, Climate and Communications the status of the Celtic interconnector; and if he will make a statement on the matter. [43992/21]

Deputy Neale Richmond: In light of Brexit and the increased focus on connectivity and energy security, will the Minister please provide the House with an update on the progress of the Celtic interconnector project?

(Deputy Eamon Ryan): The Celtic interconnector is a €1 billion electricity interconnector jointly proposed by EirGrid and the French transmission system operator, RTE, Réseau de Transport d'Électricité. It is proposed to be a 575 km long 700 MW cable from the north-west coast of France to the south coast of Ireland, with 500 km of this being subsea. At this scale, it would be able to provide electricity for some 450,000 homes. The Celtic interconnector will provide a reliable high-capacity electricity link between Ireland and France that will have significant benefits for electricity consumers in Ireland. The project will provide access to the European internal energy market, leading to expected increased competition and lower prices in Ireland. It will also enhance security of electricity supply and facilitate increased capacity for renewable energy here via export access to the mainland European markets.

In late 2019, the European Commission announced a grant of €530 million towards the construction of the interconnector under the Connecting Europe Facility fund. This grant was made possible by significant support for the project from the Irish Government that resulted in its designation as an EU project of common interest.

Following extensive planning and multiple periods of public consultation over recent years, EirGrid decided earlier this year on the interconnector's route in east Cork. EirGrid has further decided to establish an enhanced community benefit scheme for neighbouring communities. EirGrid will continue to engage with the public on this project in the coming months and years. While I have no function in the area of consenting for the interconnector, I understand from EirGrid that applications to the relevant consenting authorities were submitted in July of this year.

Deputy Neale Richmond: I very much appreciate that full update and reply regarding what

is probably one of the most important projects under way between Ireland and another EU member state. It is also a project that has been going on for more than a decade now. While I appreciate the process is lengthy and that much funding has been put in place, the opportunities this presents and which similar projects could present in the future are massive. They are vitally important, not just in terms of importing energy but also, potentially, exporting energy as we move through our own processes in generating renewals. I am well aware that, during President Macron's visit to Ireland last month, this was a big issue for both the Irish and French Governments.

My supplementary question is on the various applications that have been submitted by EirGrid to the relevant authorities. I ask the Minister to elaborate on when we expect those 450,000 people may be able to get the benefits of the Celtic interconnector? When can we feasibly expect the turning of a sod?

Deputy Eamon Ryan: I will use another project as an example, the Greenlink interconnector, which the Deputy knows runs from near Great Island power station in Wexford to the UK. It is a similar 500 MW interconnector. My understanding is that its operators got planning permission and a foreshore licence in 2019. They applied for it and their final planning applications were just agreed this year. They expect to come online, as it were, in 2023. Similar timelines apply to the Celtic interconnector. We expect that it will be live by 2026.

To go back to our earlier conversation about electricity supply certainties, these projects will be hugely beneficial in giving us energy security and export potential, and, to my mind, they will dampen price increases. They are of substantial benefit. We should be looking now at further interconnection as we move to higher renewable capabilities and especially as we develop offshore power to give us that export and balancing capability, which we will look at further. The next two interconnectors will come in 2023 and 2026.

Deputy Neale Richmond: As a final supplementary question, I am quite enthused by the Minister's closing comments on the potential for similar projects in the future. The fact this could come on stream by 2026 and in a total project time of 15 years is remarkable. The real importance of this project is in ensuring we have energy connectivity with the European Union. That is vitally important post Brexit. We do not know what the political winds will be in Great Britain in future. It is vitally important we have that security with our partners in the European Union and we use a successful development of the Celtic interconnector as a blueprint for the future. I hope we can guarantee continuing Government support and appetite for this project and similar.

Deputy Eamon Ryan: The scale of change is beyond compare. Much of it will be offshore renewable power. In our case, it will be something like 35 GW of power in the next two decades at least. We are not alone in that. The UK is looking for a similar amount of power from its waters. Similarly, for the rest of north-west Europe, we are looking at up to 200 GW or 300 GW of offshore wind from the likes of the North Sea. Coming with that offshore wind will be a north-west regional electricity market grid. The North Seas countries' offshore grid initiative was signed ten years ago. It is now very much centre stage in the European Union's plans. It is critical we do not allow Brexit to divide the UK from that because we are an island behind an island and this balancing system will not work if the UK is excluded. I am working with my European colleagues on the European Council, which is meeting next week, where this matter is centre stage in what we talk to each other about. We are talking about further interconnection and using that North Seas offshore grid initiative system to create this regionally balanced

electricity market.

Climate Change Policy

7. **Deputy Mick Barry** asked the Minister for the Environment, Climate and Communications if he will report on his approach to preparation for the COP26 summit in Glasgow; and if he will make a statement on the matter. [44063/21]

Deputy Mick Barry: A headline in today's edition of *The Guardian* newspaper states, "Governments falling woefully short of Paris climate pledges, study finds". In that light, I ask the Minister if he can report to the House on his approach to preparation for the UN Climate Change Conference of the Parties, COP26, summit in Glasgow in November?

Deputy Eamon Ryan: Ireland is committed to concerted global action to address the climate crisis and engages in negotiations under the United Nations Framework Convention on Climate Change, UNFCCC, and the Paris Agreement through its membership of the European Union. Ireland has actively engaged with its EU partners in preparation for the 26th meeting of COP in Glasgow, which takes place from 31 October to 12 November 2021. The EU's official position for the COP will be finalised at the Environment Council in October, which I will attend.

Ireland's national climate delegation for the COP comprises representatives from a range of Departments and Government agencies and is co-ordinated by my Department which also acts as the national focal point for the UNFCCC secretariat and UK COP26 presidency. The Taoiseach will also attend the opening leaders' summit from 1 to 2 November, and a number of Ministers will attend sectoral events over the course of the two-week period.

COP25 closed without agreement on some key areas and Ireland is committed to engaging constructively in the finalisation of the Paris rule book. This includes agreement on matters such as transparency, climate finance and adaptation, as called for by developing countries. Throughout the negotiations, maintaining environmental integrity, participation of non-party stakeholders, and a science-based approach will be key.

Deputy Mick Barry: Does the Minister feel any embarrassment whatsoever about going to Glasgow as the representative of a Government that is rolling out the red carpet for unlimited data centres? He will be going to an international convention at a time when data centres account for 2% of global electricity use. He will represent a State that allows data centres use 11% of its national electricity output. More than that, he will go as the representative of a State that is planning to allow data centres consume 27% of national electricity output within seven and a half years, making Ireland a complete and utter energy outlier, which is a situation without comparison anywhere on the planet.

Singapore put a moratorium on new data centres in 2019. Amsterdam stopped issuing permits in certain parts of that city for a time. I ask the Minister to inform the House of what actions he intends to take and if he will keep bowing down before the demands of Facebook, Google, Amazon, Twitter and the other big tech corporations.

Deputy Eamon Ryan: I have no intention of doing that but I will be honest that I see the key diplomatic issue in Glasgow as a slightly broader one. The real issue in Glasgow will be

how we get agreement with the developing world in terms of a global response to climate action that is socially just. I will go proudly as a representative of a country that has lived up to its commitments, unlike other countries, to provide climate finance for adaptation, particularly in Africa and other countries, which are the first places bearing the brunt of climate change. Our diplomatic effort at present is focused on the Taoiseach's attendance at the UN General Assembly next week in addition to addressing the food system summit being held as part of that assembly. Our central critical role in COP on the diplomatic side is in trying to get European agreement on climate adaptation and resilience for the developing world as the key element to try to unlock the diplomatic glue around the climate talks. That, rather than our national data centre policy, is where we need to focus. By all means we have to manage that policy, but we need to think slightly bigger and more globally about what is happening in this world and the measures we need to take to address that.

Deputy Mick Barry: Let us look at some of the global issues. Part 3 of the Intergovernmental Panel on Climate Change, IPCC, report is not due to be published until March next year. However, scientists associated with Scientist Rebellion and Extinction Rebellion Spain took a decision to leak the early drafts over the summer. Part 3 states that "The character of social and economic development produced by the nature of capitalist society" is viewed by many political and economic critics "as ultimately unsustainable". In other words, the continued existence of human society is not, ultimately, compatible with the continued rule of capitalism.

It is not surprising that scientists and climatologists are beginning to draw this conclusion, given that 71% of carbon emissions since 1988 are the responsibility of just 100 corporations. How can the Minister and the Green Party continue to defend the capitalist system when it is so clearly at the root of this climate crisis?

Deputy Eamon Ryan: We are in Government to try to change the system. We will work with the international system to make it work. We will work with other countries in the implementation of the Paris climate agreement and the global biodiversity conventions, which are equally important. In terms of systems not working, we have an ecological system crisis. That is why I go back to focusing on adaptation and resilience because it will be about nature-based solutions, often supporting much more local initiatives and less big corporate, big tech and big everything else. It will be more about what we can do on the ground, often with small family farms. I keep coming back to the point about how Ireland can play a role through the good work our development aid policies have done. We will try to work through the UN, including the UN Security Council, to look for definitions around methane. One example of an area I am working on is fossil methane. We do not represent big corporate interests; we represent planetary interests. Second, in the agricultural sector, we must try to promote nature-based solutions that will change the economic system but also, more critically, address the ecological crisis, which is the key thing we have to change.

An Leas-Cheann Comhairle: As the Deputy asking Question No. 8 is not present, we will move on to the following question.

Question No. 8 replied to with Written Answers.

Energy Policy

9. **Deputy David Stanton** asked the Minister for the Environment, Climate and Communications the policy measures being taken by his Department to ensure the resilience and security of energy supply at times of peak demand; and if he will make a statement on the matter. [43931/21]

Deputy David Stanton: I appreciate that this question was covered earlier to a certain extent. It concerns the need to ensure the resilience and security of our energy supply at times of peak demand, especially as we face into the winter months. As we are aware, there were some amber warnings last year, as well as earlier this week and last week. I would like to hear the Minister's views on this. Can he guarantee there will not be any blackouts this winter?

Deputy Eamon Ryan: I read out similar written responses previously, so I will address the question directly, if I may. In regard to blackouts this winter, a variety of factors have led to the difficult and tight circumstances we are in. As the Deputy noted, there were two amber alerts last week, which occur when the power is less than something like 400 MW or 500 MW. If another large plant came down, we might have to shed loads, which is when an amber alert would occur. We are in these circumstances for a variety of reasons, including increasing demand, but the main one is that many older plants are not performing as efficiently as a new plant would. There is a good deal of old, conventional plant, some of which has had to undergo regular maintenance this year, and that has been affected by Covid. During that period of Covid, we could not bring in skilled expertise from outside to carry out maintenance, so we had to delay it, and as a result much of our plant is out for maintenance or has had maintenance difficulties.

At the same time, two large gas-fired power plants, which are two of our most modern and best plants, by circumstance had major technical problems that took almost a year in each case to fix. The good news is that both look as though they will be back in operation this autumn, and that should see us through this winter period. Nothing is certain, but we are increasingly confident that we will not have to experience blackouts this winter. The underlying challenge is still there. As I said, we have 2 GW of older plant, at the likes of Moneypoint and Tarbert, which, along with Edenderry, are typically higher emission plants we need to switch away from. They will play a critical role in the next three to five years in providing the security we need, but we need to get back-up alternative generation, such as battery storage, open-cycle gas plants, which are very quick and switch on and off quickly. They will not run a great deal but will be critical to provide power at those moments when the wind is not blowing and while we wait for those interconnectors and a more balanced system to be delivered.

Deputy David Stanton: I thank the Minister for his response and hope he is correct that there will not be blackouts this winter. I will address the issue of power demand throughout the UK and Europe, which is at a crunch pace at the moment. This is leading to higher prices and there have been amber alerts and threats of blackouts. The price is skyrocketing. Will the Minister comment on the higher prices and the impact this can have on families and homes throughout the country?

Deputy Eamon Ryan: It is a very significant issue throughout Europe and the world. I addressed it earlier but to reiterate, the primary reason for the higher prices this winter relates to a very dramatic spike in international gas prices. Gas is an internationally traded commodity and a fungible market that is influenced by events throughout the world. There has been a significant boost to the economy in Asia as it emerges from the Covid pandemic, and a considerable

increase in demand for gas there has drawn much liquefied natural gas, LNG, which is a mobile gas resource, to the Asian market, leaving the European market short and the prices increasing. There have, for a variety of reasons, been restrictions on other supply, both within Europe for gas and from Russia, as well as from other sources, all of which has added to it. At the same time, the price of carbon on the European emissions trading system has increased to more than €60 per tonne. When carbon prices in Europe are so high, coal plants will switch off and gas plants will turn on because the price of carbon affects that of coal. That has led to a spike in demand, which has led to gas prices increasing.

Deputy David Stanton: Has the Minister, his Department or any of the utility companies given consideration to advising or assisting people to conserve energy in the coming period, given that there have now been a number of amber alerts, with a danger and fear of blackouts?

Deputy Eamon Ryan: Yes, we are. Critically, EirGrid and CRU are engaging first with industrial customers, which may have demand flexibility. As I said earlier, given that we have such a high level of renewables in our system, we are good at this type of demand management and balancing between variable demand and variable supply. The first people to turn to, therefore, are some of the large industrial users to see whether they can manage their processes and production use.

Nevertheless, for all of us the signal should be clear. Reliance on fossil fuels and betting on that as the solution for the future does not make sense. Rather, we should invest in energy efficiency and in retrofitting and improving our building stock in order that our demand for energy, electricity and all its uses decreases. The issue of high energy prices, which is a real issue now throughout Europe, will attract misinformation suggesting that this is all because of the transition to low carbon, but it is not. It is because of a spike in fossil fuel energy and this should be a message to us. The sooner we can remove our reliance on that uncertain supply, the better off we will be.

National Broadband Plan

10. **Deputy Colm Burke** asked the Minister for the Environment, Climate and Communications the reason an area (details supplied) is one of the few areas in the country not to have been prioritised to date in the implementation of the national broadband plan; and if he will make a statement on the matter. [44059/21]

Deputy Colm Burke: My question relates to my constituency, Cork North-Central, one of the few areas in the country not to have been prioritised to date in the implementation of the national broadband plan. Will the Minister make a statement on the matter? The area is within a radius of 10 miles to 12 miles of Cork city.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I expect that, increasingly, all Deputies will be concerned about the availability of broadband in their area, whether in rural or urban areas. The national broadband plan is one of the largest infrastructural projects in the history of the State. It is one over which I have some oversight and about which I am very optimistic. I think the fundamentals for this project are much stronger than they were when it was launched.

The Deputy asked about Cork North-Central and when the plan is due to be implemented

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there. I refer him to the National Broadband Ireland, NBI, website. I have requested that NBI provide more data for people who have exactly this question because up to now, it has indicated just at some point in the future, beyond two years, but times are narrowing and becoming accurate for each area. The Cork North-Central area covers a number of deployment areas, each of which is coming in at a different time. The country is divided into 227 deployment areas. In Cork North-Central, Midleton is one of the first and has a completion date of 2022. Fermoy, which covers areas of Bridestown, Glenagoul, Raheen Cross, Knocknacurran and Tinageragh, is intended for 2024, while Templemartin, including Inniscarra, Carrigyknaveen, Carrigrohane, Coolatubbrid and Magoola, is intended for completion in 2024. Grenagh, which is the final deployment area, is intended for 2026. They are the specific areas and their expected times.

In the meantime, we are deploying broadband connection points, which allow people who need access to broadband to get it in a public area. Beyond that, we are also connecting primary schools. Every primary school in the country will be connected to high-speed broadband by the end of next year. Specifically, in Cork North-Central, Courtbrack community centre and Whitechurch community centre are live broadband connection points. If the Deputy has other ideas for where there could be broadband connection points, he might contact my office and I will be happy to try to advance them. I also have a copy of the list of schools in the area that are live and those that are due to be live soon.

Deputy Colm Burke: The report my office received from NBI in the past week suggested that Inniscarra, Kerry Pike, Clogheen, Tower, Blarney, Grenagh, Whitechurch, White's Cross and Carrignavar will not even be considered until 2025. I have seen the map, which was also made available to me, and it appears that about 80% of the constituency, which is within a radius of 10 miles or 12 miles of the city, will not even have a survey carried out until 2025. That is my concern.

10 o'clock

I am surprised that it is that far down the list in terms of work being carried out given that there is a large population and new housing going in. That is the most recent report I have received in the past week.

Deputy Ossian Smyth: There are four deployment areas covering Cork North-Central. It is a constituency with differences in that there urban and rural areas. Of those deployment areas, one is to be completed by 2022, two by 2024 and the last by 2026. Surveys are ongoing across Cork county. It was homes in Cork that were connected first to the network. The nature of the deployment is that it starts at the metropolitan area network or at the exchange and is built out from there, so each section is done in sequence. I know the Department has been engaging to try to accelerate the process and to bring those in years six and seven into years four and five. That would change the deployment plan. The plan that is online at the moment where people can see when they are due is subject to change all the time. NBI will contact people if there are changes to that plan.

Deputy Colm Burke: Part of the area to which the Minister referred is in Cork East and some of the Midleton area is coming into Cork North-Central. I wish to ask the Minister about targets for 2020, 2021 and 2022. I acknowledge that Covid had an effect and that the target set in 2021 as regards the number of connections will not be reached, but can changes be made to make sure that those targets can be reached at least, if not exceeded, towards the end of 2021 and especially in 2022?

Deputy Darren O'Rourke: We had the NBI before the committee yesterday and it might be useful to relay some of what I heard clearly from it. Some of it has been well recounted. One of the major issues now and into the future is the piece between the engagement between the NBI and the local authorities. We heard accounts of their experiences. There has been some progress on section 24s, but one goes to the planning department for the poles, to transportation for the road opening licences and sometimes to different municipal districts. What I heard is that there is a need for a single point of contact within the local authority to expedite the various applications, not just from the NBI but the other partner organisations involved. That is something that would be very important to do at this stage to help the roll-out of the national broadband plan.

Deputy Ossian Smyth: That is a useful contribution. I understand the NBI was before the communications committee yesterday discussing these topics.

Deputy Colm Burke asked how the roll-out plan is going and when there will be a catch-up. The NBI was asked that specific question yesterday and its answer was that it expects that it will catch up by 2023. There are delays. The number of homes that have been passed is approximately only going to be half of what it should have been by the end of this year and a large portion of that is due to Covid restrictions and the inability to get the staff to get to the places during that time. It is not just an excuse because it has affected the commercial operators that I have been speaking to, who have had the same problems outside of the Government contract. We have a squeeze on at the start and then we are trying to accelerate at the end so it is a complex project to get it done.

Renewable Energy Generation

11. **Deputy Alan Dillon** asked the Minister for the Environment, Climate and Communications the status of the Celtic interconnector; and if he will make a statement on the matter. [44216/21]

Deputy Alan Dillon: As the Minister may be aware, the north-west area of County Mayo has some of the best renewable energy resources in Europe, if not the world. There is a plentiful supply of wind resources, ocean wave, tidal and hydroelectric resources. I am conscious that various tests are under way to map and demonstrate proof of concept in addition to the existing infrastructure in place and currently being developed. However, I want to ensure the Government is doing as much as possible to ensure that these resources are being utilised in a sustainable and sensitive manner, especially for local communities.

Deputy Eamon Ryan: Offshore wind energy will help Ireland get to at least 70% renewable electricity by 2030 and supports the drive to net zero emissions by 2050. We have a target of 5 GW of offshore wind power by 2030 in the programme for Government and a further 30 GW in the subsequent decade.

Ireland's climate ambitions will see investment of tens of billions of euro in offshore renewable electricity projects. The first offshore wind developments are expected to be along the east coast in the coming years, where shallower waters are suitable for fixed-bottom turbines and prospective projects are more advanced. Over time, the energy potential of our deeper waters in the Atlantic Ocean are likely to be harnessed via floating wind systems.

Advancements in wave energy are monitored by the SEAI. Currently, no wave energy technology is sufficiently developed to be commercially integrated into Ireland's energy generation mix. However, wave energy is supported at national policy level through the offshore renewable energy development plan, OREDP, which has provided the basis for my Department supporting technology advancement in recent years. Work on a revised OREDP II is currently under way in my Department, and will provide an evidence base for the assessment of areas suitable for deployment of wind, wave, and tidal technical systems.

The Atlantic marine energy test site, AMETS, in Belmullet, County Mayo is being developed by the SEAI to test full scale pre-commercial offshore energy technologies. The development of AMETS has progressed steadily over the past decade. The SEAI is currently undertaking a strategic review of AMETS, the outcome of which will feed into the OREDP II.

Deputy Alan Dillon: I recently took note of the contents of the draft Mayo county development plan for 2021 to 2027, which is currently being finalised. Unsurprisingly, renewable energy features heavily in it. Mayo has become a natural leader in the development of renewable energy, with Ireland's first commercial wind farm in Bellacorick, County Mayo nearly 30 years ago. That has expanded now into the Oweninny wind farm, spanning more than 2,400 ha.

I commend the council officials who put significant effort into the development plan regarding renewable energy. I wish them every success in finalising the plan. However, it draws attention to the one issue of which we must be aware, which is ensuring that local authorities must also be consistent with national plans, policies and strategies in considering proposals for renewable energy. I query what efforts are being made by the Department to ensure that not only the county development plan but others around the country are on the same page as national policies. There is a need to ensure a coherent and consistent alignment between national and local policies.

Deputy Eamon Ryan: I agree with the Deputy. There is significant potential for Mayo in the development of renewable energy power systems. In the auction process we had last year for the first renewable energy support scheme, four projects were successful in the county - three wind farms and one solar farm as I recall. All four are now going to construction. I understand there is another stream of further potential solar and wind projects, which will likely get into the next auction system that will start this autumn.

I keep going back to the strength of the grid and the debates we had about data centres and so on here. Do we bring some of the industry to where the power is rather than *vice versa*? In that regard I understand last week EirGrid set out a potential underground route for the north Connacht grid reinforcement project, which is going to be vital. It is both grid and generation, getting the balance right and getting demand and use together. It will take time because it is new technology, in particular floating offshore wind. The big long-term prospect for Mayo is that offshore resource coming ashore and how to use it to develop jobs and industry in the county is one of the questions I am focused on.

Deputy Alan Dillon: I thank the Minister. Enterprise supports to maximise the abundance of renewable energy resources along the Atlantic economic corridor must be prioritised. As he stated, we must incentivise this to secure investment and to ramp up development in renewable energy infrastructure. An important feature of this would be to enable energy to be put back into the grid. It would be unfortunate if we did not prioritise the mapping and plotting of the abundance of renewable energy resources readily available in the west. I know that will take

time but we must start the process now as we work towards our climate obligations. Often, we hear renewable energy becoming an entire new economy and it would have a significant benefit for local communities in the west and their funding and for balanced regional development, and in doing so would provide much positivity.

Deputy Eamon Ryan: It will take time but I see it tapping into the resource we have, particularly in the north-west. This is inevitable because where we have the really heavy wind resources, off the north-west coast of Ireland, is probably one of the best places on the planet. We have real skill and capability in industrial engineering processing so we can bring it ashore and use it. The most critical development in that regard is the Maritime Area Planning Bill, which is coming into the Oireachtas this autumn. We need to get that through quickly. We have to set up the institutions that will come out of it in regard to planning. What we have found in this country is that we need to get the planning right, including environmental planning. As I said to Deputy Barry earlier, it has to be in tune with protection of our nature-based systems, not against that. Using this proper planning, thinking long-term and getting it right will take time. We will do the east coast first but, very quickly, in this decade, we will start moving into southern waters, likely feeding into areas like Cork, Waterford Port and Shannon-Foynes. The bigger project, that 30 GW project, is more likely in the next decade but the scale of it is beyond compare and we have to start planning now.

Waste Management

12. **Deputy Jennifer Whitmore** asked the Minister for the Environment, Climate and Communications if his attention has been drawn to the lengthy application process for end of waste licences; and if he will make a statement on the matter. [44122/21]

Deputy Jennifer Whitmore: Has the attention of the Minister of State been drawn to the lengthy application process for end of waste licences and will he make a statement on the matter?

Deputy Ossian Smyth: Yes, my attention has been drawn to this because, during the summer, I met with the company that was experiencing difficulties in this regard and I then contacted the Department and the EPA to discuss this.

Article 28 of the European Communities (Waste Directive) Regulations, S.I. No. 126 of 2011, sets out the grounds by which a material which is recovered or recycled from waste can be deemed to be no longer a waste. As the designated competent authority, decisions regarding applications for end of waste are the responsibility of the EPA. They are not licences; they are determinations. The EPA published guidance documents in 2020 to assist applicants with preparing end of waste applications, and the guidance documents are available on the EPA website.

The waste action plan for a circular economy, launched in 2020, has a dedicated chapter on end of waste, and commits to a number of measures, which include: working with stakeholders to streamline the process; examining whether certain end of waste decisions should be determined by local authorities rather than the EPA; establishing a working group to develop national end of waste applications for identified priority waste streams, which would obviate the need for individual applications within those streams; and introducing a fee for end-of-waste applications to help fund the process and encourage high quality applications. The upcoming circular economy Bill will progress some of these measures to streamline the process.

I also contacted the EPA and asked it for details on how long it was taking to process these determinations, what was involved, was it correctly staffed and so on, and it provided me with data which I can share with the Deputy. Its average processing time, it tells me, is six months once it has received all of the information from the applicants, and it said it has a difficulty with some applications which are incomplete or not supplied with the right information. To address some of the problems that have arisen, the circular economy Bill will contain a number of measures which seek to correct those problems, to make sure determinations are reached rapidly and that we look to see if we can get determinations on a national level, as well as on an individual project level, so those can be reused and drawn upon as needed.

Deputy Jennifer Whitmore: This is an important initiative and it is where we need to be going with a lot of our products. I am pleased the Minister of State met with the company and has contacted the EPA in this regard. My understanding is there are currently 34 applications on its desk. The time taken to assess these applications varies from five months to more than two years, and in some instances the timeframe has exceeded four years. These are companies that are required to get these determinations and they need clarity and certainty as they are operating businesses. For them to have to wait that length of time in order to get the approvals they require is not acceptable, when we compare that to Northern Ireland, where the exact same application would take three to four weeks. My understanding is that some companies are considering moving their operations to Northern Ireland, which would be very unfortunate, because our systems are not being sufficiently resourced or moving fast enough for them.

Deputy Ossian Smyth: For a start, no company should ever have to wait years for a decision from the Government on anything, and that stands to reason. The EPA tells me that it has only ever received 68 end of waste applications. Of these, 13 have been delivered, with a further 13 applications deemed to be abandoned or withdrawn. Of the remaining 42 applications on hand, which is more than the number the Deputy stated, 21 applications are considered as under active assessment, while a further 21 will be allocated and assessed in due course. Of the 21 that are under active assessment, one is at advanced stage, five further applications relating to recycled aggregates are being assessed and will be progressed in parallel, 12 have undergone initial assessment, two relate to national applications and one relates to fertiliser material. It is important that we keep track of what is the actual data, how long things are taking and so on.

I accept there is an issue that needs to be addressed and the upcoming Bill will address it. I hope I can engage with the Deputy on that to ensure the right provisions are there to fix the problem as it is, but we need to assess what it is.

Deputy Jennifer Whitmore: I agree that, hopefully, this Bill will address any future issues but there are a considerable number of applications and companies waiting for an assessment currently. This is impeding them from operating properly and impeding them from actually reusing their waste in a sustainable manner. Will the Minister of State tell me what he will do to ensure those companies have their applications assessed as quickly as possible? The company I am dealing with is probably the company the Minister of State also met. It has now been waiting longer than two years and it is not okay for that to happen. What specific thing will the Minister of State do to ensure that something is put in place for it and companies like it so they can get their applications assessed while the Bill is going through the system? We know Bills take time and there will need to be consultation on it. I do not think it is fair for us to expect companies to wait in this hiatus while that policy and the legislation is put in place.

Deputy Ossian Smyth: One of the issues is that the EPA has no legislative or strategy re-

quirement to come to a determination in any timeframe. I think that, generally, there should be some limit on how long it takes to reach a decision. Specifically, what we can do is to make sure the EPA is sufficiently staffed and that it has the resources it needs to do it, that we monitor the length of its applications stream, even though the rules will probably change within a few months, and that we make sure the EPA addresses those that have been on hand the longest - the outliers. We need to make sure the companies are provided with all the information they need to make their applications but also that they are kept up-to-date on exactly what the status is and whether any more information is required in return. Those are the specific approaches I am going to take to make sure any company that is waiting for an end of waste determination can have its application justly progressed and done in a reasonable timeframe.

Question No. 13 replied to with Written Answers.

National Broadband Plan

14. **Deputy Alan Dillon** asked the Minister for the Environment, Climate and Communications the remedial actions under the national broadband plan contract his Department has put in place with NBI to address the impact Covid-19 has had on the delivery of the project; and the way he plans to accelerate the program in the months ahead. [43996/21]

Deputy Alan Dillon: Mayo is one of the counties with the highest number of premises in the intervention areas of the national broadband plan; in fact, it is third after Cork and Galway. It is equally high in terms of the percentage of households within the county which are in the intervention area. As a result, any delay to the rollout impacts our county much more significantly. I have been repeatedly calling for efforts to accelerate the rollout of the project, which is likely to be the most important public infrastructure project in living memory. I hope the Minister of State will be in a position to outline those efforts.

Deputy Ossian Smyth: Again, I refer the Deputy to the meeting of the Joint Committee on Transport and Communications with National Broadband Ireland, NBI, yesterday, where some of these issues were discussed, certainly from the point of view of NBI on the acceleration of the rollout. The programme for government states that the Government will attempt to compress the length of time for the rollout from seven years to five years, in other words, to bring years six and seven into years four and five. At the same time, because of the pandemic, we had delays at the start, so we are playing catch-up at one end of the rollout and we are trying to compress at the other end.

What are the efforts we are making? We are engaging with our contractor, NBI, and my Department is trying to come up with a realistic plan that can allow an acceleration of the number of homes that are connected per month. The number will be roughly 8,000 per month at full rate, up to 16,000 per month in order to reach all 544,000 homes within five years instead of seven years. You can see a parallel between the roll-out of the vaccination programme where you have an initial period of time when you are carrying out surveys, when you are doing initial works or when you are constrained for whatever reason at the start and then you ramp up to a period where you have many teams delivering a lot of equipment based on a lot of initial work being done.

One of the first things that has to be done is that every home in the deployment area has to be surveyed. There are 544,000 premises. Half of them have been surveyed at this stage.

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That survey work shows nothing. You are not getting your deployment area. What one will see with this roll-out will be an acceleration. In the first year, nobody was connected. In the second year, we began to connect homes in Carrigaline and Cavan, but in future years we will be moving apace.

Deputy Alan Dillon: I thank the Minister of State. There is a real frustration and an impatience among the people in Mayo, especially around the anticipation and the lack of visibility of NBI on the ground. I appreciate that there was over 4,800 households in Mayo who are expected to be connected at the end of this year. What we were listening to yesterday in the committee meeting and again today is that there is now a revised, more realistic plan without any information. What we need now as public representatives is to assure our communities that this is coming and that we have accurate and realistic timelines. Remote working has made a huge contribution to local communities in Mayo but we need high-speed fibre to enable people to work from home. There are over 36,000 premises in Mayo that need this and they are counting on the Government to deliver it.

Deputy Ossian Smyth: Not everybody in Mayo will be connected at the same time. The connections will start at the exchanges and move outwards. There will be different deployment areas and some areas will come on stream before others.

I have asked NBI to provide the most detailed information that it can, and it has provided more. I want it to be realistic with people and state that they are, at present, five years or whatever away so that people would see and be able to make decisions based on that. In the meantime, we can connect broadband connection points. The Deputy can get his local GAA club or community hall connected up so that that can be a hub. It is a temporary solution while one is waiting for the roll-out to arrive. Also, we are connecting all the primary schools and they will be done by next year.

I am happy to go out to Mayo and to meet with people there or to visit particular areas. I am also happy to give the Deputy the most detailed information I can on how we have done on surveys in Mayo, or which areas are due next. I would welcome any suggestions from the Deputy on how I could present the data better as I want to be as open as possible on this project all the time.

Deputy Alan Dillon: I thank the Minister of State. I will take him up on that offer. I have engaged with NBI and the information has been shared at any request.

The delivery of this will be a true game-changer in rural Ireland. The Minister of State is doing everything possible within the Department to get this done as quickly as possible. The importance of this for rural communities cannot be understated.

On the likes of the hubs that have been implemented along with the local authorities, there is still a bit of work to be done on that but I welcome the allocation of funding to support that by the Minister, Deputy Humphreys.

We just need to keep the pressure on NBI, the contractor, to ensure that it delivers on its commitments on a yearly and monthly basis and that that can be followed up through the Minister of State's office and through us on the ground dealing with queries.

An Leas-Cheann Comhairle: Before the Minister of State responds, I call an Teachta Ó Murchú.

Deputy Ruairí Ó Murchú: There has already been mention of the fact that NBI was in front of the Joint Committee on Transport and Communications yesterday. I suppose the welcome news is we are now at a stage where the entire plan, at least the seven-year plan, is there on the website for all to see. We are talking about two matters. We are talking about the acceleration from seven to five years and we are talking about the catch-up in relation to Covid. At present, there is a seven-year plan but the hope is that within the next six to nine months, NBI will have a better idea of when it will be able to do that catch-up and when it will be able to do that acceleration. Deputy O'Rourke stated straightly as they said it that we need to ensure then that all resources are in place. That will mean that local authorities have the capacity that is required. Beyond that, we will have to offer people alternatives.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Ruairí Ó Murchú: Perhaps the mobile and broadband task force is the body that can provide that information, if the Minister of State could come back to me on that.

Deputy Ossian Smyth: For a start, in response to Deputy Dillon, the management of the NBI contract is very important at this point. It is important, for example, that all penalty clauses are applied where they are legally due. I have told my project team not to show any kindness towards the contractor and to let it know that we will be setting a standard that all penalty clauses are applied where they are due.

In terms of managing it, etc., I visited Monaghan to see NBI installing some of the cable with the Minister, Deputy Humphreys, in her area. I spent a lot of time in the west of Ireland this summer visiting broadband connection points and I spoke to people there. I could see the huge impact that has socially that people have a place to gather. I would encourage Deputy Dillon to pursue the broadband connection point option as an interim solution and I will help the Deputy in that regard. The same applies to Deputy O'Rourke.

An Leas-Cheann Comhairle: We are almost out of time. The next few Deputies are not here. The next name is Deputy O'Rourke.

Questions Nos. 15 to 21, inclusive, replied to with Written Answers.

Departmental Regulations

22. **Deputy Darren O'Rourke** asked the Minister for the Environment, Climate and Communications his views on claims made in advertisements relating to carbon offsetting and neutrality by companies that provide little detail on such claims; if he will strengthen legislation in this area to prevent misleading advertisements or greenwashing; and if he will make a statement on the matter. [44101/21]

Deputy Darren O'Rourke: I ask the Minister his views on claims made in advertisements relating to carbon offsetting and neutrality by companies that provide little detail on such claims, if he will strengthen legislation in this area to prevent misleading advertisements or so-called "greenwashing", and if he will make a statement on the matter.

Deputy Eamon Ryan: The Deputy makes a good point. There is real concern. I read recently one of the real concerns of many people on climate change is they do not really know what to do. Our people want to take action on climate but they are slightly uncertain about what

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is the best thing to do. Our job is to make it easier for people to do the right thing about some of the issues we have discussed here today, by regulation, by setting standards, and by investing and making the better alternative cheaper. What does not help is when one has companies, as the Deputy says, engaged in greenwashing, in pretending something is a key part of the solution when, in fact, it is not of the scale of change of transformation we need.

I will take the Deputy's suggestion. I have not considered it to date but I think it is a valid one. I will engage with my colleagues. In terms of the Minister, Deputy Catherine Martin, in the broadcasting area, it would be an appropriate measure for us to ask the Advertising Standards Authority for Ireland or others to look at this issue because it is a real issue. I will revert back to Deputy O'Rourke having spoken to Deputy Catherine Martin.

An Leas-Cheann Comhairle: As we will be out of time, I ask Deputy O'Rourke to make a quick comment.

Deputy Darren O'Rourke: Gabhaim buíochas leis an Aire. There is significant opportunity. There is potential. I can see some early indications of it where, with the green movement and the positive way that it is held broadly, it might be misrepresented in a way to take advantage in a marketing term in advertising. There is a need for regulation of the area whereby, if people claim zero emissions or carbon neutrality, that it means something and that there is a standard it is held against. That would be increasingly important in the time ahead.

An Leas-Cheann Comhairle: There is no time for a further response. My apologies to Deputy Griffin. There were so many Deputies not here, I inadvertently missed the Deputy. However, he would have just got a couple of seconds anyway, like Deputy O'Rourke. I apologise for that.

Questions Nos. 23 to 63, inclusive, replied to with Written Answers.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Aviation Industry

64. **Deputy Darren O'Rourke** asked the Minister for Transport the status of the implementation of the recommendations of the aviation task force report and the aviation restart plan; his plans to sustain the aviation sector and aviation jobs over the upcoming winter period; and if he will make a statement on the matter. [44104/21]

Deputy Darren O'Rourke: Will the Minister of State provide an update on the implementation of the recommendations of the aviation task force report and the aviation restart plan and what plans there are to sustain the aviation sector and aviation jobs over the coming winter period?

Minister of State at the Department of Transport (Deputy Hildegarde Naughton): The Irish aviation sector is critical to Ireland's economic development by being a key enabler of

international trade and business, including foreign direct investment and tourism. However, the impact of Covid-19 on travel is the most challenging crisis in its history. Many analysts are predicting that it will take several years for the sector to return to 2019 levels of activity. While air traffic data for Europe show some recovery, the pace of recovery is still slow in the Irish market, with traffic currently at approximately 50% of 2019 levels.

The Government has put in place a range of supports for businesses, including those in the aviation sector. These supports include: the employment wage subsidy scheme, EWSS; waiving of commercial rates; deferral of tax liabilities; the Covid restrictions support scheme; the credit guarantee scheme; and the Strategic Banking Corporation of Ireland, SBCI, working capital scheme, with some of these now extended to the end of the year. My Department has estimated that Irish airlines and airports have availed of over €300 million through a number of these supports to date. Furthermore, liquidity funding has been provided through the Ireland Strategic Investment Fund, ISIF, pandemic stabilisation and recovery fund, bringing funding to almost €500 million.

As regards supports specifically targeted at the protection of employment, the EWSS has been a key component of the Government's response to Covid-19 and has been extended to the end of the year. In November 2020, in recognition of the difficult circumstances facing the aviation sector, the Government agreed a revised funding package of €80 million specifically for Irish aviation. The European Commission has approved, under state aid rules, a €26 million Irish state aid scheme to compensate airport operators for the losses caused by Covid-19.

The Minister, Deputy Eamon Ryan, and I have continued to engage with all aviation stakeholders throughout the Covid crisis, including through the National Civil Aviation Development Forum, NCADF. Separately, the Labour Employer Economic Forum, LEEF, brings together representatives of employers and trade unions with Ministers to discuss economic, employment and labour market issues. The LEEF has played an important role during the crisis. In March, a LEEF aviation subgroup was established to consider the needs of the sector. I chair this subgroup and it has held five meetings since March, most recently on 14 September.

Additional information not given on the floor of the House

The Government's economic recovery plan, published on 1 June, recognised that further targeted supports may be required later in 2021 to assist the restoration of Ireland's air links and to protect jobs in the sector, and my officials are currently considering options in this area.

Most of the recommendations from the aviation recovery task force's final report of July 2020 and the NCADF aviation restart plan of April 2021 have been progressed insofar as practicable possible. For example, non-essential international travel was permitted to resume on 19 July. The EU digital Covid certification system has been successfully introduced in Ireland, wage subsidies have been extended, other targeted financial supports have been made available, slot alleviation measures for airlines have been implemented, and EU Aviation Safety Agency and the European Centre for Disease Prevention and Control protocols for safe air travel have been fully implemented. My Department will forward a report to the Deputy, in tabular format, on the status of the implementation of each of the recommendations from both reports.

Ultimately, I believe the continued successful roll-out of the vaccination programme and reduced risk of transmission of the virus will provide the basis for the return of consumer confidence and an increase in forward bookings. With continued support from the Government

during the coming months, the sector will be well placed for strong recovery next year.

Deputy Darren O'Rourke: I thank the Minister of State for that update. She outlined well the challenges facing the sector. Covid has had a major impact everywhere. Now it is a question of how we recover. While I appreciate the extension of the EWSS until the end of the year, the Minister of State and I know that the season is over and will only pick up again around St. Patrick's Day of next year. That is what the industry tells us.

Is consideration being given to extending the EWSS beyond the end of the year? I understand that there were proposals from unions at the LEEF regarding an aviation-specific EWSS, a German-type model or however it might be termed. I am asking about wage subsidy supports for workers in the sector.

Deputy Hildegard Naughton: We are having constructive conversations with trade unions and employer groups as part of the LEEF subgroup, which is helping this engagement on the needs of the sector. In the Government's economic recovery plan, which was published on 1 June, we were clear that aviation was one of the sectors that would take longer to recover. Officials in my Department are considering further supports for the sector in order to protect jobs and ensure that we can restore much of our key connectivity at international level. Our airports know their business best. These supports would enable the airports to ensure such a restoration.

The number one call from the aviation industry was to reopen international travel, which we did on 19 July. Regarding further extensions of the EWSS, that will be a matter for the Minister for Finance and other Government colleagues, but I assure the House that all of these matters are under consideration.

Deputy Darren O'Rourke: I wish to make a couple of follow-up points. A number of recommendations in the aviation task force report specifically targeted the aviation environment. Recommendations Nos. 5 and 6 related to rebates and a common fixed sum per passenger. Have these measures been considered? Will they be included in the budget or among upcoming supports for the sector?

The issue of transatlantic travel is of major concern for the sector. It is a large part of the market. To what extent has there been engagement to try to reopen it?

Deputy Hildegard Naughton: As the Deputy knows, the European Commission gave us approval under EU state aid rules for €26 million to compensate airports for the damages caused by Covid-19. My objective was to enable commercial business within airports and allow them to deal directly with airlines in terms of route incentives and the issues the Deputy raised. That is the business of our airports, and the Government has enabled them by providing funding. This forms part of our Department's deliberations with the aviation sector.

The Deputy is correct regarding transatlantic flights. They are critical for us - I do not need to explain why. There is considerable engagement happening at EU level as well as at Irish level within the Departments of Foreign Affairs and the Taoiseach. As the Deputy knows, the US Administration has put in place severe entry restrictions, but there is ongoing engagement around opening those lines of connectivity up again.

Dáil Éireann
Road Projects

65. **Deputy Peter Fitzpatrick** asked the Minister for Transport the status of the Ardee bypass project (details supplied). [44462/21]

Deputy Peter Fitzpatrick: I wish to ask for an update on this project. It should be noted that the N52 Ardee bypass scheme received planning approval in 2006. I have been informed that delays have occurred due to issues with routes and junction preferences and that a revised planning application process is expected. In 2020, and with the support of Transport Infrastructure Ireland, TII, Louth County Council conducted a detailed review of the scheme and considered alternative junction strategies.

Minister for Transport (Deputy Eamon Ryan): As Minister for Transport, I have responsibility for overall policy and securing Exchequer funding for the national roads programme. Under the Roads Acts 1993 to 2015, and in line with the national development plan, the planning, design and construction of individual national roads is a matter for TII in conjunction with the local authorities concerned.

The proposed bypass scheme to the west of Ardee is 4.5 km in length from Mandistown crossroads on the N52 west of Ardee, just inside the Meath county boundary, to Glebe townland on the N2 just north of Ardee. It is designed as a single carriageway road and comprises six junctions, including a proposed roundabout on the N2. The scheme includes two river crossings at the River Dee and the River Garra. Construction may commence in quarter 3 of 2023, with completion in quarter 4 of 2025, though it should be noted that this is subject to planning issues, approval under the public spending code and sufficient funding availability.

The N52 is important for enhancing regional accessibility and improving connectivity to Border counties. The bypass of Ardee would provide greater capacity for passenger and freight traffic on the route, which would support economic expansion of the region. In addition, the project supports improved road safety, reduced vehicular traffic in the town, better air quality and more active travel opportunities in the town, thereby providing for a better quality of life for local residents.

The current section of the N52 is arguably not fully fit for purpose, with the town of Ardee being subject to congestion, particularly at peak periods. The route serves both passenger and freight traffic every day and the legacy infrastructure is causing daily delays and journey time uncertainty for road users. The existing road runs directly through the town centre, resulting in an inability to regulate traffic flow and reducing the efficiency of travel on the overall network. In addition, the urban environment of Ardee is being negatively impacted as a result of the route running directly through the town centre.

The N52 is a national secondary road connecting the M7 motorway from just south of Nenagh in Tipperary to the N2 north of Ardee. Through the provision of reliable transport infrastructure, the proposed project aims to manage better traffic efficiency along the route.

Deputy Peter Fitzpatrick: The Minister has just wasted two minutes. I asked him for an update, but all he gave me was a response. He needs to show some respect to the people in Ardee. In fairness, Louth County Council and TII held a public consultation and the people of the Ardee area had the decency to attend and make submissions. The new design team is working hard to minimise the impact of the scheme on the surrounding areas and communities. I cannot

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believe that the Minister would waste my time and that of the people of Ardee. I ask him to please give us an update on the situation. Planning permission was granted in 2006. The traffic in the area is hazardous. His response has knocked me for six. I want to know that funding has been set aside and that it will remain in this scheme. Instead of waffling, can he please give me an update?

Deputy Eamon Ryan: I mean no disrespect to the Deputy or the residents of Ardee. He is correct, but I wanted to read out the Department's official response so that the full assessment is clear. I will now read the remaining part of that response which, I hope, will give him some of the detailed information he seeks. I will further engage with him in the detail of it.

In January 2018, Louth County Council provided the preliminary overall plan for the scheme to public representatives and to members of the public. Concerns were raised regarding the junction layout and the impacts the scheme might have on local traffic movements. The Deputy will be aware of some of this detail, but it is important to set out the history. Detailed submissions from resident groups were received by Louth County Council and TII. In September 2019, officials from TII, along with Louth County Council, were invited to the Oireachtas Joint Committee on Transport to discuss the issues. I attended that meeting and listened to the full hearing. It was agreed to request the council to undertake a review of the scheme design in advance of progressing the project to build in order that these issues could be fully considered along with matters raised.

A public consultation was held in October 2020 to engage on the emerging preferred junction option for the N52 Ardee bypass. A review of the road design and planning to date, including junction options, planning application issues, an environmental review and compulsory purchase order, CPO, matters, is currently being carried out by technical advisers for Louth County Council, to be completed later this year. In parallel, an environmental impact assessment, EIA, screening report and appropriate assessment, AA, screening report are currently with An Bord Pleanála for review and determination on the proposed amended scheme. The changes to the original scheme include amended junction layouts, additional cycle facilities, flood attenuation and soil management issues.

Subject to the outcome of the review and determination by An Bord Pleanála of the EIA and AA, it is intended to bring the scheme through the Part 8 planning process of the Planning and Development Regulations 2001, as amended. The next step would be to lodge an application with An Bord Pleanála for a further CPO, if needed. On this basis, Louth County Council could be in a position to tender the main construction contract for the scheme in quarter 3, 2022, which could allow a potential construction start date in quarter 3, 2023, with completion in quarter 4, 2025. It should be noted that this would be subject to sufficient funding availability and approval under the public spending code. A total of €8.1 million was incurred on this project up to the end of August 2021.

I mean no disrespect to the Deputy and apologise for the lengthy reply. We have a significant funding problem, but this type of project, which promotes town centres such as Ardee is, to my mind, a real priority. If we can overcome the planning difficulties, I believe funding can be provided.

Deputy Peter Fitzpatrick: The Minister has given me the response I wanted. Had he given it in the first instance, I would have been very happy. I must once again point out that the people of Ardee and the surrounding areas have heard nothing but empty promises since 2006

when this project first received planning permission. All I am asking is that the Minister give us confirmation of the status of the project and confirmation that funding previously set aside for it will be ring-fenced. The town of Ardee suffers from chronic traffic congestion, which has a serious effect on the business of the town and the surrounding areas and on people living in the area. I ask the Minister to confirm that this much-needed project will go ahead. Is there any possibility he might visit Ardee to engage with people in the area on this project for which they have been waiting since 2006? I believe, on the basis of the information just given to me by the Minister, that this project will go ahead, but there is so much happening in relation to it. People are not aware that information is awaited from An Bord Pleanála. I ask the Minister to visit Ardee and meet with the people. As I said, this process started in 2006 and it is now 2021. People have been waiting a long time. I put my trust in the Minister that he will help the people of Ardee.

Bus Services

66. **Deputy Darren O'Rourke** asked the Minister for Transport the status of BusConnects in Dublin; if he has engaged with Dublin Bus management and unions to try to resolve the current dispute over pay and working conditions at the company; and if he will make a statement on the matter. [44105/21]

Deputy Darren O'Rourke: I would like to ask the Minister for an update on BusConnects in Dublin, if he has engaged with Dublin Bus management and unions to try to resolve the current dispute regarding pay and conditions at the company and if he will make a statement on the matter.

Deputy Eamon Ryan: I thank the Deputy. BusConnects is a transformative plan to improve and expand bus services in all of our major cities. The programme is initially being rolled out in Dublin, followed by Galway and Cork, and then Limerick and Waterford. Traffic congestion currently costs Dublin city approximately €350 million per annum and this figure is forecast to rise to approximately €2 billion per annum by 2033. It is essential that we tackle that.

It is a key part of the Government's policy to improve public transport services nationally and to address the impact of climate change. To this end, ambitious targets are included in the National Development Plan 2018–2027, the Transport Strategy for the Greater Dublin Area 2016–2035 and the Climate Action Plan 2019.

BusConnects Dublin includes the network redesign of bus services, the core bus corridors and next generation ticketing. In September 2020, the NTA published the finalised network redesign and the first phase of the new network redesign - the H Spine which is Howth to city centre corridor - was launched at the end of June. The launch went very well, and the feedback has been mostly positive. The customer experience team are continuing to provide support to the public as they familiarise themselves with the new routes. The second phase - the C Spine, which is Lucan to Ringsend via city centre - will be launched by the end of November.

The NTA has also completed a series of public consultations on the 16 core bus corridors proposals in quarter 1, 2020 and quarter 4, 2020. These corridors will make bus journeys faster and more reliable and reduce journey times by 40% to 50% on each corridor.

With regard to the second part of the Deputy's question, which was relates to pay and work-

ing conditions at Dublin Bus, I would like to begin by explaining that industrial relations issues in Dublin Bus are a matter for the company, its employees and trade union groups. Dublin Bus management engages with its trade unions on an ongoing basis on various matters of common interest. While my Department receives regular updates from Dublin Bus on industrial relations issues, neither I nor my Department have a direct role in and nor do we intervene in such operational matters.

Deputy Darren O'Rourke: Go raibh maith agat. There was a resounding rejection of the proposal that was on the table by workers at Dublin Bus, and for a range of reasons, including the impact it would have on pay and conditions. Is the Minister aware of that and has he heeded it? There was a direct call on him by the workers to intervene and get involved. I ask him to set out his understanding of that process, where it is at now and if he is taking a hands-off approach to it, which is my sense of the situation at this stage, or at what stage he will intervene, if at all, and what his understanding is of the rate of progress in terms of the negotiations and the timeline for resolution to the range of issues that have been legitimately raised.

Deputy Eamon Ryan: I am very aware. There was a deputation outside my offices on, I think, 20 August. I was away, unfortunately, but I understand the Deputy was in attendance with the 100 plus drivers from Dublin Bus. My understanding is that Dublin Bus drivers have been outside of a pay agreement dating back to 2018-19 and that this agreement, which was on working conditions and pay, was rejected by, I understand, 98% of the drivers balloted. My understanding from soundings from Dublin Bus, the unions and employees is that there are still mechanisms by which they can go back to further negotiate. We have a good approach here. To my mind, the unions and the company have had a good record of working together. I do not think it is appropriate for me to step into that. I am keeping up on it, but will not take a central role.

Deputy Darren O'Rourke: From my engagement with workers at Dublin Bus I know they are committed to delivering on BusConnects. It is about it happening in the right way, one that works for everybody. On the issue of delivering on BusConnects, while I appreciate we have the H line and the C line as early pilots or test cases, the big hurdle is delivering on the quality bus corridors as an essential part of the improvement in the network. Will the Minister outline the approach that will be taken in the time ahead to engage with communities to ensure the services that are provided deliver for communities and for the transport service as well?

Deputy Eamon Ryan: I will give the key next steps. We will first have the review of the national development plan, which will come out later this month. That will renew our commitment to the BusConnects projects, not just in Dublin but in the other regional cities as well. Very shortly, I hope, we will then go to Government with a business case for the project. It is a significant investment of several billion euro, which will take some time to implement fully. It is critical we act fast. We are seeing with Covid that car traffic is coming back but public transport is slightly slower. We have climate targets that are challenging and the congestion that comes from all that traffic is going to prevent Dublin from working. There will be a tight budget. The budget line is not an easy one because there are so many public transport projects coming through at the one time. BusConnects can be done on phased basis, including rapid development of some of the key traffic management measures we must put in place. That is something the NTA, the local authorities and the bus companies are going to be charged with and which they must deliver quickly.

Dáil Éireann
Road Projects

67. **Deputy Michael Collins** asked the Minister for Transport if he will address a series of matters (details supplied) regarding road infrastructure in west Cork. [44395/21]

Deputy Michael Collins: Will the Minister tell me the date work will commence on the Innishannon bypass? Will he also give the start date for the long-awaited completion of the Bandon southern bypass and start dates for the full northern relief road in Bandon and the Bantry bypass? Will he also tell us whether there are any plans to insert passing bays on the N71 from Ballydehob to Bandon or the R586 from Bantry to Bandon via Dunmanway roads? The people of west Cork have had announcement after announcement about these projects for decades but not a sod has been turned. Today we need nothing less than start dates so we can progress west Cork roads and bring them up to the same standard as those in other constituencies.

Deputy Eamon Ryan: The following information is the most up-to-date information available to me on TII's delivery of projects on the N71: regarding the Innishannon bypass, the route feasibility study was previously commenced but was suspended. As this scheme is not included in the current NDP, I have been advised by TII that the project remains suspended at this point in time.

On the Bantry bypass, a feasibility study on possible options was completed previously by Cork County Council. This scheme is being progressed in two phases by the council. Phase 1 design is currently being progressed under European Investment Bank, EIB, funding. TII has been in discussions with council officials concerning phase 2.

On the Bandon bypass extension, a feasibility study was completed by Cork County Council and TII is currently reviewing this. The project appraisal plan was approved by my Department in 2020. This work on early planning and design will continue in 2021, with a preferred route for the bypass extension to be identified. TII allocated €100,000 to Cork County Council to progress this pre-appraisal work during 2021. The current N71 relief road around Bandon ties back into the existing road network via a steep downhill gradient and drivers must also negotiate a number of roundabouts and priority junctions within the built-up area of Bandon. The N71 in this area experiences heavy traffic, with annual average daily traffic of between 9,000 and 14,000 vehicles. The proposed relief road extension would involve bridging over the R603 to remove the existing steep gradient and the construction of approximately 2.5 km of new single carriageway tying back into the existing N71 just west of the town.

The timeframe for the delivery of any major or minor works projects that require statutory approval, whether for an environmental impact assessment report, EIAR, or CPO, or both, is between eight and 13 years.

Deputy Michael Collins: The Minister is talking about eight to 13 years. That is a hell of a long time. This has been going on much longer than that for the people of Bandon who require the southern bypass to be completed and the northern bypass to be started. It the same with the Innishannon bypass, as I said. This is appalling. I hear nothing I can go back to the people of west Cork with and say that these projects are going to progress, other than reports upon reports that have been going on for decade after decade. The lack of moneys spent on west Cork roads in the past 20 years has left them in appalling condition throughout. The Skibbereen bypass was opened in 2003 and since then no proper funding has been spent on the N71 from Innishannon to Bandon, Clonakilty and Skibbereen. In some parts the road is a danger to people who

travel on it. I have told the Minister we cannot wait for another eight years. We cannot wait any longer. I would like the Minister to give me a start date for at least one of those bypasses. We cannot wait for another four, five, six, seven or eight years. The people of Bandon and of west Cork must be respected the same as those of every other constituency in the country, and they need delivery. The Minister is failing in his duty to the people of west Cork to deliver a proper bypass and open up our roads so we in west Cork can compete.

Deputy Eamon Ryan: I share the Deputy's concern about the long time our planning system takes. We are all agreed on that and the need for that to be assessed and changed. There was an additional €4 million in grant allocations this year to the N71 route for various improvements. There was a further €325,000 allocated to Cork County Council under the specific improvement grant programme to progress the road realignment at Ilen Bridge on the R586.

On the €4 million, I understand the Deputy's desire to see those bypasses be progressed. I have been clear that the prioritisation in our overall road schemes should be on bypasses of towns. However, that is a national question. We have hundreds, almost, of towns right across the country where bypasses are the preferred option. We will have to allocate the resources and TII is going to have to prioritise within the overall NDP allocation it has. Bypasses should come first and the towns mentioned are examples of projects that make sense.

Deputy Michael Collins: The Minister is talking about €4 million for improvements but that is for pothole repairs. That is what he is saying. Those are the facts. I would like him to visit the roads of west Cork. He perhaps knows west Cork better than most Ministers. I can show him some of the roads that are in appalling condition. I took the former Minister, Shane Ross, down there. I should have taken Shep the dog down to west Cork because Shep the dog would have barked whereas Shane Ross did nothing for us. I do not want to be saying the same thing about the Minister in a couple of years. I do not want to say he did nothing about bypasses for Innishannon, Bandon and Bantry. All we hear about is further reports and no delivery for the people of west Cork. A journey from Skibbereen to Clonakilty takes 45 minutes to an hour if one gets stuck behind a lorry. Passing bays must be put in place. It would not cost magic amounts. The Government is looking at astronomical money to do small jobs and it does not look at how simply these jobs can be done. We have no delivery, zero delivery, on further thinking about west Cork since 2003. For almost 20 years successive Governments have failed to deliver for west Cork. I ask the Minister to deliver. He should get up and say that at least one of the bypasses will start in the next 12 months for the people of west Cork.

Acting Chairman (Deputy John Lahart): The ghost of the former Minister, Shane Ross.

Deputy Eamon Ryan: What I presented to the Deputy is the best, latest information I have from TII. I have every intention of trying to deliver and improve the bypass options in west Cork.

On the reality of where we are with funding, the Deputy says €4 million is nothing. We are spending €1.2 billion to €1.3 billion per year just to maintain our roads. Thus of the €2.5 billion or so this year, roughly half is going to maintain the existing road network, which is important. If we did not do that the Deputy would rightly be telling me that it is dangerous, that people's vehicles are being damaged and that that work must be done. It is not a small amount. It is huge within our overall capital budget and it must be spent because if it was not we would have to spend more in subsequent years. Out of this year's budget, if roughly half is effectively going to maintenance, the remainder must go on public transport. We must invest in that and in active

travel. We are limited as there are certain budget constraints we must recognise and admit. We are giving significant moneys to the transport sector but it must be spread across the country. That is a reality that cannot be ignored.

11 o'clock

Transport Policy

68. **Deputy Darren O'Rourke** asked the Minister for Transport his plans to reduce the number of private cars used on journeys to and from centres of primary, secondary and third level education; and if he will make a statement on the matter. [44106/21]

Deputy Darren O'Rourke: I ask the Minister to outline his plans to reduce the number of private cars used on journeys to and from centres of primary, secondary and third level education and to make a statement on the matter.

Deputy Eamon Ryan: I am very conscious of time and want to provide the key information to the Deputy. I will set out the details of very specific schemes to support active travel, particularly for our student population, which is the key consideration in the question.

My Department funds the delivery of CycleRight training through Cycling Ireland which delivers cycling training to school children around the country and equips them with the skills to cycle safely. In partnership with the Department of Education we also launched the Safe Routes to Schools programme earlier this year which aims to accelerate the delivery of safe walking, scooting and cycling infrastructure on key access routes to schools. By the deadline for expressions of interest in April, over 900 applications had been received from schools in every county in Ireland and 170 schools were notified on 21 June that they have been selected for inclusion in the first round of the programme to support walking and cycling infrastructure for primary and post-primary schools. All schools that initially applied for funding under this programme will not need to reapply in later rounds as they will come into the programme on a rolling basis. Finally, my Department also provides funding for the Smarter Travel Workplaces and the Smarter Travel Campus programmes, which are overseen by the NTA. These are national voluntary behaviour-change programmes that work with large employers and third level institutions to implement workplace travel plans that facilitate sustainable travel on the commute and beyond.

The step change in funding for active travel in both urban and rural areas together with the commitments to improved and expanded public transport projects should work towards providing our citizens, including students travelling to and from school and college, with a viable alternative to private car use and should encourage a modal shift towards sustainable transport modes, whether walking, cycling, bus, tram or train.

Deputy Darren O'Rourke: One element that the Minister did not touch on is the school bus transport system. I know that technically it falls under the remit of the Department of Education but it is very clear that there is an interdepartmental responsibility in terms of transport and encouraging people out of private cars and onto the school bus transport system. I would urge the Minister to work with his colleague, the Minister for Education, on opportunities to

expand the school bus transport scheme. Bus Éireann has set out its ambitions up to 2030 but I firmly believe its targets are not ambitious enough and the company needs to improve on that.

The Minister will have my full support for efforts to increase active travel to school and I urge him to be even more ambitious in that regard. In recent days the Minister referred to the planning system and possible changes to ensure that some active travel measures, including cycleways, can be approved. I ask him to expand on that and to outline his intentions in that regard.

Deputy Eamon Ryan: On that last point, the Deputy will be aware of the High Court's decision this summer with regard to Strand Road in Sandymount. I will not go into the specific details of that case but there is real concern that the judgment might have a chilling effect on the delivery of our Safe Routes to School infrastructure, our BusConnects infrastructure and other active travel infrastructure, as well as on our decarbonisation plans which require innovative and quick traffic management schemes. To address concerns about any potential chilling effect of the judgment, we have tried to see what we can do to help. We have determined that a Committee Stage amendment to what was the Road Traffic (Miscellaneous Provisions) Bill, which will now be called the Road Traffic Bill, due for debate this autumn will provide us with an opportunity to give greater clarity and greater responsibility back to councils by giving councillors a clear say on these matters. We will put down in statute mechanisms to allow experimental traffic measures to be carried out which will help councils to innovate and test out various traffic management options. I have asked my Department, in consultation with the Attorney General's office, to start drafting amendments that we may introduce on Committee Stage that might help in that regard.

Deputy Darren O'Rourke: In my own constituency, one of the ways we could shift students at different levels from private cars would be through a rail line to Navan. Does the Minister have an update on that? The Tánaiste and local representatives were at the old Navan train station - with photographs published in the local media this week - ahead of their party think-in. Does the Minister have an update on the review? Is it positive? When will it be published and most importantly, when will we see funding and a start date for this essential project?

Deputy Eamon Ryan: I expect the review to be concluded very shortly. I have not had a chance to see it yet but I understand a draft version is very close to being presented by the NTA. The first thing will be the NDP review. As I said on radio the other day, and am happy to repeat here today, I expect some €35 billion in our overall capital allocation for the next decade. A lot of the projects we need to deliver we have to think about in a 2040 context, such is the scale of the investment we need to make. I refer here to DART+, Metro, BusConnects, metropolitan rail in Cork, Galway and Waterford as well as Dublin, Rural Link and Connecting Ireland. We need an incredible array of projects and it is going to take two decades to deliver a lot of them. The Navan rail line is just one example of the myriad of projects which make real sense in my mind, as I have said in this Chamber previously. I have not seen the NTA's draft report yet but I hope that Navan may be included. We will certainly support it within the NDP but I cannot give specific timelines and start dates because we have such difficulties with our planning system in getting any projects through the planning process in any reasonable timeframe. Planning approval is the first prerequisite.

Acting Chairman (Deputy John Lahart): I thank the Minister. I have specific timelines to implement as well so we must move on to the next question.

Dáil Éireann
Public Transport

69. **Deputy Denis Naughten** asked the Minister for Transport the steps he is taking to support public transport outside of the major urban centres; and if he will make a statement on the matter. [44067/21]

Deputy Denis Naughten: The last Government, after a lot of encouragement, designated Athlone as a major growth centre under Project Ireland 2040 and the town is expected to become a regional city over time. However, under this Government we have already seen a reduction in public transport connectivity between the local towns within its catchment and the town of Athlone itself, with the withdrawal of the Bus Éireann route 20 service just as the town's institute of technology secures university status. Where is the joined-up thinking?

Deputy Eamon Ryan: There has been a substantial increase in funding for Local Link services since 2016, going from €12.2 million in 2016 to over €28 million in 2021, comprising rural transport programme, RTP, current and capital funding, Covid-related funding and PSO funding for rural regular services. The additional funding since 2016 has enabled the introduction of 85 new rural regular service routes, as well as improvements to demand responsive transport, DRT, services and the piloting of evening and night-time services in certain rural areas which have now been mainstreamed. The new rural regular services operate at least five times per day over a schedule of five, six or seven days per week. They are specifically designed to ensure connectivity with other public transport services and better linkage of services between and within towns and villages.

Bus Éireann operates a substantial PSO business under contract with the NTA, providing subvented bus services outside Dublin and in regional and rural locations throughout the country. It also has a separate, commercially-run business, Expressway, which operates a number of interregional bus routes.

The Covid-19 health emergency brought a profound and swift shock to the public transport sector. Public transport's designation as an essential service throughout the pandemic means that although fare revenues have collapsed, most of the shortfall has been met by the Government in order to meet our broader policy objectives. In 2020, we spent over €620 million supporting PSO services. For 2021, over €670 million has been provided in funding in order to ensure the existing level of public transport services is kept. By comparison, the level of PSO and Local Link funding provided in 2019 was in the region of €300 million. Furthermore, in June 2020 the Government decided to introduce new, temporary financial support for certain licensed services provided by commercial bus operators to ensure the continued operation of these essential services. That was the key joined-up thinking on maintaining, developing and broadening out public transport services for all parts of our country. As I told Deputy O'Rourke earlier, we must make sure we meet the needs of every different community and balance that funding throughout the country as we best can.

Deputy Denis Naughten: The hospital for the town of Athlone is Portiuncula Hospital in Ballinasloe. There has been a 60% reduction in the number of buses facilitating patients and visitors attending Portiuncula as a result of the decision by the National Transport Authority not to replace the lost Bus Éireann services. An analysis of the current Citylink replacement service with that provided by Bus Éireann shows that, between 7.30 a.m. and 9.30 p.m., the service has gone from 226 buses a week to a current offering of just 84 buses a week outside Portiuncula. There is now a different bus stop, pick-up point and drop-off point in the town of Athlone for

the connection services to the local hospital in Ballinasloe and for the other regional services that stop via Bus Éireann at Southern Station, the bus station in Athlone. There are now two different pick-up points in the town of Athlone. If someone has an appointment in Ballinasloe at 11 a.m. and they have to travel from Athlone, they must get the bus at 9 a.m. and spend an hour and a half waiting in Ballinasloe for their appointment.

Deputy Eamon Ryan: The Deputy makes a valid point. I have met with local representatives for the area and had a series of discussions with my own officials to try to address the concerns. I have told them we need to look again at the very specific issue of Portiuncula Hospital and ensure that, as we change the overall route alignment, we maintain critical connectivity to those types of facilities. The NTA is charged with working with the local operators, Bus Éireann and others to ensure we address some of the concerns that have been raised. I will have to ask the Department for an update on that as it was not specifically asked for in the question as written. It is something we are very aware of and have been working on.

Deputy Denis Naughten: I thank the Minister and welcome his comments on that. I want to put on record that we will now see a development of health services in Portiuncula with the development of a new ambulatory care centre which will expand the outpatient services available there. Someone going from Roscommon town to Portiuncula for one of those appointments at, say, 11 a.m. will have to leave Roscommon town before 6 a.m. It would take that person four hours to get to Ballinasloe travelling from Roscommon town, into Galway city to the cathedral, then walking a kilometre over to the main bus station, then getting the Cork service to Oranmore and then a connection from there to Ballinasloe. There is a bus service going from Westport through Castlebar and Roscommon that terminates in Athlone. If that terminated in Ballinasloe, it would connect three hospitals together and the appointments could be organised around that.

Deputy Eamon Ryan: The Deputy makes a good point. We are looking at a new strategy, connecting Ireland, which looks at developing rural bus transport systems. Critically, we want to achieve an efficiency where we can connect the transport needs to health facilities into that system and look at various solutions and options. We will have to be creative and connect our health and transport needs with our general public transport needs. Portiuncula could be one example of that as we make the amendments we need to make.

Road Projects

70. **Deputy Aindrias Moynihan** asked the Minister for Transport the level of funding in place for N22 surfacing works at Coolcower, County Cork; when contractors will be appointed to carry out the works; and if he will make a statement on the matter. [44088/21]

86. **Deputy Aindrias Moynihan** asked the Minister for Transport the progress being made in making safer the N22 between Macroom and Ballincollig, County Cork; and if he will make a statement on the matter. [44087/21]

Deputy Aindrias Moynihan: The N22 between Ballincollig and Macroom has numerous dangers, including the poor surface at Coolcower just east of the town, and the right-turn junctions at Nutricia, Dunisky, Ballytrasna, Kilcondy, and Castlemore. There are many other junctions where people turn into their own homes. The road needs to be made safer. Will the Minister outline plans to make the N22 safer between Ballincollig and Macroom?

Deputy Eamon Ryan: I propose to take Questions Nos. 70 and 86 together.

Transport Infrastructure Ireland, TII, tells me it has recently approved funding to Cork County Council for a surfacing contract at Coolcower on the N22. TII understands a contractor has been appointed by the local authority and that the works will be completed this year. A previously proposed N22 Macroom to Ballincollig-Ovens major improvement scheme remains suspended due to funding constraints within the current national development plan, NDP, and no further work has been carried out by Cork County Council on planning and design. TII has informed me there are no plans to do any pavement or safety works on this stretch of road at present.

The N22 Ballyvourney to Macroom route, the N22 runs from Cork city to Tralee, passing through several towns and villages including Macroom, Ballyvourney and Ballymakeery. The bypass project includes the construction of a dual carriageway and consists of a 22 km dual carriageway with four junctions beginning west of Ballyvourney, passing north of Macroom and rejoining the existing N22 south of Macroom. The estimated cost of the project is €280 million.

Following approval by Government in October 2019, construction commenced on 6 December 2019, with very good progress being made on site. The construction of the many structures required for the project is almost complete. The longest precast concrete beams in Ireland, 49 metres, were manufactured for a bridge on this scheme and were successfully lifted into place last December. In addition, a large steel deck was successfully launched across a river and valley in March.

Overall, works are approximately midway through construction, with completion expected by early 2024. The N22 project strengthens the links between Cork and Kerry. By reducing traffic volumes on the existing N22 by approximately 12,000 vehicles per day, the project will improve journey times and allow for safer and more reliable journeys for road users.

Deputy Aindrias Moynihan: I acknowledge the planned works at Coolcower. Since tabling the question last week, there was confirmation of the update on the contractor being appointed and works getting under way in the weeks ahead. That is positive. There are other sections of that road, such as the bridge in the town of Macroom itself and sections east of the town, where funding was to be made available and where contractors need to be appointed and works carried out on making that road safer and better. There is a section of the bridge inside the town where there is a trench running the full length of the bridge immediately adjacent to the footpath so that the traffic is almost leaning in on top of the footpath. It is a hazard. It is dangerous and needs to be attended to. If there is funding available, it needs to be released and contractors appointed. Will the Minister confirm that, where funding needs to be made available for these other sections of work, it will be released to the council so that it will be able to carry out works such as the bridge and sections east of the town of Macroom?

Deputy Eamon Ryan: On the Macroom-Ballyvourney bypass, €280 million is not a small investment. It is a huge, significant investment. We have to make sure we get the best return from that. In Ballyvourney and the town of Macroom, we have to work on the public realm and get as much traffic as possible out of the centre of town and create what has already happened in other towns in west Cork such as Clonakilty, Skibbereen, Bandon or Bantry where real life has been brought back to their centres and they are vibrant towns. That town, more than anything, deserves to rise and get away from the gridlock it has suffered for the past 20 or 30 years. Talking to Cork County Council last year, it appraised the need for such public realm works. It is

about taking out a lot of traffic and parking and creating a good pedestrian space, to my mind.

The budget for that would not come from the national roads budget plan; it is more local. The county council has to allocate a lot of its budgets within its own resources provided by central funding. Those decisions are very much county council oriented, working with our Department. Having spent €280 million on the bypass, we now need to spend on the public realm measures that would see the full benefit.

Deputy Aindrias Moynihan: I need to shift the focus east between the Ballincollig and Macroom section, separate from the bypass. This is a stretch of road where there are repeated accidents. There are very dangerous right-turning junctions such as those at Nutricia, Duniskey, Ballytrasna, Kilcondy, Castlemore and others. There are more than 30,000 cars travelling at speed via the Ballincollig bypass onto this road every day, in addition to the north-south traffic on the R619 from north Cork, the R585 from the west and traffic coming from Bandon. For the locals, whether they are coming from Aherla, Cloughduv or Crookstown, or even doing the school run over to Coachford College, they are crossing that road four times a day. It is very dangerous for many of them. It is very much a concern. The road east of the town between Ballincollig and Macroom needs to be advanced. It was very concerning that the Minister would say it would be suspended. Plans had been progressing on this for quite substantial works. Even no safety works are planned. Plans had been designed for Castlemore junction, for example, and to hear that those kinds of works would be suspended is very concerning for locals. It needs to be put back on track so the road would be made safer for people travelling daily through these junctions and on these routes in and out, and also for those people passing east to west between Cork and Tralee.

Deputy Eamon Ryan: I will conclude by asking the Deputy to cast his eyes even further east. One of his colleagues, Deputy James O'Connor, from the eastern side of Cork, is rightly making the case that towns and villages such as Castlemartyr are currently suffering what Macroom is suffering with through traffic throttling urban and village life. We must think about where is our first priority. I know that section of road very well from Ballincollig. Deputy Moynihan is correct. There tends to be a lot of high-speed traffic. Not only are there a lot of small roads feeding in, there are also many residences along that carriageway that are, effectively, opening out onto a national road. There are very difficult circumstances. I must be honest, however. I cannot go to Deputy O'Connor to say that his project has priority and at the same time say to Deputy Moynihan that this road also is a priority. Funding every project is going to be difficult given the funding constraints we have. There may be other measures we can look at in the meantime, pending the funding approval. Can we examine the issue of speed on that road for example? If road safety is the key issue, which it is, are there other measures we can implement that may be lower cost but with more immediate traffic management results that might improve the safety performance of the road? This is one of the questions I might put to TII.

Dublin Bus

71. **Deputy Mick Barry** asked the Minister for Transport if he will report on any recent communication he has had with Dublin Bus management or trade unions on industrial relations matters in the company; and if he will make a statement on the matter. [44062/21]

Deputy Mick Barry: Will the Minister for Transport report on any recent communication he has had with Dublin Bus management or trade unions on industrial relations matters in the

company?

Deputy Eamon Ryan: I thank the Deputy for asking the question and I will take the opportunity to again thank all Dublin Bus employees for continuing to provide an exemplary service throughout the Covid-19 pandemic.

I must clarify, as I did earlier to Deputy O'Rourke, that industrial relations issues in Dublin Bus, as is the case for all public transport operators, are a matter for the company, its employees and trade union groups. While my Department receives regular updates from Dublin Bus on industrial relations issues, neither I nor my Department have a direct role in, nor do we intervene in, such operational issues.

As I outlined in my earlier response to Deputy O'Rourke, Dublin Bus management continuously engages with its trade unions on various matters of common interest.

I understand from soundings during engagement with the company and from correspondence I have received, including a letter that was hand delivered to my Department following a gathering of Dublin Bus employees on the 20 August to highlight their opposition to the proposals, that the primary reason for the rejection of the proposal was the concern of drivers regarding the proposed changes to work practices.

I have been advised that both Dublin Bus management and the relevant trade union officials believe that there remains an appropriate industrial relations process to engage with and the parties confirmed that they have commenced further engagement on this matter.

I reiterate that, ultimately, all issues related to pay and productivity negotiations are a matter solely for the transport company, employees and trade unions. I urge all sides to continue their engagement with a view to reaching an acceptable agreement.

Deputy Mick Barry: The backdrop to this question is the fact that 97% of Dublin Bus workers who were balloted rejected the proposals. The proposals were for changes to work practices, changes in their rostering and included lower rates for part-time drivers. The ballot was conducted with the threat of privatisation hanging over their heads but still 97% said "No". I ask the Minister to take serious note of that vote and the anger represented by it.

There is also the registered employment agreement, which was agreed in the Labour Court, that no driver should have to transfer if he or she loses a route to bus tendering. Does the Minister recognise that agreement? Does he agree that where anyone is transferred over, the NTA should fund it? This is in the agreement.

In 2015, there was an agreement that only 10% of routes were to be tendered and then only new ones. Why then is Bus Éireann, which is a sister company, tendering routes 133 and 101 over and above what was agreed back in 2015?

Deputy Eamon Ryan: I very much recognise the vote. I will support the process to hopefully get a resolution to it. Our labour relations processes have, to my mind, served us well. Our trade unions do a very good job for the workers in the process. I trust the company, the management, the unions on behalf of the employees and the customers of Dublin Bus to be able to resolve this.

I do not believe what the Deputy said about the threat of privatisation. There is not a threat of privatisation. As I have said, I am a huge supporter of Dublin Bus and the provision of public

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services by public companies such as Dublin Bus and Bus Éireann. There are ongoing changes and variations. Earlier questions asked by Deputy Naughten on Bus Éireann showed there are constant variations in how these services are provided, including which routes they manage and how they are managed. There have also been changes with the introduction of new routes such as the new orbital routes in Dublin, which are subject to tender. There are other services where Bus Éireann has won tenders, as I recall. There are also areas in which the NTA may assess that the current service level is not meeting the public's needs and in those circumstances is able to put it out to tender, which relates to the cases referred to by the Deputy.

Deputy Mick Barry: In a situation very similar to that at Dublin Bus, we have breaking news this morning that Aer Lingus cabin crew at Dublin Airport have voted by 87% to reject proposals for a 10% wage cut, a four-year pay freeze, lower starting rates, and cuts to sick pay and shift allowances. These austerity measures are proposed by a company where the wages are, in large measure, paid by the State and which is far from idle. A total of 20 Aer Lingus flights left that airport before 8 o'clock this morning. As with Dublin Bus, these proposals were put to the workers under threat of privatisation, this time in the form of outsourcing. I congratulate the workers on their vote. I appeal to the ground staff there who are balloting from now until next Tuesday to follow the cabin crew example. I put it to the Minister that the race to the bottom and to privatisation will not work in Dublin Bus and it will not work in Aer Lingus. Does he feel that it is time the Green Party stopped supporting this privatisation, that it renationalised Aer Lingus, and that it put an end to these austerity policies that seek to put the burden of the Covid crisis onto the backs of working people?

Deputy Eamon Ryan: The exact same applies, or maybe even more so, in not intervening in those labour relations issues. We do, however, have a role with regard to trying to restore our aviation industry. We have taken a series of measures including, as the Deputy said, the significant public support for workers in that industry as in other sectors, and the management of safe travel systems within Covid-19 to try to make it safe for people to get back flying. I am encouraged that 20 flights left this morning, as the Deputy said. We need to get that back. That is the best way of protecting the interests of workers and the aviation industry. We are not going to jump into the middle of an industrial dispute in that regard. Our job is to try to get all of the country back working, including the aviation sector and the vital work it does in providing connectivity to the State, including tourism and the other benefits it brings.

Acting Chairman (Deputy John Lahart): If the Minister will excuse the pun, we are going to bypass Question No. 72 and move on to Question No. 73 in the name of Deputy Fergus O'Dowd.

Question No. 72 replied to with Written Answers.

Road Projects

73. **Deputy Fergus O'Dowd** asked the Minister for Transport the current status of the Ardee bypass; the funding spent to date on the project; the targeted timelines for commencement; and if he will make a statement on the matter. [43908/21]

Deputy Fergus O'Dowd: Ardee town has been choked with traffic for decades. Fumes and heavy goods vehicles clog the town. It is critical that the bypass be built. Money has been allocated to it. How much funding has been spent to date, what are the timelines for commence-

ment, and will the Minister make a statement on the matter?

Deputy Eamon Ryan: I answered some of these questions earlier so I will not read out the full response. To answer a very specific question, however, €8.1 million has been spent to date. I recall the Deputy was Chair of the transport committee when we had a specific session to consider the road. As I recall, there were concerns from local residents around some of the traffic management implications of it. There were also some environmental concerns around the bogland to the west of the proposed route alignment. I hope we can overcome those.

My understanding is that we are still waiting, in a sense, for the planning issue in regard to that and for An Bord Pleanála to issue a direction. Subject to those planning and other assessments being put in place, it is hoped that we can get the road approved through both the planning system and the public spending code system.

It is the type of project that will really create opportunities, going back to what I was saying earlier about towns in west Cork. The same applies in Ardee, a town with huge amounts of traffic going through it and a very historic, beautiful town centre, which could be restored and brought back to life if we can get this project up and running.

The key issues, therefore, are around that planning and consenting system, subject to that being agreed. We would have to get funding, obviously, and there are difficult funding choices, but this project is very far advanced. It would be the end of a very long and extensive planning system. With the resolution of those local traffic management and environmental issues, I see no reason it should not proceed.

Deputy Fergus O'Dowd: I thank the Minister. The point is that people like Councillor Dolores Minogue, who is a former chairman of Louth County Council, have fought very hard for improved quality of life in Ardee. There has been significant investment in Ardee Castle and in urban regeneration. Clearly, the town is ready now having suffered greatly as a result of the recession and so on.

For absolute clarity, is the Minister supporting the national development plan, NDP, inclusion of this road? It is in the plan. Will it be in the next plan? Will the Minister provide the funding for it? As I see it, there is some ambiguity in his response. The planning has been dealt with. It is before An Bord Pleanála now. Is the Minister saying there are other or new obstacles in his mind that may arise at this stage or can he say that there will not be such obstacles?

Deputy Eamon Ryan: No, I do not see obstacles. There is a funding constraint more broadly. The existing NDP included a huge number of different roads. The reality is the funding of those would eat up the budget for the next 20, 30 or 40 years if they were all to be completed at one time. We will have to prioritise and it will be difficult. It is not a question of saying "No" to particular projects but we will have to prioritise certain projects in a very tight funding situation. I think there has been broad agreement in this House every time I have said that in a funding-constrained world, we should prioritise town bypasses that promote the Town Centre First strategy, and particularly, obviously, those that are right at the end of the planning system. The likes of the Ardee bypass should be first up, in my mind, but there is a real constraint. That €250 million on the Macroom bypass is not an insignificant chunk of funding. We are spending another €250 million in Westport on the Castlebar road. It does lead to a funding constraint. The priority, in my mind, for the funds we have should be on further town bypasses.

Deputy Fergus O'Dowd: I welcome the Minister's commitment to towns but I do not hear

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his absolute commitment to Ardee. I still hear ambiguity in what he is saying. As far as I am concerned as a backbencher in this Government, it is in the national development plan. That, to me, is sacrosanct and it cannot and must not be changed. The people of Ardee will not accept that it should be changed, after waiting decades for this development. It is a wonderful location with an awful lot to offer but the quality of life has been affected by the fumes and heavy goods vehicles. I invite the Minister to come and visit. I do not accept that it may be excluded in the next round of funding when it is clearly and absolutely identified for funding in this round.

Deputy Eamon Ryan: It has to get through planning. The Government has to make decisions on a sequential basis and that has to be the next key issue. Something being in the existing national development plan is not the best way of securing funding. In truth, if one said that all the projects being in the existing NDP means they will receive guaranteed funding, they would break the budget ten times over. As I said, what I believe gives the best guarantee and certainty around funding is a real commitment to support bypasses first. Ardee ticks exactly the right boxes for the sort of project we should be supporting. I am saying that here and I hope to say exactly that in the NDP review. We have to give Transport Infrastructure Ireland, TII, certain flexibility in that regard. We have to assess the planning stream and the work stream. I believe, however, that what limited resources we have should go to bypasses first before anything else. In my mind, that is the greatest security for the town of Ardee compared to anything written in the existing NDP.

Regional Airports

74. **Deputy Cathal Crowe** asked the Minister for Transport when a chairperson will be appointed to the board of the Shannon Group; and if he will make a statement on the matter. [44116/21]

80. **Deputy Violet-Anne Wynne** asked the Minister for Transport the status of the appointment of the CEO for the Shannon Group and the proposed review of the Shannon Group governance structures; and if he will make a statement on the matter. [44157/21]

Deputy Cathal Crowe: I wish to ask the Minister for Transport when we can finally expect to see a chairperson appointed to the board of the Shannon Group.

Deputy Eamon Ryan: I propose to take Questions Nos. 74 and 80 together.

The Minister of State, Deputy Naughton, and I have recently concluded interviews for potential candidates, who were proposed by the Public Appointments Service. All five people we interviewed were eminently qualified, which makes for a difficult decision. We hope to conclude that process within the coming days, and return to the Government and then to the Dáil with details of the appointment of a suitable chair. I am confident that we will be able to get someone who is very well qualified for the role.

The chairperson, whoever takes on the job, will have a very real challenge. As the Minister of State, Deputy Naughton, said earlier, we are in an environment where still, to this day, the American Government is effectively restricting transatlantic traffic. There will probably be a slow return. There is no immediate return in sight of business travel and while there has been a significant return to travel for personal reasons, holidays and so on, it is still at a very low level compared to what was happening historically. One should not underestimate the challenge and

crisis our aviation sector is in - Shannon Airport as much as any other airport.

I am encouraged since talking to officials this week that we are seeing a number of flights planned for right through the winter. The Shannon Airport to Heathrow Airport route has been restored, but there is only one flight per day. We would like to see that back to its pre-pandemic schedule of three flights per day in order that it facilitates business traffic. Whoever the chair is will have to work with what I see as a very good management team in the airport to get flights back. It will help that the group has been focused down now on the industrial estate building and the airport operations. It is appropriate that the heritage role has been taken on by the county council and local authorities. It is, therefore, focused and tighter. The job is to get those flights back and the region with them.

Deputy Cathal Crowe: I thank the Minister. I want to thank his colleague, the Minister of State, Deputy Naughton, for coming on site to the airport two weeks ago and seeing first-hand all the preparatory work that is under way to ready ourselves for the season ahead.

It was August of last year when Rose Hynes stepped down as chairperson of the board. We then saw an appointment process getting under way and that ran until February when Aaron Forde was appointed. His tenure lasted a matter of hours; that was a botched exercise really. We then asked that this process be slowed down ever so slightly to get the right person. We do not want someone with an agribusiness or economist background. We need someone in Shannon who understands aviation to be the helmsman or helmswoman of an airport that for decades has been the economic catalyst in the midwest. I am keen to know what kind of time-frame the Minister is talking about here because we have had delays. We asked the Minister to slow it down ever so slightly. We were talking about weeks at the time, and certainly not the 13 months at which we now find ourselves since the departure of Rose Hynes. I would love to know whether it will happen this month because we are really looking for some direction where Shannon Airport is concerned.

Deputy Violet-Anne Wynne: We know that Shannon Airport is a great driver of economic growth in the midwest region. Shannon Group comprises Shannon Airport, Shannon Commercial Properties and Shannon International Aviation Services Centre. I also seek an update on the appointment of the chairperson for the Shannon Group governance structures.

Deputy Eamon Ryan: To answer Deputy's Crowe's point, we expect to be able to do it this month. That delay or that sequence of events was unfortunate. It was done at a time when the airport was effectively closed because of the Covid crisis. Now is the time to come back to get that chair in place. I ask the Minister of State, Deputy Naughton, to answer the question too because she is centrally involved, and to give her perspective on the approach.

Deputy Hildegarde Naughton: The Minister and I are acutely aware of the importance of putting in place a chair of Shannon Group and I am listening very closely to the concerns of Oireachtas Members. We share those concerns about the future of Shannon Airport and the need for leadership there in terms of a chair being put in place. As the Minister has said, I commend Mary Considine and the management team there who have steered the airport through the most difficult time and all the staff, in terms of the pressures they are under due to Covid-19. This is an absolute priority for us and we need somebody who can show that leadership, not only for the airport but for the midwest region.

Deputy Cathal Crowe: It is not just a geographical stepping stone between Europe and the

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United States; Shannon Airport offers much more than that. We have the pre-clearance facility in Shannon which is so important. We need to see that back up and fully functioning again. In the past number of weeks, the Minister, Deputy Eamon Ryan, was in the airport to open and see at first hand the new baggage screening facility which is unique in Europe. It is a €12 million facility backed hugely by the Government. It is unique in Europe in that the United States and European security requirements are now perfectly aligned in Shannon Airport for screening baggage. Along with pre-clearance, that gives us an edge over other European airports, but we need to drive it on more now. We need to see planes back in the sky. I am delighted we are hearing that United Airlines should be back there in the springtime. That is certainly something we need to see. In the Minister's concluding remarks, I ask him to refer to policy proposals I submitted to both him and the Minister of State some weeks back, to note if his Department looked at them. Much has been done for Shannon Airport but a hell of a lot more is needed. Until we have planes back in the sky, we will not see a full recovery of our airport and the many people who depend on it.

Deputy Violet-Anne Wynne: The role of the Minister and the Department in appointing the members of the board is also questionable. This is further exacerbated and demonstrated in that the track record is far from impressive. First, we had a six-month gap from the exiting of Rose Hynes in August 2020 and here we are, over 12 months later, with the appointment still left vacant. That is completely unacceptable and on the ground, the Clare folk feel the exact same. They do not want excuses any longer. They want results. The Minister also committed to undertaking a review of the Shannon Group structures in August 2020. We still have no conclusions or results from that either. This goes hand in hand and what the Clare folk would say is "actions speak louder than words". We have no confidence or faith in this Government giving Shannon Airport the priority it deserves and needs.

Deputy Eamon Ryan: We followed the appropriate Public Appointments Service approach here and it is absolutely correct and proper. Unfortunate circumstances meant we had to run a second process but that could not have been foreseen. It was appropriate for us to respond in the way we did. The Public Appointments Service has done a good job. From what I have seen, it carried it out properly. It did take time but sometime this takes time rather than being rushed and I am confident the right approach was taken.

Deputy Hildegard Naughton: I concur with the Minister. Deputy Crowe was right about the US pre-clearance in that Shannon Airport has an edge. As he knows, certain things are out of our control because these severe entry restrictions are on the US side but I assure him there are a number of bilaterals happening at EU level with the US and between Ireland, the Taoiseach and the US. We understand the importance of that. With regard to Shannon Group, there is restructuring around the heritage sites, as a result of that review process. The number one ask has been the reopening of international travel. That has happened. As I said earlier, in my previous replies, we are also looking at further supports for the aviation sector. Shannon Airport, Cork Airport and all of our airports will be part of that ongoing process.

Driver Test

75. **Deputy Darren O'Rourke** asked the Minister for Transport if he will provide an update on his efforts to clear the driving test backlog including the plan to hire additional driving testers; and if he will make a statement on the matter. [44094/21]

(Deputy Hildegarde Naughton): Due to the suspension of driver testing services during the initial pandemic response, along with the health protocols required since the resumption of services, they are operating well below normal capacity and a significant backlog has developed. Covid-19 has had a profound effect on the delivery of these services, which must comply with occupational and public health guidelines. Fewer daily tests can now be conducted due to social distancing and priority is given to essential workers and then to those who have had tests cancelled due to Covid.

In line with the gradual reopening of services this summer, driving tests for all those who are eligible to take the test and have been waiting longest have now recommenced. Critical front-line workers continue to be the priority for the driver testing services. The latest figures available to Sunday, 12 September, show, in spite of the Covid challenges, 101,870 tests have been offered and the Road Safety Authority, RSA, has delivered 92,672 driving tests in 2021. It is highly significant that no Covid case has been attributed to the driving test.

My Department is liaising with the RSA on an ongoing basis to meet the growing demand for tests. The RSA has a complement of 100 permanent driver testers. An additional 40 temporary driver testers have been authorised, along with 36 approved for retention or rehire in 2020. These testers have been recruited and trained and commenced live testing in July. In addition, sanction was granted at the end of June to add a further 40 testers to the cohort. When trained and in place, this will increase the number of testers to 216. The RSA is looking to increase the number of tests from six to seven per tester, per day, from the end of this month, as well as extending operating hours and expanding facilities at existing centres or opening new centres.

There is an average of 3,254 tests conducted per week and the number of tests scheduled is increasing on a gradual basis. However, it has been noted that approximately 5% of all tests scheduled are not conducted or are abandoned on the day for a number of reasons, such as the driver not having NCT certification or adequate insurance. In addition, it is disappointing to note that a number of people do not turn up on the day of their scheduled test.

Deputy Darren O'Rourke: I thank the Minister of State for the update. We appreciate the challenges but there is a significant backlog of tests. Some 105,000 is the latest figure I have in terms of numbers waiting for a test and at different stages of preparedness, in fairness. That is more than a year's backlog, based on last year. From what the Minister of State is saying, we hope to increase the number of tests that can be conducted. I hope it does not take that long. Can the Minister of State outline the timeline for the additional recruitment of the additional 40 extra testers? The RSA asked for those last October and we are one year on. When will they be recruited and how quickly will we see the backlog being addressed?

Deputy Hildegarde Naughton: The previous 40 have been recruited and they are now fully trained and started live testing in July. I know the question was not on theory tests but there is really positive work happening in that space. In June, we had a backlog of 129,431 theory tests. That is down to 71,227 and there are free slots available for the driver theory test. Some 9,000 to 10,000 tests per week are happening. That is in a very good space, for which I commend the RSA. From 12 September, some 67,684 people were waiting to receive an invitation for a driver test, while 10,094 had received a test date. A further 28,631 people have applied for their test but are not eligible to take it. With a possibility of 4,881 tests per week, it should be possible to clear the backlog in 14 weeks, allowing for those 40 testers and the seven tests, per tester, per day. The backlogs and waiting times will reduce further when those additional 40 testers are sanctioned but hopefully by December that 14-week delay will be dealt with.

Deputy Darren O'Rourke: I thank the Minister of State for her reply. One of the proposals that has been raised by driving instructors and others is that we would avail of the resource of driving instructors, either to assess people they deem ready for tests or possibly give them the responsibility of testing. Have any of those types of hybrid models been considered, or does the Minister of State not see them as necessary at this stage given the plans she has outlined? There is huge frustration for the 105,000 people who are waiting. Has the Minister of State given any consideration to using driving instructors to increase the efficiency of the testing process, whether that be in getting people test-ready sooner or assessing the tests themselves?

Deputy Ruairí Ó Murchú: I add my voice to those of the driving instructors. There should be some interaction to see if we can use a hybrid model and create a system that will allow for people to be test-ready. It would basically be a streamlining of the situation. I had submitted a later question about the theory test. In fairness to the Minister of State, she has answered a fair number of questions or given information about that. We are talking about December for dealing with the driving test backlog. That is on the record and I appreciate that. Obviously all will be done to make up for any lags. The Minister of State does not see any major difficulties relating to theory tests into the future. If there is any element of backlog, what sort of timeline are we talking about for clearing it?

Deputy Hildegarde Naughton: For the theory test, and I will make reference to the driving test as well, there are one in five no-shows. It is very important to say that. Almost 30% of those who sit their theory test fail it so they will be reapplying for that and there are free slots available for the theory test. There is a huge amount of work there. The target was to have 50,000 theory tests per month so that is well on target and the RSA is working well in relation to that.

Regarding the driving test backlog, there will be, and is, pent-up demand. There are people who did not apply for a driving test as they did not consider themselves essential workers. The driver testing failure rate is about 44%. The Deputy's point about getting drivers test-ready is valid. There are a number of people who have applied for the driving test who do not feel they are ready. We have all been there in the past. People apply for it hoping they will be ready and when it comes to it they are not. There will be pent-up demand. The truer figure for that backlog is about 46,500 people currently waiting. With the extra 40 testers, and seven tests per tester per day, we should see that backlog reducing by December.

Rail Network

76. **Deputy Fergus O'Dowd** asked the Minister for Transport the status of plans to expand the DART to Drogheda and the electrification plans for the northern line; the expected timeline for the proposed diesel hybrid fleet to commence services to Drogheda ahead of the electrification; if any other relevant detail will be provided; and if he will make a statement on the matter. [43907/21]

Deputy Fergus O'Dowd: Drogheda is rapidly growing into a city. There is phenomenal growth in our town and over 40,000 people reside there now. In east Meath and south Louth there is huge growth in the population. Key and central to this growth is adequate and appropriate transport locally and nationally, and there are weekly applications - some very controversial - under strategic housing developments to An Bord Pleanála in that regard. What is the status of the plan to expand the DART to Drogheda, which was announced some years ago? I ask the

Minister for an update.

Deputy Eamon Ryan: The DART+ programme is critical for our transport future in Dublin and the eastern region. It comprises five complementary projects: DART+ West; DART+ South West; DART+ Coastal North; DART+ Coastal South; and DART+ Fleet. Naturally, there is a sequencing to the delivery of these different projects as each sits within the overall programme framework. It is also the case that the success of some of the projects depends on the early delivery of other projects. Key to the overall programme is the delivery first of DART+ West, which is the most advanced project. Its early delivery is particularly important due to the new depot to be constructed which will facilitate the huge expansion of the fleet. I understand the second round of public consultation is under way in relation to that project with a closing date at the end of the month. Next is DART+ South West and an initial public consultation has already taken place, with a second one planned before the end of the year.

Turning to the DART+ Coastal projects, I am informed that a design team was appointed earlier in the year. Work has begun on the preliminary design and the preparation of an emerging preferred option which will then be the subject of a public consultation and will inform the preparation of the necessary planning documentation. Finally, there is DART+ Fleet, which is of particular importance to the northern line as it will enable improved services on the line in advance of the later electrification. This will be achieved through the use of battery-electric units on the current northern line and will mean improved and expanded services for passengers. A preferred bidder has been identified but it is too early at this stage to give an indicative date as regards when one can expect to see the new fleet introduced into service. However, that should become a lot clearer in the next few months as contracts are signed and commitments made. The northern line will also benefit from the introduction in 2023 of new intercity railcars, ICRs, which are currently being built and will provide a welcome boost to capacity and services in the short term.

Deputy Fergus O'Dowd: I welcome the commitment to extend the DART to Drogheda and I am meeting Jim Meade, the chief executive of Irish Rail, next week to discuss further plans they may have for that. It is absolutely critical that the Minister continues with the commitment that is there. I have no doubt he will be aware, as I am from listening to the radio this morning, of the backup of traffic in Julianstown coming from east Meath, Drogheda and south Louth trying to get to Dublin and indeed traffic coming from Dublin to get into that same area for people going to work. It is critical that we have both an alternative bypass of Julianstown and also a high-speed hybrid electric fleet in place as soon as possible. To be clear, I think what the Minister is saying is that the hybrid vehicles will be on the rail before the electrification comes and that should mean it will be in place much sooner than one would normally expect. Again, what timeline has the Minister been given for that?

Deputy Eamon Ryan: The key initial development is those new ICR units which can fit within the existing train, adding an additional carriage. They are very imminent. Going on memory, they will be coming in 2023. It is not a long delay. The next iteration is the new battery-electric DART trains and they will be a significant improvement and improve capacity. They do not require the full electrification of the line as the battery will kick in where there are not overhead rails. The timeline for that is not certain yet but it will not be that long. We have a major problem in that there are so many public transport projects and roads projects. Regarding the timelines, a lot of the physical construction on some of the rail investments will happen over a period but that new fleet coming in will provide immediate capacity increases, under the 2023 plus timeline that I mentioned. That will be very significant for commuters on the north-

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ern DART lines but also elsewhere on the network.

Deputy Fergus O'Dowd: That is very welcome. The key point is that Drogheda will become a major regional transport hub. Hopefully we will have a new station in north Drogheda, and Laytown itself will become a DART station. The frequency of commuter services between Dundalk and the whole north east will also be significantly improved by making Drogheda city a hub for rail transport.

Deputy Ruairí Ó Murchú: Does the Minister have an updated or guaranteed timeline on the Enterprise service, which is meant to be going to an hourly service? Do we know over what period of time this will definitely be introduced? That service is vital for Dundalk and Drogheda.

Deputy Eamon Ryan: We have just started a strategic rail review. Included in that is consideration of an upgrade on the Dublin-Belfast line, including new trains and so on. I do not have the specific details here but I will come back to the Deputy directly with information on that.

Written Answers are published on the Oireachtas website.

12 o'clock

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: Iarraim ar na Teachtaí cuidiú liom maidir le srianta ama.

Deputy Pearse Doherty: Tá an scannal mica go fóill ag tarlú agus teaghlaigh agus úinéir tí ag fanacht le scéal. Thug an Rialtas gealltanas dóibh i mí an Mheithimh go mbeidh cúiteamh 100% le fáil acu. Táimid i lár mhí Mheán Fómhair agus níl soiléiriú ar bith faighte acu. On 15 June, thousands of homeowners and families affected by the mica and pyrites scandal travelled to Leinster House and Government Buildings. They sent out a clear message that they will not be forgotten. On the same day, this House passed a motion brought by Sinn Féin on behalf of those families and homeowners. The motion noted the existence of the existing scheme that was unfit for purpose and called on the Government to introduce a 100% redress scheme for those affected by defective blocks. It also called on the Government to ensure those responsible are held to account and that the industry should contribute to the overall cost of remediation. The motion was unanimously agreed to by this House. In response, the Minister with responsibility for housing set up a working group to review and address the issues with the existing failed scheme. That working group was given a six-week deadline to report by the end of July. That deadline came and went, with the Minister giving the working group an extension until the end of this month.

Since that motion passed, the impact of the mica and pyrites scandal has continued to exact a heavy toll on families. Over the summer, several families have watched as their homes have been demolished. One of those, the Price family in Inishowen, saw their home reduced to rubble by a digger. The home of Donna and Mike, and her three children, aged 19, 13 and 9 years, is no longer standing. Others continue to live in the conditions that put them and their children at risk with walls and ceiling crumbling around them. Many of them have shared their lived

experience of how this scandal has not only damaged the bricks and mortar of their homes, but has also placed a heavy toll on their mental health and relationships. They cannot be allowed to wait any longer. They are victims of self-regulation, no-regulation and light-touch regulation regimes. They are like the thousands of families and homeowners who live or lived with dangerous fire safety or structural defects. Regimes created by successive Governments are more interested in the wishes of developers than the safety of homeowners and tenants.

The existing defective block redress scheme is not fit for purpose; that is clear. In some cases, the remaining costs are more than €100,000, which is the equivalent of a second mortgage for many families. Affected homeowners, their families and children in Donegal and Mayo and other counties deserve equality with the scheme that was rolled out prior to this one for homes affected by pyrites in Dublin and north Leinster. That is not just the will of the families. That is the will of this House as per the motion that was passed on this issue on 15 June, three months ago.

Will the Tánaiste work with the representatives of the families from The Mica Action Group to deliver 100% redress? Will he tell us if he is personally committed to 100% redress? The Tánaiste will recall in 2008, he travelled to Donegal and had the opportunity to meet with the action group and see the impact on homes. At that time, he told affected families, rightly, that they deserved equality with the pyrite scheme. He said that is fair. Three years on, they do not have equality. Three years on, families like Donna's see diggers rip into their homes where their dreams and memories of raising their children and family are torn into rubble. Will the Tánaiste commit to those words today? Will he lift the burden off so many families? Will he commit to establishing 100% redress for homeowners and families in Donegal, Mayo and other counties who are seeing their homes crumble before their eyes?

The Tánaiste: I thank the Deputy for raising the issue of mica in the Chamber today. It is an issue of real importance not just in Donegal, but in Mayo and other counties around Ireland. As the Deputy said, I have been in those homes and met with some of the people involved. Not only have I seen it with my own eyes, but I have felt it in my fingers when I touched those walls. One can see how easily they can break and crumble. I know the devastation it has caused people. I know how much personality, life and love people put into their homes. To see them fall apart, damaged and demolished must be heartbreaking.

The Government is committed to finding a solution to this. It has gone on for too long; the Deputy is correct in that. We came up with a solution we thought would work, which was the 90% scheme agreed by the last Government. For various reasons, the 90% did not turn out to be 90% because of other costs, including rent when people move out of their houses, engineering reports and such matters. I agree that we need to bring forward an enhanced scheme, a better scheme, than the one we put together under the last Government to deal with this issue. We are committed to doing that. I am told, so far, 513 homeowners have applied under the scheme for stage 1 and 382 have been approved. Some 37 have been subsequently approved for stage 2.

In response to the concerns expressed by homeowners culminating in the protest in July, a time-bound working group was established to consider all issues raised. The first meeting was on Wednesday 30 June, when the terms of reference were agreed to. The purpose of this group is to review and address any outstanding issues in relation to the operation of the scheme, including, grant caps, homeowner contributions, engineering and allowable costs. Meetings were held weekly until the end of July and the fifth full meeting took place on 27 July. At the request of the homeowner representatives, it was agreed to extend the timeframe of the working group

from the end of July to the end of September, which is now approaching. While the working group did not officially meet during August, homeowner representatives continued to meet with the Department Housing, Local Government and Heritage and the Housing Agency on particular items. The group is chaired by the Secretary General of the Department, and the Minister, Deputy O'Brien, attended the first meeting. Unfortunately, Mayo homeowners have withdrawn from the working group but continue to liaise with the Donegal representatives who are still on the group. Efforts are ongoing to have the Mayo action group nominate new representatives.

The Department has also received requests from other counties to be included in the scheme. In those cases, the local authority has been charged with providing a list of defects being complained of, such as excessive mica or pyrite, and relate to the quantum. Counties include Sligo, Clare, Limerick and Tipperary. It is fair to say this issue has broadened to beyond Donegal and Mayo and includes many other parts of the country. A submission from Clare County Council has been received. That arrived in the Department at the end of July and is being reviewed.

The membership of the working group initially comprised of three homeowners from Donegal, who were nominated by the Donegal mica group; three homeowners from Mayo, from the Mayo and north Mayo pyrite groups; three officials from the Department Housing, Local Government and Heritage; one official from Donegal County Council; and an official from Mayo County Council. The Government's position is that we will provide whatever support we can to facilitate the working group to report back with its recommendation to the Minister with responsibility for housing by the end of this month. The Government will consider the recommendations from the working group following cross-Government input, in particular from the Department of Public Expenditure and Reform and the Attorney General's office. Dialogue continues with the Department of the Environment, Climate and Communications, and Sustainable Energy Authority of Ireland with regard to grants for energy upgrades. In addition, an exemption of the local property tax has been granted for homes impacted by defective concrete blocks. Section 18 of the finance Act provides that relief for six years.

Deputy Pearse Doherty: Gabhaim buíochas leis an Tánaiste for his response. I listened closely to what he said about finding a solution and an enhanced scheme. Allow me to speak about the commitment he made to those families and the working group in 2018. The Tánaiste said there should be parity with the pyrite scheme. That is what is fair and that is 100% redress. In June, the Tánaiste voted in this House in favour of 100% redress. I know nothing is simple. I know i's need to be dotted and t's need to be crossed and the details needs to put down on paper. However, there are countless families suffering with mental health pressures and anxiety, who do not know what the future holds for them and their families. That burden can be lifted off them today by the Tánaiste recommitting that the Government will provide 100% redress to these families, by giving voice to the motion that was passed in this House on 15 June, and by re-articulating the commitment he gave to the families when he was Taoiseach. Beyond trying to find a solution and an enhanced scheme, which could mean many things, will the Tánaiste commit to these families that there will be 100% redress?

The Tánaiste: The current scheme was agreed in collaboration with local action groups, local authorities and homeowner representatives. The decision to go with a grant scheme as opposed to the type of scheme provided under the Pyrite Resolution Board was done with the intention to give homeowners the flexibility to manage their own projects and to allow them to deal directly with their appointed contractor. The defective concrete blocks scheme is intended to put homeowners in the position they would have been in regard to their home had it not been for the defective concrete blocks. It was not the intention of the scheme that it would fully

cover the cost of a new-build home to 2021 building standards, with all new house components funded by the Exchequer. Grant schemes generally seek a recipient contribution so as to control costs, incentivise the use of appropriate remediation options and promote the reuse of materials where that is feasible. We accept that we need a significantly enhanced scheme. That is being developed at the moment and I cannot make any definitive commitments on that at present. That will be a matter for Government to decide before the end of the month, but I know the Minister is committed to working with the homeowners to find a resolution to this problem. I accept that this resolution is long overdue.

Deputy Catherine Murphy: The Minister, Deputy Coveney's, botched appointment of Katherine Zappone was a scandal for many reasons, one of which was his inconsistent and contradictory statements to the Oireachtas foreign affairs committee. This necessitated two visits to the committee by the Minister so that he could clarify and expand on remarks he had made. It seems that Ministers giving incorrect information to Oireachtas Members is a theme of this Government. On 24 June, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, clearly and unequivocally told my colleague, Deputy Cian O'Callaghan, on the record of this House: "[The shared equity scheme] has been passed by the Central Bank [and] has received approval...". The Minister repeated this claim earlier this month when he appeared on RTÉ's "Prime Time". No such approval of the shared equity scheme was given by the Central Bank. In fact, both the bank and the ESRI, as well as officials of the Departments of Housing, Local Government and Heritage, and Finance, have been highly critical of it. They have all warned that the shared equity scheme will fuel house price inflation.

Yesterday, hundreds of people gathered outside this House to protest about the housing crisis. We will see more of that in the coming months. I went out to the protestors, as did my colleague, Deputy O'Callaghan, and it is very clear that they cannot take further house price increases. However, the Central Statistics Office, CSO, announced yesterday that house prices had increased by 8.6% in the year to July. Houses prices have doubled since 2013. The Tánaiste has been in government for all that time. The shared equity scheme was drafted by the construction industry and lobbied for by developers. They remain almost its only supporters. They support it because it will fuel further house price increases. It is in their interest. In the UK, a similar scheme resulted in house prices increasing and a boom in profits for large developers. There was no additional supply in the locations where it was needed. That was despite government spin in the UK.

As if that was not bad enough, we now have a Minister falsely claiming the scheme is supported by the regulator. Does the Tánaiste think it is acceptable for the Minister for Housing, Local Government and Heritage to come into this House and make false claims about the Central Bank's approval of a Government scheme? Does he agree that we should be able to trust information that is given by Ministers to this House? We hope lessons have been learned from the Zappone debacle. Will the Tánaiste call on the Minister to come in and make a full statement and correct the record as a matter of urgency?

The Tánaiste: I thank the Deputy. My understanding is that the Minister has already clarified his position and his remarks in regard to this issue. I am sure he will be in the Chamber in the near future. If not today, I am sure he will be in the Chamber next week for some reason or another. All of us from time to time say things that are inaccurate or incorrect, including the Deputy. There is not a single Member in this House who has not said something in an interview, at a meeting or in an email that turned out to be incorrect. All of us make mistakes in that regard. We do so in good faith and when it is pointed out to us that we said something that was

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wrong, we try to correct it as soon as possible. We need to be appreciative of, and understand, that. I do not think there is a single person in this House who has never had to clarify a remark or correct the record in regard to something they said in an interview, in the Chamber, at a committee meeting or, perhaps, at a meeting in his or her constituency.

I have not been briefed on this particular matter in the past couple of weeks but my understanding is that when it comes to the affordable housing scheme, there are two shared equity schemes - one local authority-led and one that will be led by financial institutions. My understanding, and it could be incorrect - I will say that upfront - is that they do not require the approval of the Central Bank, but what may be required by the bank is approval for individual financial institutions to participate in one of those two schemes. I think that is the context in which the Minister made the remarks. There are two schemes, neither require Central Bank approval but, for one of the schemes, the individual financial institutions would require approval to take part. However, I may be incorrect in that regard.

When it comes to Government actions on housing, one has to see them in the round. Housing for All is a package and if just one aspect of it was picked, of course it would not work, but when all of them are put together, I believe it can work. We have a massive social housing programme, which involves building more social housing in Ireland at this time than ever in the history of the State. That is good for everyone. It is not just good for people who get taken off the housing list and get social housing; it frees up rental properties for other people, thereby helping to control rents, and can help to bring down the general cost of housing. We have a rent freeze in real terms, linking rents to inflation, which will be very helpful for people who are renting at the moment. We have the Land Development Agency, a Government developer, building housing. That is a massive intervention by the State in the housing market and housing system. We have infrastructure funds that will service land with roads and water, making it possible for it to be developed and thus help to control the cost of housing. We also have the Rebuilding Ireland home loan scheme, which is going to be expanded and will become a local authority home loan. Single people earning up to €65,000 will qualify for a fixed-term, 20- or 30-year mortgage at a low rate, enabling them to afford a mortgage they would not otherwise have been able to afford. When all those things together are taken together, along with the affordable housing scheme, there is a very good plan and the Government is determined to drive it forward over the next couple of years.

Deputy Catherine Murphy: I want to clear something up with the Tánaiste. I accept that people come in and make mistakes. Nobody is infallible. However, the Minister, Deputy Darragh O'Brien, came in yesterday and made a very brief comment to the House, with no reference to the statement he made about the Central Bank. It is essential that the record be corrected. This is not just some mistake. It was doubled down on by the Minister going on RTÉ's "Prime Time" and telling the country the Central Bank had approved the scheme. That is not the case. The record needs to be corrected and we need to be able to trust what we are told in this House.

Yes, we do have to look at a housing programme in the round. Indeed, the current housing programme that has been announced is reversing some of the measures that were taken by the previous Government. Some of the announced measures are going to be introduced into the future rather than now. Of course we need to build social housing.

An Leas-Cheann Comhairle: Go raibh maith agat, a Theachta.

Deputy Catherine Murphy: Some of us have been saying that for years. We have to build it in the quantities that are required.

An Leas-Cheann Comhairle: The Tánaiste to reply.

Deputy Catherine Murphy: Does the Tánaiste believe the Minister should come in and correct the record in regard to the Central Bank?

The Tánaiste: I am informed that the Minister has written to the Ceann Comhairle to correct the record. I am confident he will do whatever is necessary in that regard.

What this is fundamentally about, and I think we will all agree on this, is helping people to buy their own home. I believe in home ownership and this Government believes in home ownership. Ireland is still a country where 65% to 70% of people own their own home. That is not the reality, however, for lots of people, particularly younger people and even those who are not that young. The question is what can we do. We have a lot of people who are paying €1,500 or €2,000 a month in rent, which are very high rents, and just about managing to do so, yet they cannot get a mortgage for a lower monthly figure than that. We need to help them in two ways. One way we are going to help them is with the local authority home loan, where people get a long-term, fixed-rate and low-rate mortgage they cannot get from the banks, thus enabling them to get an adequate mortgage to buy houses that are available. We are also going to help them with the shared equity schemes. I know people will say this could have an inflationary effect on house prices but what is the alternative to that? It is to leave them renting, and that will have an inflationary effect on rents.

Deputy Danny Healy-Rae: I wish to raise with the Tánaiste a very urgent, serious problem that has erupted for the people of Bunane, Kenmare and on the west Cork side, Glengarriff and Bantry. A serious problem has arisen whereby Transport Infrastructure Ireland, TII, proposes to close the N71 Cahah Pass tunnel between Cork and Kerry for ten weeks from 4 November. Everyone appreciates the work it proposes to carry out to stabilise part of the roof of the tunnel. That work needs to be done but the timing is wrong. We all know that the country was closed down for a very long time and we are disappointed that the work was not carried out then.

I attended a meeting organised by the Bunane Community Council at Stephen O'Sullivan's premises, Molly Gallivan's, as did many other public representatives. The meeting was also attended by a massive crowd of business people, farmers and concerned individuals from the Kenmare, Bunane, Glengarriff and Bantry areas of west Cork as well. It was pointed out clearly that business, tourism, agriculture and every other aspect of life have been closed down for almost a year and a half and that they hope to be busy for all the month of October and the early part of November. Molly Gallivan's already has 22 buses booked for October. It was also pointed out that 30 or more cruise liners came into Bantry Harbour last October and it is expected that they will return next month. The spin-off from them would help Bunane, Glengarriff and the Kenmare area if they could go back and forth through the tunnel. This is the only option for buses, as the only other way to connect Bantry and Kenmare is eastwards to Macroom in mid-Cork, which is more than 35 miles one way. The manager of Kenmare mart told the meeting, as did many farmers from the Bantry, Skibbereen and Goleen areas, that the main trading time for selling sheep and weanlings is October and early November. My ask on behalf of the local community is that the time for beginning the works should be pushed out towards the end of November and that the timeframe for the works to be completed would be reduced from ten weeks, as this is way too long. There are a few pinch points in the roof of the tunnel

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already, preventing coaches of the maximum height from getting through the tunnel.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Danny Healy-Rae: These type of vehicles have never been able to get through this tunnel, as either the ceiling of the tunnel needs to be raised in a few places or the floor must be lowered.

An Leas-Cheann Comhairle: Deputy Healy-Rae should conclude.

Deputy Danny Healy-Rae: The height needed is 3.8 m, but the present signage indicates a maximum height of 3.5 m.

An Leas-Cheann Comhairle: Deputy Healy-Rae will get a chance to come back.

The Tánaiste: I know this is an important issue locally in Kenmare, Glengarriff, Bantry and in other parts of south Kerry and west Cork. My colleague, Deputy Griffin, is on the case as well. As the Deputy will appreciate, I do not have any control over the timing of the works on the tunnel, as it does not fall under my remit, but I understand the case being made to defer the works for a few weeks. I am not sure whether that is possible, but I understand why people are calling for that. It is ultimately a matter for TII and the local authority, but I appreciate the importance of this and the fact that the Deputy raised it here today.

Deputy Danny Healy-Rae: It makes common sense to not start the works until the end of November. The men working on the tunnel will be inside the tunnel so the weather will not matter to them.

The other issue is that now that the tunnel is going to be closed at that time, the works that should have been done many years ago to raise the roof from 3.5 m in a few places to 3.8 m. must be done urgently. Deputy Griffin is interrupting me and hurting the people of south Kerry and west Cork while I am speaking to the Tánaiste for the few minutes that I have. That is fine, but if he had told the Tánaiste the story, he would not need to be talking to him now. What I am asking now of the Tánaiste and Minister for Transport is to not start the works until the end of November and most certainly to raise the roof of the tunnel to make it passable for every type of vehicle going from one county to the other. TII must not leave the tunnel in the state it has been in for hundreds of years.

An Leas-Cheann Comhairle: I thank Deputy Healy-Rae.

Deputy Danny Healy-Rae: We have machinery now to cut rock and to do the necessary works, and now is the time to do it-----

An Leas-Cheann Comhairle: We are over time.

Deputy Danny Healy-Rae: -----but I am asking TII not to start the works until the end of November.

An Leas-Cheann Comhairle: I am asking the Deputy to comply with time limits.

The Tánaiste: I hear what the Deputy is saying and I understand the case he is making on behalf of his constituents. Just before this, the Minister, Deputy Eamon Ryan, was here for transport questions. Unfortunately, he is not here now so I cannot refer this to him, but Deputy Griffin and I will speak to him later in the day and make contact with TII and see if it is possible.

There may be very good reasons as to why they cannot defer the works, but I do not know that as I am not across the project and I am not a tunnel or road engineer. I appreciate the fact that the Deputy has used his slot here to raise this issue. Therefore, it must be very important to him and his constituents. We will endeavour to make contact with the Minister for Transport to see if his suggestion can be followed.

Deputy Danny Healy-Rae: Councillor Johnny Healy-Rae has tried so many times and there were appeals but I appeal to the Tánaiste to sort it out now.

An Leas-Cheann Comhairle: We are moving on.

Deputy Brendan Griffin: By the way, could I say, a Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: No, Deputy Griffin may not. We are moving on to the-----

Deputy Brendan Griffin: -----there was a remark made there.

An Leas-Cheann Comhairle: No, Deputy Griffin may not. I am going to move on to the-----

Deputy Brendan Griffin: I was just briefing the Tánaiste. If the Deputy cared, so much he would have raised the matter on transport questions this morning.

An Leas-Cheann Comhairle: Could we have a little respect for the Chair?

Deputy Danny Healy-Rae: I was not let in for the transport questions.

Deputy Brendan Griffin: The Deputy did not even apply. There is no question tabled.

Deputy Danny Healy-Rae: I would not have been let in.

An Leas-Cheann Comhairle: I call on Deputy Griffin to stop interrupting.

Deputy Brendan Griffin: He did not even apply for the lottery. He could have applied and he did not.

Deputy Danny Healy-Rae: I am being shouted down.

An Leas-Cheann Comhairle: I call on Deputy Griffin to stop. He is completely out of order.

Deputy Danny Healy-Rae: We were only allowed one slot and Deputy Michael Collins availed of the slot this morning.

Deputy Brendan Griffin: What did Deputy Healy-Rae do?

Deputy Danny Healy-Rae: Nobody is saying that I did not want to raise it. He is only being nasty.

Deputy Brendan Griffin: It is beneath anybody to come in here and make such a snide remark about a constituency colleague.

Deputy Danny Healy-Rae: Deputy Griffin is only being political and he is only black-guarding me.

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An Leas-Cheann Comhairle: I am now standing up.

Deputy Brendan Griffin: There is no need for that.

An Leas-Cheann Comhairle: I am going to make a statement now. Deputy Griffin is completely out of order. Deputy Danny Healy-Rae had the floor and he was asking his question on Leaders' Questions. Deputy Griffin is completely and utterly out of order.

Deputy Mattie McGrath: Hear, hear.

An Leas-Cheann Comhairle: He might see fit to come back and apologise.

Deputy Mattie McGrath: Hear, hear.

Deputy Brendan Griffin: No. I was named. I will defend my good name always.

An Leas-Cheann Comhairle: I am now moving on to the Independents. I call Deputy Joan Collins.

Deputy Joan Collins: The resignations of Professor Tom Keane, chair of the Sláintecare advisory committee, and Laura Magahy, executive director of the Sláintecare programme, to reshape the health service have now been followed by the resignation of Professor Geraldine McCarthy, chair of the South/South West Hospital Group, who in a letter to the Minister for Health, Deputy Stephen Donnelly, expressed concerns about the lack of progress in implementing Sláintecare reforms. These developments may be followed up by further resignations from the advisory committee, which has been left in the dark regarding what is going on and the reasons for the resignation of Professor Keane. Liam Doran was on the radio yesterday morning expressing those concerns.

One does not have to be a genius to see there are serious frustrations among those tasked with overseeing the Sláintecare reforms. It seems to be the case that this crisis is as the result of opposition at the top of the HSE to the creation of six new regional health bodies, which would result in the devolution of powers from the executive. The regionalisation of services is essential to Sláintecare and the integration of hospital and community healthcare and to respond to the financial public health needs in the regions but Paul Reid, who runs the HSE, stated last year that regionalisation was not a priority and it seems the Minister agrees.

I was a member of the Dáil committee, along with the Minister, that produced the Sláintecare report. It was well understood by the committee that the proposed reforms, in reality a revolution in how our healthcare would be delivered, would meet with serious opposition whether from the Department of Health, the HSE, elements among the medical profession and the numerous vested interests in private healthcare. That is why two key recommendations dealing with the implementation of Sláintecare were included in the report. One was that the implementation oversight body would not be placed in the Department of Health but in the Taoiseach's office and, second, that there would be special funding of €600 million a year for five years to support its work. In 2017, when the Government, of which Deputy Varadkar was the Taoiseach, accepted the Sláintecare programme, neither of these two recommendations were implemented. The oversight body was placed in the Department of Health and no specific funding was allocated. I believe this was done deliberately. The political commitment to implement Sláintecare as envisioned by the committee report was simply not there and still is not. Dr. Michael Harty, in 2019, came into the House on Leaders' Questions and explained very succinctly

why Sláintecare was not being implemented properly.

Does the Tánaiste agree that what needs to be done now is to move the implementation body to the Department of the Taoiseach immediately? The Taoiseach's statement that the Department does not have the staff to run the health service is ridiculous. Nobody is asking it to do that. It is about giving the implementation body the clout of the Taoiseach's office to deal effectively with opposition.

The Tánaiste: I thank the Deputy. I want to add to the words of others in expressing my regret at the fact Professor Tom Keane has stepped down as chair of the Sláintecare committee, albeit six weeks before his term was due to end. I met him in Ireland and in Toronto. He is a fine man and I am sorry he is no longer part of this project. Obviously, I regret the fact Laura Magahy has resigned as the programme director.

I think it is important, though, to set out some facts. In contrast to what the Deputy said earlier, €1.235 billion - that is €1,235 million - was allocated to Sláintecare initiatives in 2021, that is this year. I am reminded of Laura Magahy's positive comments to the Oireachtas after the previous budget in respect of the funding delivered by Government to the programme. In her own words, she recognised that €1.2 billion was provided for Sláintecare initiatives this year by this Government. In the most recent progress report on the first six months of the new Sláintecare implementation strategy, the report, which was produced by Ms Magahy, shows that of the 112 deliverables in the first six months, 84 were on track, 25 were in progress with minor challenges and three were experiencing major challenges. Out of 112, 85 are on track, 25 getting there and three behind. This is not my opinion. This is the opinion of the former director herself - €1.2 billion and the vast majority of actions on track - and I think it is important to put that on the record.

A lot has been done on health reform in the past year or so. More than 800 beds were added to our hospital system, the equivalent of two medium-sized hospitals being added to the system, which is extraordinary, with 6,000 more staff, 250 more consultants, thousands more nurses and midwives, an increase in our critical care bed capacity of nearly 50, which is extraordinary when you understand the depth of that, GP access to diagnostics, e-prescribing, something which was talked about forever and is now a reality, remote and virtual clinics and a dramatic reduction in the waiting lists for home care. If anyone is suggesting that reforms have not happened, money has not been spent and progress has not been made, that would be very untrue and very unfair, in my view.

In regard to the RICOs, regional integrated care organisations, something I very much support, establishing them is Government policy to slim the HSE at the centre and to establish more regional autonomy. The Government agreed to that in 2019 but, in fairness to the HSE, since that was signed off by Government, and it was in recent weeks or months of the previous Government, we have had a pandemic, we have had a cyberattack and we have had people working from home. Anyone who has been involved in restructuring an organisation knows how difficult it would have been to proceed with establishing new structures when people are not even in the office and they are working from home in many cases, unable to reapply for new jobs, interviews, redundancy schemes and all those complicated things that have to be put together when we do restructuring. Even leaving aside those difficulties, it had a cyberattack which crippled its services for months and it had to deal with a pandemic. I think the HSE has done a fabulous job in this pandemic in so many aspects of what has been done.

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Deputy Joan Collins: I do not think anyone should point the finger at staff. What Covid-19 has demonstrated is how universal public healthcare can be delivered from the point of view of access for everybody to public healthcare, to vaccinations, to PCR testing, to GPs and to hospital care. That is not in question here. However, that Covid care is a model for how Sláintecare has to be implemented. Covid-19 was pushed by Government and politically driven. We had an advisory group, NPHE, and we had staff willing and able to put themselves upfront to deliver on those services. That is we have to see in Sláintecare but we have not seen that.

The Tánaiste said that the money was put in, and it was €1.2 billion in 2019 or 2020, but Sláintecare specifically states €600 million a year, starting in 2018, and that it must be in the Taoiseach's office to deliver it politically. That is where we are lacking, but we do not really know because we have not been able to find out why Laura Magahy or Tom Keane resigned. I know the Minister is meeting Laura Magahy. Are the Tánaiste and the Taoiseach going to meet these people to find out what went wrong and then implement what they need to drive the programme forward? We will not get two better people to do this and it is a shame they are gone.

The Tánaiste: I thank the Deputy. I understand the Taoiseach is going to meet them and the Minister for Health has or is about to meet with the advisory council. I am not pointing any fingers here. The Deputy is the one who has been pointing fingers. I do agree with her that Covid care is a very good example of how we can run a health service well in the future. What she may not know, or may not wish to acknowledge, is that a huge amount of what has been done on Covid care in the past year or two has been done in the form of a public-private partnership, with a large degree of outsourcing: private contractors, private hospitals, GPs who are private contractors providing these services, private labs and private recruitment services that were used to bypass the cumbersome public systems that slow down recruitment.

Deputy Joan Collins: All backed by public money.

The Tánaiste: If what we have done in terms of our response to Covid in the past year or so is a success, and the Deputy has acknowledged it is, I think she needs to perhaps consider why it worked so well, why it was done so quickly and why it was able to stay on budget.

An Leas-Cheann Comhairle: Before we move to Questions on Promised Legislation, I took the unusual step of standing up on my first time in the Chair on the return. I do not wish to repeat that. I have asked a Deputy to consider that he was completely out of order and I would ask that this does not happen again. I do not wish to stand up. The Deputy had the floor and he was tabling his questions. I will not tolerate baiting across the floor during Leaders' Questions or at any time. I am going to move on.

Deputy Brendan Griffin: When someone uses a Deputy's name, it is perfectly within a Deputy's right to respond.

An Leas-Cheann Comhairle: I stood up, and when the Leas-Cheann Comhairle stands up, that is it.

Deputy Brendan Griffin: I apologise, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Thank you. I accept your apology. I will move on to Questions on Promised Legislation.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask for the co-operation of Members. Everybody deserves a chance. We have a list of names and I ask Members to stay within the time. Thank you.

Deputy Pearse Doherty: The Tánaiste is part of a Government that is notoriously leaky, and I am not going to go into his own issues as it is subject to a criminal investigation. Yesterday, the Taoiseach could not update the House in regard to the investigation into the leak regarding the mother and baby homes commission after that report made its way to Government. As he knows, this was a leak that caused massive hurt and pain to the survivors and their families. Last night, we discussed the controversy surrounding the appointment of Katherine Zappone to a made-up job, which also originated as a leak from Cabinet. The Tánaiste supposedly confronted the senior Minister responsible following a Fine Gael sting operation by one of its junior Ministers. Has the Tánaiste shared the details of that with the Taoiseach?

The Tánaiste: I am not sure that relates to promised legislation but what I can say is that what happened in the Dáil yesterday was wrong. What Deputy Carthy did yesterday was an abuse of privilege, to make an allegation against a member of the Cabinet based on rumour and no evidence whatsoever. I have no evidence that particular leak which Deputy Doherty referred to was done by a Cabinet member. It was not even accurate, it was not correct, or at least it was not entirely correct, and I have yet to see any evidence to that effect. However, that did not matter to Deputy Carthy. He came in here anyway, he had heard a rumour, and he abused his privilege as a Member of the House to make an allegation against another Member of the House. I hope the committee on procedure and privileges will examine this matter.

Deputy Pearse Doherty: What about the sting operation?

The Tánaiste: Of course, it is not a surprise Sinn Féin should abuse privilege on the first day back in this House. If that is the way they behave in opposition, imagine how they would trample people's rights if they were allowed into government. Why do they do it? It is because it was the form of their party leader. In 2015, Deputy McDonald came to this House and made false allegations about six people, including a dead man, that they were tax evaders and that they had Ansbacher accounts. The CPP ruled she abused privilege but there were no consequences. Deputy Doherty cannot preach to us about standards until he deals with his leader.

Deputy Pearse Doherty: Can you answer about the sting operation which your junior Minister had into your senior Minister and that you confronted him? Did you inform the Taoiseach of that? It is a serious issue.

The Tánaiste: Do not believe everything you read in the newspapers, Deputy.

Deputy Pearse Doherty: Answer the question. Did you inform the Taoiseach of it and can you confirm the sting operation?

An Leas-Cheann Comhairle: I am moving on to Páirtí an Lucht Oibre.

Deputy Simon Harris: I do not wish to be in any way disorderly, but yesterday I was named in this House in my unavoidable absence. What was said, in my view, was a misuse of Dáil privilege and I want the record of this House to show that it is untrue.

Deputy Aodhán Ó Ríordáin: I sent a message to the Taoiseach and the Minister for Educa-

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tion this morning relating to a second-level school in Donaghmede that Deputy Duncan Smith and I visited this morning. The conditions in which the children and staff are working are quite deplorable. I ask the Government to address the issue as soon as it possibly can.

I want to raise the issue of the return to school. In our view, there are thousands of children out of school unnecessarily. There are asymptomatic children being kept out of school for 14 days. Is the Tánaiste engaging with the National Public Health Emergency Team, NPHET, to re-evaluate the system as it currently stands because the public health teams are not engaging with schools as they did prior to the summer? As the Tánaiste will be aware, the public health team used to connect with the school and make a determination on what should happen next in the case of a Covid case. Now we have a situation where the public health teams are not engaging as well. Principals are left two, three, four or five days without any communication and having to make their own determination.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Aodhán Ó Ríordáin: Now we have upwards of 14,000 children out of the system and that will only get worse.

An Leas-Cheann Comhairle: We are overtime. I call the Tánaiste to reply.

Deputy Aodhán Ó Ríordáin: We are trying to find solutions to this. Perhaps we can find a mechanism to ensure it does not get worse.

An Leas-Cheann Comhairle: If the Deputy continues, he is eating into other people's time. I am not personalising. There is up to one minute so that each Deputy can get in.

The Tánaiste: I hope it will not get worse. The return to schools has been successful - much more successful than many of the doomsayers said it would be - and cases are now stable or falling. Hopefully, it will get better and not worse, but we cannot assume that. We cannot take anything for granted in that regard.

I appreciate that children missing school is causing enormous disruption. Their parents then having to stay at home to look after them is causing disruption for them and at workplace level as well. In our engagements with NPHET and the Health Protection Surveillance Centre, HPSC, we will be asking for updated advice on this. They are looking at the issue of masks as well at present, and we would welcome that.

The advice at present is that a person who is a close contact and is fully vaccinated does not need to restrict his or her movements or isolate unless he or she has symptoms, but a person who is not vaccinated needs to do so. Of course, children under 12 do not have the opportunity to be vaccinated and therein lies the difficulty. We are consulting NPHET and the HPSC on the best way forward, but I ask the Deputy to-----

An Leas-Cheann Comhairle: Go raibh maith agat.

The Tánaiste: -----bear in mind that we have avoided huge numbers of outbreaks in schools and we do not want that to happen either.

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

Deputy Holly Cairns: On the last day of the previous Dáil term, I asked the Tánaiste about

the ongoing restrictions in maternity hospitals. He stated:

this really ought not be a problem anymore. Certainly, by the time we return after the summer recess, ... Let us try to get this sorted over the next couple of weeks.

Unfortunately, we are back but many of the restrictions are still in place. Last night, Better Maternity Care had a meeting where women shared stories of distress, fear and anger as they were forced to endure labour and caring for their newborn alone. This was compounded by “The Rotunda” television series which was permitted to film in the hospitals when partners were banned from them. This has been going on for so long that some women are about to have their second babies in these disgraceful conditions. When NPHEAT advised the Government that indoor dining could not proceed as planned on 5 July, the Minister held continuous high-level meetings, with late nights and weekends for the Attorney General’s staff, and rapidly published new legislation. There was no evidence of the same level of attention on 10 May when NPHEAT stated there was no good reason, in public health terms, maternity restrictions continued to be in place.

An Leas-Cheann Comhairle: Thank you, Deputy. I call the Tánaiste to respond.

Deputy Holly Cairns: It is high time the Government gave this issue the same attention. Will the Tánaiste please do that?

The Tánaiste: In fairness, the Minister and the Government have given this issue much of our attention. It is an issue that continues to come through my constituency office. It probably comes through the Deputy’s office too. I sympathise with the lived experience of people who have to sit in a car park when they should be at the side of their partner being scanned, attending an appointment or giving birth to a child.

As matters stand, as the Deputy will be aware, 90% of adults are now fully vaccinated in Ireland, which is an enormous achievement by us as a society. In that situation, I certainly do not believe it should be necessary for hospitals to ban partners from attending maternity appointments - that is the view of Government and of the HSE - but I will stand over and vindicate the right of the doctors and nurses on the ground to make exceptions because every hospital has a senior nurse in charge of infection control and a senior doctor in charge of infection control and I would be reluctant to overrule them.

Deputy Paul Murphy: The programme for Government talks about tackling low pay and improving the minimum wage but it seems even the currently inadequate minimum wage is being violated by companies through internship schemes. I have written to the Tánaiste and to the Workplace Relations Commission, WRC, about one such scheme in Creedon’s Dog Care in Cork, which sees interns expected to work from 9 a.m. to 6 p.m. completely free for 60 days doing a mix of dog grooming and office work. They even want some of their interns to pay the company €300 for the experience. The law is clear on this. Work experience placements and internships must pay at least the national minimum wage. Any employer not paying is guilty of a criminal offence and could face up to six months in prison. Is this being enforced or is this the tip of the iceberg in terms of exploitation? Will the Tánaiste intervene and ensure action is taken to ensure interns are paid for the work they are doing? While the Tánaiste is at it, he might scrap JobBridge 2.0.

The Tánaiste: The minimum wage has increased by 25% in recent years. It has been increased ahead of the rate of inflation and ahead of average earnings growth. We have one of

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the highest minimum wages in the developed world. If one adjusts it for the cost of living, it is not so high but still well above average for the developed world. That has been positive and has made a real difference in people's lives. We always must balance it with the fact that if one goes too far or too high, people will lose jobs or have their hours cut, and that is not in anyone's interests.

In relation to the particular issue that the Deputy raised, if he wants to pass on the details I will make sure the relevant agencies in my Department are made aware of it and can investigate it.

Deputy Mattie McGrath: The Tánaiste will be well aware of the situation in Tipperary town regarding a bypass of the town. I understand the review of the national development plan is under way and is due in the coming days. We dearly need to have funding in there for a relief road for the town - a bypass or else as part of the N24 project. We need to relieve the town.

The Jobs4Tipp and March4Tipp campaigns, along with the County Tipperary Chamber and everybody else, brought 5,000 people onto the streets nearly two years ago. They need to see this. The town is congested. It cannot thrive. The task force is doing great work but we need to relieve the town of the trucks and let the town breathe and live.

The Tánaiste: As the Deputy will be aware, I have visited Tipperary town on a number of occasions, including as a previous Minister with responsibility for transport. I believe, and the Government agrees, and so does the Minister for Transport, that the town needs to be bypassed. The only way we will regenerate the town is by bypassing it and relieving it from the through traffic it currently experiences. Deputies Cahill and Lowry and Senator Ahearn are of the same view too.

The revised national development plan, NDP, has yet to go to the Government. We will have a discussion about it at the Cabinet sub-committee this afternoon and it will probably go to the Government in early October.

Deputy Peter Fitzpatrick: Today, I would like to raise a very important issue that my constituency office is dealing with on a daily basis. As my colleagues will be aware, there is a serious problem with housing in this country and an ever-increasing demand for social housing. There is also another problem occurring, that is, the fact that a married couple who are on the local authority housing list will automatically be removed from the list once their earnings exceed €36,000. The first issue I have with this is that the limit is too small and not realistic. If you are €1 over, you are off the list. It is black or white. You could be on the list six or seven years, but you will be off the list in these circumstances.

This creates another problem, that is, in certain cases people are turning down jobs where their earnings will exceed the threshold. We have a situation in this country where a certain sector is crying out for workers yet its workers are reluctant to take these jobs because they fear that they will be removed from the local authority housing list. I ask the Government to look on this situation as a matter of urgency and come back with proposals that will allow these people to take the available jobs and remain on the housing list. This is the only opportunity they have of getting a house. They want to work, but €1 over the limit and you are gone.

The Tánaiste: I suppose it is always the difficulty with any kind of system that involves a means test or threshold. If we do not give social housing to everyone, which, of course, is not possible, we have to set some sort of income limit and set of rules. There will be always some-

one who is €1 or €10 above the threshold regardless of where it is set.

The income limits are being reviewed. They have not been increased for a long time, yet the cost of housing has increased dramatically. I anticipate that we will have to raise the limits. We should raise them to take account of the rising cost of housing.

I take the Deputy's point. It is perverse that people would turn down employment or pay increases or not work extra hours because of the fear of losing their places on the housing list or their medical cards. Unfortunately, though, that is the reality for many people. This is why we are reviewing those limits.

Deputy Joan Collins: I have been working with the Dublin 12 campaign for autism spectrum disorder, ASD, inclusion for a long time. It is a vibrant campaign that got a school on St. Agnes Road with the support of the Minister. Over the past while, however, and in particular this summer, there has been a transition from CHO 7, Enable Ireland and other services to progressive disability services. The families in question have been left in a lacuna. They have already suffered long waits for speech and language therapy, occupational therapy and audiology services. Now they have been left with nothing. They were recently told that the transfer list would start at the end of September. There must be an intervention to ensure that this process is progressed quickly. I would like the Tánaiste to discuss doing so with the CEO.

The Tánaiste: I am afraid I am not across the issue and I do not have a note on it with me, but I will let Deputy Madigan, the Minister of State with responsibility for special education, know that it was raised in the House and ask her to contact the Deputy directly.

Deputy Joan Collins: It is the Minister of State, Deputy Rabbitte.

The Tánaiste: Yes. My apologies.

Deputy Niamh Smyth: Will the Tánaiste update the House on the ongoing dispute over pay and conditions for school secretaries and caretakers? I was delighted to see the Minister for Education, Deputy Foley, announcing that good progress had been made in recent days. This is a priority for me. Many of these staff members are the lifeblood of school communities and the glue that keeps schools together. They need to be treated with the same respect and dignity as their colleagues.

The Tánaiste: The Government is very much aware of the role played by school secretaries and caretakers in the school community and recognises the important work done by these staff and other support staff in the running of our schools. There have been intensive discussions at the Workplace Relations Commission, WRC, which is an office of my Department, and a great deal of progress has been made in recent days on the long-running industrial dispute over pay and conditions for school secretaries who are outside the education and training board, ETB, sector. The parties engaged further at the WRC on 13 September. The Department, subject to agreement on all elements of the claim, offered to align school secretaries' pay rates with that of clerical officer grade III in ETBs, with an effective implementation date for these new pay arrangements of 1 September. It would be retrospective for a few days at least in that regard. This would mean that they would be on the payroll for the full year and would not have to sign on and off over the summer as they do now, which is unsatisfactory.

The national day of action has been deferred and all parties will resume intensive talks. Hopefully, we will be able to agree a final package soon.

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Deputy Richard Bruton: One of the challenges facing the Government is achieving a step change in early childhood policy. The current policy is hampering children and frustrating parents and many providers and staff. Does the Tánaiste envisage there being some initiatives in budget 2022? More importantly, when will we see the childhood service development agency and the beginning of recognition in city and county planning of the needs of early childhood? When will we see public assets being more widely available to fill gaps in early childhood services?

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I thank the Deputy for his question. Throughout the pandemic, the State has offered significant supports to childcare services across the country, and rightly so. The childcare sector stepped up, particularly last January, and kept services open for the most vulnerable children.

The Deputy is right. The expert group on the funding model will report in the coming months and set out how to ensure important public investment in and public management of our childcare services. I will engage on the funding issue with the Minister for Public Expenditure and Reform, Deputy Michael McGrath, in the context of my Department’s bid in the Estimates process.

Regarding an agency, as the Deputy knows, we initiated a review of the operational model across the childcare sector last year. Its report will come to us in November. I will be happy to update the House once that report arrives.

Deputy Donnchadh Ó Laoghaire: Like Deputy Cairns, I attended the online meeting with the 200 or so women who had given birth or been pregnant during Covid. It was called “The Real Rotunda” because, frankly, the television programme has rubbed salt into wounds. In an outrageous situation, camera crews were inside with the woman giving birth while her partner was outside in the car. The women’s stories were heartbreaking. There has been a great deal of pain and hardship.

The Tánaiste has stated that the Government has given this matter considerable attention, and perhaps it has, but for three or four months that comprised saying that the problem had already been solved until the Government moved on to saying it could not do much about the situation. I do not accept that. What I am asking the Tánaiste to commit to is for the Government to set a policy objective that we need to return to pre-pandemic levels of access for partners. I am not referring to everyone or dozens of people, but to the one person who is not a visitor but an essential support. By all means, work with the hospitals and maternity units and identify safeguards to make doing this possible. Until the Government sets an objective of pre-pandemic access levels for partners, with safeguards, nothing will change soon. That needs to be the commitment from the Tánaiste and the Minister for Health.

The Tánaiste: That is the Government’s position and policy objective.

Deputy Donnchadh Ó Laoghaire: It has not been articulated enough.

The Tánaiste: Now that we have reached the point of over 90% of adults being fully vaccinated, we should revert to the *status quo ante* at least when it comes to partners attending maternity services. That is not to say that we should revert to the previous general visiting arrangements. There was probably too much visiting happening in hospitals, bringing infections into hospitals and nursing homes. When it comes to partners attending for maternity appoint-

ments, it is the Government's policy that, now that we are at the point of 90% of adults being fully vaccinated, the situation should revert to how it was before.

Deputy Claire Kerrane: I recently asked the National Transport Authority, NTA, to increase the frequency of the Local Link service from Ballaghaderreen to Roscommon town in my constituency. This route passes through a number of small rural towns and villages, some of which have no public transport whatsoever. The service also provides an important link to Roscommon hospital.

I have sought for the service to be increased from two days to four. The NTA has advised that it will work with Local Link to enhance the service but does not actually have the funding to enhance it. When will the Government commit to investing properly in rural transport links, which are critical for rural towns and villages? During the summer, the 20 and X20 routes from Galway to Dublin were pulled. This left towns like Ballinasloe, Aughrim and Loughrea without public transport links, which are important. If we are serious about telling people to get out of their cars and onto public transport, we cannot cut services and fail to invest.

The Tánaiste: Obviously this is a matter for the NTA, which has seen a significant increase in its budget in recent years. Its budget has not been cut. In the next budget, we are projecting an approximate 5% increase in general spending, leaving out Covid emergency spending. There will be additional funding for road transport next year. Exactly how that is best allocated will be a decision for the NTA rather than the Government.

Deputy Carol Nolan: I wish to raise the issue of the forestry crisis again. I have raised it many times in the House, including during Leaders' Questions. This week, there was another meeting of the Joint Committee on Agriculture, Food and the Marine where my colleague, Deputy Michael Collins, also raised the matter.

This situation is becoming a national scandal and embarrassment. Some 6,000 licence applications are caught up in a backlog and our sawmills are importing timber. The construction industry is also affected and 10,000 jobs hang in the balance. These are rural jobs that serve local economies. We need action. Will the Tánaiste play his part in introducing emergency legislation to end this crisis once and for all? Too many jobs are at stake. There is significant concern among sawmill operators, foresters, hauliers and farmers. We need to resolve this issue.

I o'clock

There have been six meetings of the Joint Committee on Agriculture, Food and the Marine and this still has not been resolved. It is an absolute shambles at this stage.

The Tánaiste: I appreciate this issue is causing a lot of frustration, not just for people involved in forestry but in terms of the impact it is having in construction as well. The Government is keen to get it resolved. I am told by the Department that licensing this year will be significantly up on last year. There was an increase in licensing output in the seven weeks up to 2 July and approximately 100 licences are now being issued per week. These improvements were interrupted by the requirement to go to a second 30-day public consultation for cases subject to an appropriate assessment. A lot of additional resources have been provided to the Department, with more ecologists, forestry inspectors and additional administrative staff applied to licensing. Twenty-seven ecologists have been recruited, which is an increase from only two 18 months ago. The Department has supplemented its forestry inspectorate with 15 new inspectors. A project manager and business analyst have been recruited and they have been

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working with the Department since June and 15 administrative staff have been recruited. There is a backlog to get through but hopefully things will improve soon.

Deputy Alan Dillon: I seek assurance that the working group on the defective concrete blocks grant scheme for thousands of affected families in counties Mayo and Donegal will conclude its report, as promised, on Thursday, 30 September. I am conscious the group had previously intended to report to the Minister by 31 July, but I understand this was postponed at the request of homeowner representatives on the working group. The scale of the pyrite and mica crisis is difficult to comprehend in Mayo, north Mayo and Donegal, with many local authorities in Clare, Limerick and Sligo looking to enter the scheme. While I understand this is a complex issue and I recognise the Government's commitment to get it right, I would greatly appreciate an update on it.

The Tánaiste: Like the Deputy, my understanding is that the original deadline was extended to allow more consultation with the homeowner groups and that the deadline for the presentation of a solution is now 30 September, which is not that far off in that it is only two weeks away. I have heard no suggested or inklings that that deadline is going to be changed again, but I cannot be 100% sure of that. As best I know, we should be in a position to have options for a solution by then. That will be eagerly awaited by people affected by mica and pyrite, not just in Donegal but in Mayo and other counties as well.

Deputy Jennifer Murnane O'Connor: Existing contracts with employment service partners, including the local employment service and jobs clubs, expire at the end of the year. I want to ask the Tánaiste about the procurement process and the finalisation of the tender design for next year. I have met with my local jobs club team and I know the great work and service Carlow Jobs Club offers and has offered for the past 22 years. The jobs club is protected under the Carlow County Development Partnership. These are essential community services. They are community-rooted, not-for-profit services and nobody can deny they have supported jobseekers, especially in disadvantaged areas. The push from Government to privatise these services is troubling. It is very worrying. The move to trial a new service by public tender has been criticised by SIPTU and the Irish Local Development Network. I would like to know what is being done to support these services. We have to continue these services.

Minister for Social Protection (Deputy Heather Humphreys): I take on board the points the Deputy raised. To be clear, local employment services are something we very much need. The service has been provided through a number of different providers over the years. As stated by the Deputy, some of them have been operational for as long as 22 years. We have legal advice that we must put these services out to tender. I have put four areas out to tender in respect of which there are no employment services. I am awaiting the results of that process. We will take on board the learnings from that process for the particular areas we have put out for tender. We have been working closely with the different providers in terms of consultation with officials from my Department. They are meeting with SIPTU next week and they will also meet the local employment services. The services are not being privatised. I do not want anybody to think that.

Deputy Jennifer Murnane O'Connor: I thank the Minister for that clarification.

Deputy Jennifer Whitmore: Earlier, the Tánaiste said that it was Government policy that the maternity restrictions are essentially lifted but that he recognised the right of individual hospitals to make their own decisions, which essentially leaves us with the *status quo* whereby

maternity restrictions will remain in place. This begs the question as to who is in charge of our health service. Is the Government in a position to actively direct the hospitals to follow Government policy in this matter? There is little point in Government having radical listening exercises with women if it does not propose to actually hear what they are saying.

The Tánaiste: The Government is in charge of our health service or, at least, the public health service, but it has always been a principle of good government and good management of our health service that politicians and officials do not make clinical decisions.

Deputy Jennifer Whitmore: The CMO has said there is no reason-----

The Tánaiste: I have never come across a situation whereby an official or a Minister would seek to override the judgment of the doctor or nurse in charge of infection control in a hospital. I would be reluctant to go down that path. That may be my bias coming from my background as a doctor. That could create all sorts of other problems. Hopefully, we are getting to the point where this does not arise.

Deputy Jennifer Whitmore: The CMO has said there is no reason for the restrictions.

Deputy Johnny Guirke: This morning, RTÉ was in Enfield talking to people who are experiencing disruption to their water supply nearly every second day. This is affecting 10,000 people. Households and businesses are left with little or no water. People are at their wits' end. I raised this issue with the Tánaiste on 29 January, when he said he would contact Irish Water and get back to me, but I heard nothing. I again raised it with the Taoiseach on 16 June and he said that extra allocations were being made. When will the money for these reservoirs be released? Families and businesses are struggling and this cannot continue. If this was happening in the Tánaiste's area, it would not be allowed to continue. It cannot be allowed to continue for the people of Enfield, Longwood and Ballivor. When will we get a start date for the reservoirs in these towns and villages and when will the funding in that regard be released?

The Tánaiste: This is a local issue of importance to the Deputy and the Minister of State, Deputy English. I do not have the information on particular water projects to hand but I will follow up on the matter and seek to have a reply sent directly to the Deputy.

An Leas-Cheann Comhairle: There are only 30 seconds left, with four speakers remaining. With the Tánaiste's co-operation, I will allow 30 seconds to each speaker and then allow the Tánaiste to reply.

Deputy Michael Collins: We have had a series of health crises in west Cork. During the summer, Bantry General Hospital closed for 16 days with no admissions. We also had a crisis in regard to ambulance services, where an ambulance is no longer in west Cork any night when four ambulances are meant to be. There is a new crisis at the doorstep of the people of west Cork. For the past two weeks, the people of Castletownbere have had no SouthDoc service due to the retirement of a locum, leaving Adrigole, Ardgroom, Allihies, Glengarriff and even Lauragh in south Kerry, without a proper SouthDoc service. The SouthDoc service in Kinsale ceased in 2014, as reported in the *The Carrigdhoun* newspaper last week. This is putting extreme pressure on great doctors in Castletownbere and its surrounds. Can the Tánaiste work with the Minister for Health to resolve this crisis in Castletownbere SouthDoc immediately before we have a serious loss of life?

Deputy Neale Richmond: Last week, the French Government, in an act of solidarity and

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gratitude, fast-tracked and granted the citizenship applications of 12,000 front-line workers. If France can do it, why can we not do it?

Deputy Paul McAuliffe: Earlier this week, I attended a meeting of school principals and a family resource centre about how open drug dealing is impacting the services they provide in the community. We all saw the “Prime Time” programme on open drug dealing in Ballymun. My question relates to the programme for Government. When will the citizens’ assembly on drug use be brought forward and will the Tánaiste and the Minister for Justice engage with the Garda Commissioner about the policing of open drug dealing hotspots in places like Finglas and Ballymun?

Deputy Darren O’Rourke: I want to raise the issue of global access to vaccines. What role will the Tánaiste and the Government play in ensuring fair and equitable access to vaccines? I am aware of, and support, the call for a TRIPS waiver. Does the Tánaiste support that call? If so, that is great; if not, how will Ireland and the EU play a leading role in that regard? I do not believe that answer is in tokenism or patronage. How will Ireland and the EU play a leading role to ensure a fair and equitable roll-out?

An Leas-Cheann Comhairle: I ask the Tánaiste to respond to the four Deputies.

The Tánaiste: I will refer the question on the An Garda Síochána to the Minister for Justice, Deputy Humphreys.

In regard to SouthDoc, I will inform the Minister, Deputy Donnelly, that it was raised here today and, as suggested by Deputy Collins, I will work with him to resolve the issue and make sure the service is restored.

We do not have a date for the citizen’s assembly on drug use yet. There are a number of citizen’s assemblies planned and it is on the list, so it is to be hoped we get to it soon.

On vaccines, internationally we are committing 2 million vaccines which we are donating to developing countries. We have committed a lot of money to the World Health Organization and to COVAX. I think we are getting to the point now where the supply of vaccines is not the major constraint, rather it is the ability of developing countries to have the systems on the ground, namely, having a licensing body to license it and then the infrastructure on the ground to give the vaccines. They are going to need a lot of help in that regard but I do not think supply is the issue any more in the way it was in the past. Certainly it is not the only issue.

I very much agree with Deputy Richmond’s sentiment that if France can do it, why can we not. If the French can do it, we should be able to as well. It would be a very significant and very timely gesture for us to fast-track the citizenship applications of front-line workers, and even back-line workers, who helped us get to this point in the pandemic. I am sure it is administratively tricky but it is a very good idea and one I will definitely be taking up with the Minister for Justice, Deputy Humphreys, and the Minister for Foreign Affairs, Deputy Coveney, to see if we can do the same as France.

Deputy Heather Humphreys: On the citizenship applications, Covid has of course meant things have been slowed down somewhat but we have been doing them. It was a pleasure for me to attend an online citizenship ceremony and we are working our way through those lists and I will get an update for the Deputy.

On antisocial behaviour, the Government is determined to tackle it. I regularly meet with the Garda Commissioner and An Garda Síochána continues to implement high-visibility policing plans to address public disorder-related issues and antisocial behaviour, with particular overt and targeted policing of public places at times when public order incidents and antisocial behaviour typically increase.

Planning and Development (Amendment) (20 per cent Provision of Social and Affordable Housing) Bill 2021: First Stage

Deputy Eoin Ó Broin: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Planning and Development Act 2000 to delete the sunset clause which affords an exemption to developers who secure planning permission before 2026 to provide 20 per cent of the relevant land or houses for social and affordable housing.

I can assure the Leas-Cheann Comhairle the original Title of the Bill was much shorter but apparently it was not legally correct, which is why it is more of a mouthful.

Rising house prices have been a feature of governments in this State for 30 years. When Fianna Fáil was last in Government, during the Celtic tiger period, we saw house prices rise by a factor of almost 200% over that period and in Dublin by over 400%. Since 2013, exactly the same thing has been happening. The latest data we have from the Central Statistics Office, CSO, property price register, published yesterday, show that from 2013, which was the bottom of house prices post recession, we have almost seen a doubling in prices both in Dublin and State-wide for houses and apartments. The most recent figures show that State-wide we have seen an increase in the past 12 months of over 9%, with over 8% in Dublin, and an astonishing increase across the Border counties of 16% in real house price inflation.

The reason for this is not solely Covid nor the actions of the private sector. The primary reason for this is the policies pursued by Government over many years, namely, an over-reliance on the private sector to meet social and affordable housing need, underinvestment in social and, particularly, affordable housing, and inflationary measures such as the help-to-buy scheme, dramatically increased by Fianna Fáil when it took office, and the highly controversial though yet to be finalised shared equity loan scheme, both of which, almost any economist worth his or her salt will tell us, will continue to push house prices up further. There is no question that after Fine Gael with Enda Kenny, Fine Gael with Leo Varadkar and now Fine Gael with Mícheál Martin as Tánaiste - I apologise, I meant as Taoiseach, but it is so hard to tell these days what his actual role is - what is very clear is house prices will continue to rise.

At the same time, the Government's recent housing plan has a paltry proposal for the direct delivery of affordable homes by local authorities, approved housing bodies and others over the next number of years. It is saying it may deliver approximately 2,200 affordable homes to rent or buy next year, possibly 3,400 the year after and then maybe moving up to 4,000 in 2024 and 2025. That is nowhere close to the volume of genuinely affordable homes to rent or buy that working people, whether they are first-time buyers or those who have lost their family home due to relationship breakdown or indeed due to repossession after the crash, actually need.

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What is even more shocking is that when we read the text and the fine print of the Government's new housing plan, despite the Minister with responsibility for housing, Deputy Darragh O'Brien's claim he was going to restore Part V in the Planning and Development Act, which provides for 20% social and affordable housing in all private developments, which was reduced to 10% as a result of changes by Fine Gael, and which the Minister was going to restore to 20%, what he has actually done in his housing plan is give an exemption for any private landowner who bought land between 2015 and 2021 and who has yet to apply for planning permission. That means if you are Cairn Homes, Hines or the Ronan Group, you are responsible for Poolbeg, Clonburris or wherever, and you have not yet put in planning permission, then you have a free bye-ball from now until 2026 whereby if you put in your planning application, you will only have to deliver 10% social housing. Consequently, not a single affordable home for working families to rent or buy will be delivered on any of these schemes. This is from a Government that says it represents a fundamental shift in housing policy towards the State. What this get-out clause or sweetheart deal by the Minister, Deputy O'Brien, for large landowners and developers really represents is a continuation of the same failed policies of Fine Gael.

The Bill before us today, which we intend to introduce using our Private Members' time next week, is a very simple one. It removes that exemption. It says that, from the passing of this Bill, any landowner making an application for a private housing residential development will have to provide 20% social and affordable housing. Thus we will get the 10% social housing we would otherwise get and we get the 10% affordable housing. Killian Woods, writing in the *Business Post*, who broke this story two weeks ago, estimated that thanks to the Minister, Deputy O'Brien, we are throwing away 10,000 genuinely affordable homes between now and 2025. Those are not the actions of a Government serious about affordable housing. Those are not the actions of a Government that represents working people. It is another sign of a Government that is kowtowing to the lobbying interests of large landowners, developers and institutional investors. I will not stand for it, nor will Sinn Féin. That is why we are moving this Bill.

An Leas-Cheann Comhairle: Is the Bill being opposed? The Bill is not being opposed.

Question put and agreed to.

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

Deputy Eoin Ó Broin: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Residential Tenancies (Tenants Rights) Bill 2021: First Stage

Deputy Ivana Bacik: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Residential Tenancies Acts 2004 to 2020 so as to provide for greater security of tenure and rent certainty for tenants, and to provide for connected matters.

This is the Labour Party's Residential Tenancies (Tenants' Rights) Bill 2021. I thank the

Leas-Cheann Comhairle for the opportunity to introduce it. I have drafted this along with my Labour Party colleague and comrade, Senator Moynihan, our housing spokesperson. I pay tribute to her for all her work on this issue which is a very important one.

During the Dublin Bay South by-election campaign, following which I was so proud and honoured to have been elected, we heard from so many people, renters and homeowners alike, who were so concerned about the difficulties everyone was experiencing in rented accommodation. These are widespread but they amount to difficulties in three particular areas, namely, difficulties for those who lack security of tenure because they are facing eviction or fear eviction, difficulties with unaffordable rents and rent hikes - even where people have been paying rent at a particular level for years they fear unaffordable rent increases - and third, difficulties with poor quality of life and low standards in rented accommodation, which again is a very serious and persistent issue for so many. These are the three issues that this important Bill seeks to address in a range of constructive and positive ways. They are also issues that were identified in a report published this week by the Irish Human Rights and Equality Commission in conjunction with the Economic and Social Research Institute. Their study highlighted disadvantages experienced by particular cohorts including those with disabilities, single-parent families, Travellers and others in the housing system, but there are widespread issues facing those who rent. Their stark findings underline and emphasise the issues that were raised with us during the by-election campaign and underline the need for this important renters' rights legislation.

First, we believe it is vital that we strengthen protections against evictions for all those who are renting. We know there remains a significant risk that homelessness levels will rise following the lifting of pandemic restrictions. We are also anxious that our homeless figures would include those in so-called "hidden homeless" situations, that is, those who are staying with friends or couch surfing and whose situation is not sufficiently recognised.

The legislation I am introducing today would significantly restrict the circumstances in which evictions can be carried out or tenancies terminated. Among other provisions, we seek to remove grounds for so-called "no fault" evictions and we seek to ban the practice of landlords terminating tenancies on any grounds after six years of a Part IV tenancy. We are providing that evictions can only happen for renovation purposes where no reasonable measures can be taken to maintain the dwelling fit for human habitation. We are also looking to reduce the range of family members that a tenancy can be terminated to benefit. That is the first set of provisions which seek to address the security of tenure issue.

The second challenge we are addressing in the Bill is that of rent hikes and the fear of rent increases that we have heard so much about from so many. We know that despite the introduction of rent pressure zones in 2016, rents have increased by almost 40% in Dublin and 20% elsewhere. To tackle this, our Bill would link annual rent increases to the consumer price index after a three-year rent freeze and would declare the entire State a rent pressure zone among other vital measures.

The third issue we are addressing is that of quality of life related to quality of accommodation which mirrors the findings of the IHREC report. Particularly in Dublin, many renters are faced with very poor quality housing and a host of unfair restrictions that impede their long-term stay in accommodation and contribute to the enormous demand for house and apartment purchase. In other European countries it is common for renters to be able to keep pets in their homes, to air-dry clothes and laundry on a balcony and to request an unfurnished property so that they can bring in their own furniture and the comfortable things that they want to have

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around them in their home. This contributes to seeing rental accommodation as a longer term prospect for single people, families and households generally. In addition to the simple measures I have outlined, our Bill would require landlords to file a statement that the dwelling meets minimum housing standards when registering a tenancy.

We are keen to see this Bill debated and are hopeful that it will be debated in Private Members' time next week. Indeed, I made a commitment during the by-election campaign that if I was elected this would be the first Bill I would introduce and I am very proud to do so. I want to ensure that we are building on existing legislation and building in better protections for renters. People are tired of five wasted years of inadequate housing policy from the two larger parties in government and are weary of the continued failure to put forward an inclusive vision for homes and housing in this country. Renting must be seen as a long-term and viable option. It must be made an option that is much more attractive to people, and those who are renting must be given greater protections and rights. We want to address the power imbalance between renters and landlords and that is the key issue that we seek to address in this important Bill.

An Leas-Cheann Comhairle: Is the Bill being opposed? No.

Question put and agreed to.

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

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

Question put and agreed to.

Sitting suspended at 1.25 p.m and resumed at 2.05 p.m.

2 o'clock

Maritime Area Planning Bill 2021: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

Deputy Steven Matthews: I thank the Minister for bringing the Bill before the Oireachtas. It is a hugely important Bill that sets out how we will meet some really difficult targets around emissions reductions and the transition to clean energy. I also thank the Department officials, some of whom I see here today, for the huge amount of work they have put into this and for the briefings they gave to our committee throughout the pre-legislative scrutiny of what was previously known the Marine Planning and Development Management Bill. I also acknowledge the huge amount of work which the joint committee put into the Bill at the pre-legislative stage. Our committee put forward around 43 or 46 recommendations in its pre-legislative scrutiny report. The majority of those recommendations, almost all of them, were taken in in the drafting of the Bill. It was suggested yesterday that we had not been issued with the correspondence that we sought from the Department but I want to confirm that the committee did receive the correspondence that we sought, looking for where those recommendations were brought into the published Bill.

There was a suggestion that the committee recommended that marine protected areas should be part of the Bill. That is partially true. The committee did suggest that marine protected areas should be part of the Bill, or, the same recommendation also included that marine protected areas should continue in a parallel legislative process which is under way at the moment. I wanted to clarify that.

The Bill before us today is huge and complex. It consists of a series of pieces of legislation. In the marine and maritime area, in recent months there has been the national marine planning framework, a document which went through a vast amount of public consultation and a huge stakeholder involvement group. It developed a high level overarching planning strategy for how we will manage our marine area, with all the users involved in that from commercial, recreational, fishers and coastal communities. There was huge engagement in that process.

There was also the Maritime Jurisdiction Bill which set out the boundary of our marine area. That is massive, as we have heard, comprising seven times the land area at 0.5 million km². We do not have a proper planning system for how we develop in that area which is why this Maritime Area Planning Bill is so important and so timely. There will be much development in our marine areas over the coming decades, over the next ten, 20, 30 years. Much of that will be offshore renewable development; there will be wind development, cable alignments and interconnectors. There is a lot of stuff. It is not just about wind. This planning Bill will cover that entire area.

There have been concerns about marine protected areas. I share some of those concerns. We do not have a great track record of protecting not just our marine environment but our terrestrial environment as well. Some 2% or 2.5% is designated as protected. They are actually special areas of conservation, SACs, special protection areas, SPAs, or natural heritage areas. They are not generally designated under planning. They are designated under EU directives such as the habitats directive and the birds directive, and enacted under the Wildlife Act. We do not designate. With the marine protected area legislation we will designate marine protected areas. That legislation is coming. There has been an extensive public consultation period for about five months. I am aware that the Minister travelled extensively around the country meeting with coastal communities and with fishers, and all who have an interest in this. I believe that the marine protected areas legislation will follow closely this Maritime Area Planning Bill 2021, which is right and what we should actually be doing.

A lot of these developments will take time. Before we see these developments in the sea there is a consenting process, a survey process, and the planning applications will have to be submitted much as they are on land. They will be accompanied by stringent environmental impact assessment reports that need to be provided. These will provide for public consultation. The committee was quite strong on those recommendations. I am satisfied that there will be good public consultation in applications made under the Maritime Area Planning Bill 2021. I am quite satisfied that there would be high-level scrutiny and stringent environmental impact reports and requirements on developers if they wish to develop at sea.

I shall now move on to the Bill. It is huge and complex, which it must be because the challenge ahead of us to reduce our reliance on fossil fuels and to reduce emissions is huge, complex and ambitious. It needs to be matched with a streamlined planning process to allow us to reach those targets of 51% reduction by 2030 and to be carbon-neutral by 2050. We are going to have to use solar and a whole lot of different renewable energy but the biggest contributor to that will be wind energy.

Deputies spoke about the setting up of the maritime area regulatory authority, MARA, which will be a hugely important agency that will be involved in the initial consenting and the enforcement afterwards. The enforcement has always been weak in our planning system so I am glad to see that MARA is being set up. Deputies all want it in their constituencies because it brings some 200 jobs. I believe that Wexford is the right place for it because there is good experience there and good scientific data built up over the years. Wexford is the right place for it. For any Deputy from a coastal community who is concerned that they will not see some benefit from this, I say that there will be huge economic value to our coastal towns, communities, ports and harbours.

The Minister, Deputy Darragh O'Brien, visited Wicklow recently, which is my constituency, when we looked at Arklow and Wicklow. SSE Airtricity will develop its operations and maintenance facility in Arklow. I would be hopeful that Codling Wind Park will look at Wicklow in the same way. There will be that benefit and uplift, including economic benefits, for all coastal communities in this. There will be a huge amount of employment, energy resilience and emissions-free clean energy. It is the future and we need to embrace it. I will be supporting this Bill. I thank the Minister of State.

Deputy Johnny Mythen: I welcome the opportunity to speak on this Bill today, which is highly technical and complex and which will have major implications for future generations. This Bill will be important to get right. We must ensure that the competing demands for use of our seas are addressed in a way that preserves and protects marine biodiversity, protects the interests of coastal communities and inshore fishermen and women, and provides a meaningful level of public participation on all aspects of marine planning.

The importance of the principle of a just transition cannot be understated in a maritime area such as County Wexford, including Rosslare Port which since Brexit has become one of the most important ports on the island. As we talk about the vital and important move towards sustainable energy, this Bill, if passed, will provide the legislative framework for a new streamlined development consent process for activities in the maritime area, including major offshore renewable energy projects. Offshore wind farms will add greatly to the decarbonising of our environment. It must, however, be a just transition and be mindful of, and mitigate, any potential harm that might impact on local communities and businesses.

Today I will refer to two sectors: the local fishers and charter boat businesses. I have had many conversations with fishers in Wexford. Historically they have felt completely left behind by the Government. They do not have trust or faith that their livelihoods will be protected. This must change. Proper consultation, inclusion and mitigation of harm will be most important when talking about potential applications for offshore development to ensure the sustainability and future of our fishing industry. Small charter boat businesses are a vibrant local industry in County Wexford that contribute hugely to aqua tourism. I emphasise to the Minister of State, Deputy Noonan, the importance of proper engagement and working with this sector as well as our fishers.

I welcome that the new national maritime area regulatory authority, MARA, will be based in Wexford. I commend the Minister of State for this. I have already had constituents on to me asking what the intended timeline for the establishment of MARA is, and what the mechanism for staffing this new entity will be. I point out the importance of this authority being fully independent. This authority cannot be allowed to become a rubber-stamping exercise by any government. MARA must employ the widest possible expertise for its workforce, and I have no

doubt that the new technological university for the south east can play an important part in this. I speak for the community when I say they await further details of the regulatory authority with anticipation. The creation of 200 jobs is very welcome and will have a very positive impact on the county. It will add value and economic growth to the county. I thank the Minister of State for that.

I look forward to working on this Bill as it progresses through this House. I trust the Minister and Minister of State will take on board the points raised today in order to ensure a marine planning regime that is open, inclusive, transparent, robust, environmentally sound and of economic and social benefit to all interested parties and communities that depend on the marine for their livelihood.

Deputy Richard Boyd Barrett: This is hugely important legislation dealing with the incredibly important issue of the marine resources of the State, as others have pointed out. It is worth setting out again for people who are trying to understand this huge and complicated Bill. I have not fully got my head around all of the detail but I have read quite a bit. Fair play to the civil servants for putting it together. It is a complex piece of work dealing with an incredibly important issue.

Ireland has one of the highest land to sea ratios in Europe with 7,711 km of coastline, which is 4% of the entire coastline of Europe. The foreshore area is 9.7 million acres, which is 36% of Ireland's land area. When one includes the full territorial sea area of the country it gives us one of the largest territories in Europe at 220 million acres, which is seven times the amount of territorial land of this country. We are talking about an absolutely enormous territory and resource. We need to think about the context of this legislation and why it is important to us.

First of all, we are an island nation and therefore our sea and our coastline are an integral part of our culture, our identity and our history. These are not small matters for us as a country, on so many different levels. This area also provides a livelihood to our fishers and to many others who work on or around the sea. It is a huge recreational amenity, which is important in all our coastal regions but is particularly important in Dublin. Dublin Bay is a UNESCO biosphere. It is a precious marine resource and visual amenity. I will not underplay the importance of that. Visual amenities are important. It is a huge tourist attraction and has huge economic importance. It is also a recreational amenity. This is not just about Dublin Bay; all of our sea and coastline areas are vital on so many different levels for the communities that live on those seashores and for the people who come to this country. It is one of the reasons that they are attracted to come here. It provides livelihoods for many people. It is also an enormous potential resource in the development of renewable energy. This is not just in terms of offshore wind, it is also about tidal and current energy. Much work still has to be done to develop the potential of the latter but undoubtedly, these are renewable energy resources we will tap into in future as we try to address the climate emergency.

It is, however, very important to remember that just as we have a climate emergency, we have biodiversity emergency. We declared both of those simultaneously. It would be very wrong to imagine that addressing the urgency of one is more important than the other. In fact, to dismiss the potential for a biodiversity disaster to extinguish life or do extraordinary damage to our ability to sustain human life on this planet would be folly indeed. Biodiversity is critical to our survival as a species. Marine resources and marine life, and the biology of our seas and so forth, are critical to sustaining human existence.

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What worries me about this Bill and the approach the Government is taking is we are starting on land, as we have always done in terms of our resources, and now, what we are potentially going to do with our marine resource - a huge resource - is that the interests of the developers and facilitating them will come first. We have a Bill, therefore, which is designed to facilitate the development of that marine resource before we have the legislation to protect the marine resource, the biodiversity, the livelihoods of the fishers and others who gain their livelihood from it, that protects the amenity at every level, whether it is recreational or visual, and that protects the value this marine resource gives for tourism, and indeed, for our heritage, identity and history as an island nation.

I mention in particular someone who is a very important inspiration for me in my area, the great John de Courcy Ireland, who learned his socialism from the sea. He always said the reason he became a socialist was because he worked on the sea and the thing he learned from working as a sailor was that the sea unites people; it brings people together. He understood the incredible importance of that marine resource. One of the great things he lamented, for example, was the fact that we got rid of our merchant navy. I think today about some of the ferry routes we have lost in our own area, for example, Dún Laoghaire to Holyhead. The neglect of our marine resource and the importance of the sea to this country has been a characteristic of the way we have dealt with marine and maritime matters. I fear we are doing the same again.

Do not get me wrong; the Foreshore Act was completely unfit for purpose and had to be replaced. We learned that in our area with the attempt by Providence Resources to put an oil rig 5 km off coast of Dún Laoghaire back in 2013, which the local community fought and which Providence Resources eventually pulled back from. At the time, the then Minister of State at the Department of Environment, Community and Local Government, Jan O'Sullivan, acknowledged that the Foreshore Act was completely unfit for purpose and did not ensure the proper level of community participation and consultation or the protections we need for our precious coastal and marine resources, and that we needed legislation. That was back in 2013. None of that protection has really come into play since.

This legislation is way overdue and I know it is a big job for the Civil Service. I accept that. It has been a long time coming, however, and when it does come, it does so in advance of the protection of those marine resources that should accompany it. People need to understand about how we talk about ourselves being laggards in terms of climate action. What laggards we are, though, in terms of our marine resources. It is quite shocking, to be honest.

Some 2.3% of our territorial waters are marine protected areas, MPA. As the Green Party Deputy just pointed out, they are not even marine protected areas. They are special areas of conservation, SAC, and so on. It is worth bearing in mind some of the comparisons of our European neighbours. We are 2.3% protected; 45% of Germany's waters and 45% of France's waters are marine protected areas. The US, hardly an exemplar of environmental protection, has 41% of its water protected. Belgium has 36% of its waters protected, the UK has 28% protected, the Netherlands has 26% protected, Denmark has 17% protected, and you can go on through the list. We are at 2.3% and now we are bringing in legislation to facilitate industrial development. Let us be clear: we are talking about the industrial development of our marine resources at proximities to the shore that would not be allowed in most other European countries. The average permission given for offshore renewable energy projects in Europe last year was 53 km from the shore. Before that it was 35 km so it is actually rising. The level of protection that is being given by European countries to their coastal marine resources and amenities is actually strengthening. It is so far in advance of ours that the comparisons are quite stunning,

as I will go on to explain.

What is particularly worrying in the context of this legislation is that some of the biggest offshore renewable energy projects anywhere in the world, which will have a fundamental impact on our marine resources and amenities and on those who make their livelihoods in the communities in those vicinities, will be at distances from the shore that simply would not be allowed in most other parts of Europe and many other parts of the world. They have been designated without any public consultation whatsoever but with many conversations with the industry, which even went as far as writing to the Business Committee of the Dáil last week to tell us that this had to be one of the first items on the agenda of the Dáil after the summer recess. That is the level of lobbying. We know from the records that the conversations going on between the representatives of the private, for-profit wind industry and the Government are substantial. These projects were designated relevant projects at very close proximities, which, as I said, would not be allowed in most of Europe.

I will identify the six projects. Two of them are obviously in close proximity to my own area, which would be approximately 10 km from the coastline. Some of them are as close as 5 km and none of them are much further out than approximately 15 km. I will not go through the whole list. People need to understand what the scale of these things are. In the Dublin area alone, there are plans for 61 turbines at 310 m each. That is each turbine standing 100 m taller than the Poolbeg towers. We all know just what a visual impact the Poolbeg towers have on the entire city. They define the entire city, and indeed I love the Poolbeg towers and I would hate to see them knocked down. However, the people of Dublin, for example, should have a say on whether we want 61 of those turbines, which are 100 m taller than the Poolbeg towers, splashed all across Dublin Bay without a proper planning process and without public consultation as to whether people want them. They will, however, be designated relevant projects and essentially escape the regulation this Bill is proposing for that marine area. Much of it is welcome but they are designated relevant projects and will be decided by the Minister, not by the marine area regulatory authority this Bill proposes to establish, as I understand it. I see the civil servant shaking his head but from my reading of sections 10 and 12 of Part 4 of the Bill, the Minister will decide and can invite or allow further applications for consents until the maritime area regulatory authority, MARA, is set up. Critically, those relevant projects were self-selected by the private developers. They decided, in advance of us deciding what areas should be protected. In the case of Dublin Bay - I will let other people speak for other parts of the country they know better - the Kish Bank and the Codling Bank are sandbanks of extreme importance for fishers, marine life and biodiversity. They are very close to the shore and also have a potentially significant role in dealing with issues such as coastal erosion, and the private company decided it would have that site. Why? It is because it is easy, profitable and cheap for it to develop that site very close to the coastline, at a proximity that would not be and is not allowed in many other parts of Europe. Private developers selected the sites in advance of us designating what areas, biodiversity and livelihoods should be protected, and without any consultation with the public on the selection of those sites. That is a serious problem, because this should not be developer-led.

We would not allow it - I apologise - I was about to say we would not allow it anywhere else. Is that not the problem? That is what we did in this country and it had disastrous consequences when we did this sort of thing on land and let the developers dictate. I remind the Green Party that it was often a strident voice in insisting on proper planning; having proper local area and county development plans; adherence to planning regulations; proper environmental assess-

ments and all the rest of it, but there is none of that in this situation. The private, for-profit developers will be required to give the people of this country, for a public resource, that part of our land and territory, precisely nothing of the energy they produce. There is nothing wired into the legislation, in terms of the benefits for the community, the country as a whole or the cost of energy we might get. I have a fundamental problem with that and also with its being, in effect, the privatisation of the marine resource.

The parts that the private developers grab are decided by them through self-selection, on sites that will have a fundamental impact on our marine biodiversity, fishers, coastal communities, heritage, recreational amenities and tourism, and will have so many other potential impacts. We should be very careful not to cut off our nose to spite our face. Is any of this about saying it is not absolutely imperative to develop our offshore renewable energy potential? No. Technology is a great thing and we now have floating turbines that are pretty much as cheap to put out, at no additional cost, at further distances; as they are doing in the rest of Europe. The impact is less on the fishers and from a marine, impact and heritage point of view.

We can do it. We have the technology and, by God, we have the territory to do it. It is incredible. People only have to look at the real map of Ireland produced by the Marine Institute. They would be aghast and amazed, in a positive way, by how much marine territory we have. We have huge potential to have a win-win, in which we have offshore renewable energy developed at distances that do no negatively or adversely impact on our coastal communities, fishers, marine biodiversity and all the other potentials that exist and are able to develop that renewable energy. Although why on earth would we then privatise that and hand it over to private, for-profit companies that have no obligation whatsoever to feed that electricity back to us at anything other than full market price, rather than get bodies such as the ESB to develop it? It is the same old mistakes we have made in privatisation in the past.

We need a marine area planning regime to replace the foreshore Acts. A regulatory authority is a good idea, although I question the issue of replacing the foreshore, in terms of the area of 3 nautical miles where the local authority will be the relevant authority and beyond that, the MARA. I would like to hear more about that, because after that distance of approximately 5.5 km, the impact of things is significant. The foreshore was approximately 22 km or 12 nautical miles. We will be arguing that we need a buffer zone to protect our coastal amenities, similar to the buffer zones that exist in much of the rest of Europe, which should be at the old distance of the 22 km foreshore and where industrial development would be allowed and a different regime might be used to deal with it. Local communities should have a say and the right to appeal decisions on the development of that foreshore area, right up to the old foreshore boundary.

I wish I had more time but we will have more time on Committee Stage.

An Leas-Cheann Comhairle: Deputy Farrell is sharing.

Deputy Alan Farrell: I am. Deputy Boyd-Barrett did very well in his 20 minutes. I thank the Minister for introducing this Bill. As has been said by Deputy Matthews, it is a huge and complex piece of legislation for a hugely complex endeavour by the Department. I welcome the opportunity to get into it. It has been said on a number of occasions that our maritime area is seven times the size of our land mass. With the exception of one wind array off the Irish coast, it is a largely untapped resource. This is an opportunity to put in place the appropriate arrangements for the proper planning and sustainable development of our maritime area, with a focus on the development of wind energy, but also of tidal and current energy, in due course, which

are more likely appropriate in the vicinity of our near coastline.

The Bill will potentially streamline development in this field. It is important we recognise that from planning to delivery of a wind turbine in Ireland is approximately seven years. The clock is ticking on our 2030 target, which is nine years away, and we have to do this quickly. While I do not condone what Deputy Boyd-Barrett had to say on lobbying of the Business Committee, I recognise this Bill has been in development for quite a number of years. I think it was 2015 when it started, on the back of what he said about the recommendation being made in 2013. The Deputy will accept the Oireachtas sometimes moves quite slowly and the number of years that have passed has probably been a bit excessive, but it does not mean we should not recognise the importance of the introduction of a regulatory body such as MARA that will have the ability to enforce the Bill.

Further changes to the current system also envisage the introduction of the maritime area consent, MAC, process and special MAC cases which will give the Minister for the Environment, Climate and Communications greater flexibility. I have concerns about the automatic termination which does not afford the Minister or MARA the opportunity to extend a MAC. My understanding is that would be resolved in the courts. Such a provision or omission, if it is being caused by omission, should not be left unaddressed. The Minister of State might come back to that in his response.

It takes approximately seven years to get a wind turbine erected, from concept to planning. In order for us to adequately tackle our climate change obligations and our energy obligations, we need an efficient system. I look forward to the Bill's passage. I recognise the committee on which I am privileged to serve, the Joint Committee on Environment and Climate Action, has a significant role to play in the overall thrust of this debate and-or the future developments in onshore and offshore areas. For the moment I welcome the opportunity to have contributed to the debate.

Deputy Christopher O'Sullivan: At the outset I want to say how disappointing it is to hear the negative narrative from some Opposition Deputies about this legislation. The Deputies who constantly criticise the Government for not reaching emissions targets or not switching to cleaner renewable energy at a faster pace are the same ones who are now describing this legislation, which is so important for reaching those targets, as a threat to coastal communities or as something that will somehow lead to the demise of coastal communities. It is very disappointing. This legislation represents huge opportunities for our switch to cleaner renewable energy. I am not overstating things when I say Ireland could become a global superpower in renewable energy. The potential for 30,000 MW of energy from floating offshore wind could lead to us providing 2.5% of Europe's entire energy needs and 5% of its renewable energy needs. Not only are we helping Ireland reach its emissions targets and reduce emissions, we are actually helping it on a European scale as well. That is often forgotten.

This legislation is positive and is a good news story as regards reaching our global emissions and climate action targets. There will be challenges and of course there needs to be consultation, but according to the research I have done, particularly on offshore energy, there are opportunities here. Take the fishing sector, for example. At the moment, international super-trawlers are taking vast amounts of fish from coastal waters. These offshore floating wind areas could create a de facto no-catch zone for those big international boats, leading to an increase in stocks and a revival of some stocks benefiting the Irish fishing sector. As well as that, the evidence at the moment shows there are areas of biodiversity underneath these offshore floating

wind areas, and smaller ecosystems can be created to help create biodiversity.

We cannot go blindly into this. I spend probably too much time out on the water looking for whales, dolphins and cetaceans. These are animals that hunt acoustically. Obviously, when constructing wind energy there is going to be an impact there, but no development can take place without rigorous environmental impact studies. That has to be taken into account. The inshore fishing sector in west Cork has concerns and that is why the designation of MPAs is incredibly important. That will happen but I do not see why it has to be one or the other. There is urgency around both pieces of legislation.

We talk about consultation. We welcomed the Minister of State, Deputy Noonan, to west Cork during the summer and he met members of the fishing sector, ecologists and people concerned about biodiversity. There was consultation there so the argument that there was no consultation is unfair.

I welcome this Bill. It provides immense opportunities for our country and our coastal communities.

Deputy Ruairí Ó Murchú: We all accept the necessity of dealing with the climate change crisis. We all heard about the Intergovernmental Panel on Climate Change, IPCC, report over the summer. We are aware of the situation with which we are dealing. We know we need to make the 2030 and 2050 targets and that renewables are a huge part of this. The byword has to be “sustainability”. It is about putting a system and a complete framework in place. Deputy Ó Broin spoke yesterday about this being a once in a generation opportunity. That is true whether we are talking about the Maritime Area Planning Bill or the entire framework, including the national marine planning framework. It is about putting all those pieces together. I welcome what Deputy O’Sullivan said about the Minister of State engaging with NGOs and all the stakeholders. That is absolutely necessary. We welcome what the Minister, Deputy O’Brien, said yesterday as regards plenty of time and consideration being given to all these aspects on Committee Stage. That is an absolute requirement.

We know the difficulties we have with power at this time. There were questions earlier in the Chamber about blackouts and the fears around energy and electricity supply. Some of these issues are due to Covid but there are worries from many people, who know better than myself, about the entire infrastructure being capable of dealing with even more of this offshore wind energy when we are finally able to bring it into play. There are questions about whether we have the infrastructure required or whether we are going to be dealing with a huge amount of power dissipation. That is something the Government needs to assess to ensure that is not the case.

We all accept we need to make sure we deal with sustainability and that means biodiversity and engaging and dealing with fishermen. We all accept the necessity of offshore wind but we need to ensure we can maintain what we have, the resources we have and people’s livelihoods. Some of these families have fished for multiple generations and it is a requirement we keep the whole show on the road. There is a big onus on the Government in this entire set-up. We must give the marine area regulatory authority sufficient powers and we have to make sure we deal with the planning process at every point in view in order that we can deliver the end result. A huge amount of engagement with all stakeholders and with the Opposition will be necessary because we need to deliver this. This is about the continuity and sustainability of our entire people.

Deputy Denis Naughten: I wish to share my time with Deputy Berry. Due to the failure to progress this vital legislation over the past decade, back in 2018 I, as Minister for Communications, Climate Action and Environment, secured Cabinet approval for the prioritisation of this cross-departmental legislation, which was driven by the Department of An Taoiseach. It was clear to me back in 2018 as a signatory of the North Seas Energy Cooperation, which was established to facilitate cost-effective deployment of offshore renewable energy, that Ireland needed to tap into this huge economic and environmentally sustainable resource off our coasts. However, I knew we could not do this alone, and in May 2017, along with the European Commission and 13 other member states, I signed Ireland up to the Clean Energy for EU Islands initiative. This law is the very first positive step to move on this agenda, but Ireland requires a radical overhaul of its industrial development policy if we are to achieve our climate goals and fully grasp the economic opportunities off our coasts. This cannot be done on a piecemeal or haphazard basis, as has happened in the past. We must have a very strategic focus on what is in Ireland's long-term interests and not allow this just to be developer-led.

It is estimated that we have somewhere between 50 and 70 GW of clean, renewable electricity off our coasts. That is enough not just to meet our own long-term needs here in Ireland but to produce enough electricity to meet the demands of France and Austria as well. We as a country need to lead from the front on this, create an IDA of the seas and become the major global clean energy exporter just like the Arab states have done with oil. We do not want to wait for another Mainstream moment, or a situation whereby private developers decide how Ireland exploits its renewable energy resources and who that energy is going to be supplied to, just like what happened with Mainstream Renewable Power and Element Power's plan to erect 1,000 massive wind turbines right across the midland counties to supply electricity to the United Kingdom. This is already starting again. Plans are being advanced to build a major €2 billion port on a 1,000-acre site at Bremore north of Dublin, on the Dublin-Meath border, in order to exploit the potential that offshore wind turbines have to offer. There is no doubt that there is huge potential for such a port, but is it located in the right place? Let us consider that we are likely to have only one such large port on the island of Ireland. It is projected that there will be ten times more renewable electricity generated off the west coast of Ireland than there will be off the east coast. Why are we not focusing on Foynes, Galway, Ros an Mhíl and Killybegs? They are the ports that need to be developed. Foynes will probably be the key port in relation to that. That is where the focus should be.

This issue is not just about where the development happens but who will benefit from it. Last week, we read that the Australian infrastructure giant, Macquarie, has bought the rights to develop an offshore wind farm 5 km off the Connemara coast. It has bought the rights to develop this farm off our coast. When I was the Minister with responsibility for energy, I publicly expressed my concerns about how rights were given for connection to the electricity grid, for wind farms, which were subsequently sold off to make vast sums of money - a licence was effectively sold off - without a shovel being put in the ground. We issued the licences, the people who secured those licences sold them to the highest bidder, and here we are, at it again, issuing authorities to develop projects that are then sold. What did the State benefit from the sale last week of that licence? Nothing. Who will ultimately pay for that? Irish electricity customers will ultimately pay for that. Families around the country who are struggling to pay their electricity bills are the ones funding the speculation, which is starting again, and which was exploited over the last decade in relation to grid connections. It cannot be allowed to happen. However, we are told to fear not. We are told that as a result of the renewable electricity support scheme, the community in south Connemara will benefit from a community benefit fund

for 15 years. What will happen after that? We are not giving these rights out for 15 years. It is expected that crumbs will be thrown to the communities in Connemara and that will be good enough for them. That is not acceptable. Those funds should be ring-fenced for long-term economic development in south Connemara over the full lifetime during which the farm generates electricity. It is not about buying jerseys for the local football or soccer team.

I fear that Ireland will end up giving away its renewable energy rights in order to hit our 2030 and 2040 targets in an attempt to be the good boy at the top of the class, while electricity customers continue to pay the most expensive electricity in Europe. Instead, we have to exploit this resource, design the bidding process based on job creation along our west coast, ensure that the State secures a royalty for every single megawatt generated and supplied to our national grid or into the new Atlantic interconnector, which connects and supplies electricity directly into the European grid from our western coastal waters, and become the cheapest country in Europe for electricity. The way we do that is by establishing an offshore renewable development authority similar to the Industrial Development Authority that will drive a fully co-ordinated national action plan and will have responsibilities ranging from research and development and supply chain development to the commercial deployment of renewable energy. In the interim, the Western Development Commission, for example, should take over the vital co-ordination role in the short term until that organisation is in place.

On the issue of electricity costs, many households are facing notifications from electricity suppliers that they will have to pay more for electricity. This comes back to the lack of co-ordination. There are families struggling to pay their electricity bills throughout this country. This is not just in terms of the cost of producing electricity and the associated public service obligations, but it is also compounded by carbon taxes. It is very frustrating that those families are paying for subsidies for electricity that is supplied to data centres in this country. They are paying subsidies that go towards the cost of building the infrastructure for those data centres. I believe that is amoral. I fought vehemently against the current approach. In 2018, the Cabinet decided on a new policy statement on data centres that was to ensure that ordinary hard-working families around the country would not subsidise the electricity going into data centres, although that measure has yet to be implemented by the Government. We now see the impact it is having on electricity supply in this country. Data centres sucking up electricity will leave us in a situation this winter like that in African countries where there are blackouts due to insufficient electricity supply because we have not planned appropriately for this. We need data centres but they should cover their own electricity costs. Irish families should never have to subsidise the cost for that electricity. It should never be on their backs. There must be a planning and supply condition in terms of EirGrid providing them with electricity, and the data centres must enter into power purchase agreements, which are effectively electricity supply agreements, with the offshore developers. Let them fund the development of the offshore renewable electricity in the short term rather than Irish electricity customers - Irish families - again having to fund and subsidise the construction of these turbines off our coast.

Deputy Cathal Berry: I thank the Minister of State for coming into the Chamber this afternoon to debate this Bill. It is a Bill that is long overdue. I welcome its publication and look forward to supporting its passage through the Houses of the Oireachtas over the coming days and weeks.

I have three points to make. First, I wish to emphasise the importance of the marine domain in this country. I heard some statistics thrown around today and yesterday. The figures I have come from eminent sources. Our maritime domain is 12 times the size of our landmass

from a jurisdictional point of view. Looking at it that way, some 92% of Ireland is submerged under the water. This lets us know how important the sea is to this country of ours. Whether we like it or not, we are an island state, a maritime nation and we are completely dependent on the seas and oceans that surround us. I am sure the Minister of State with his green credentials can fully appreciate that. I have three examples as to why the sea is important to us. From a trade perspective, we are a small trading nation. Some 99% of trade that travels in and out of this country is by sea. Deputy Verona Murphy can certainly attest to that. Our sea lanes of communication are very important as are the continental ports in France. It is important that we secure our shipping and ensure our merchant vessels can move freely and unimpeded along those sea lanes.

On the data cables, I am reassured that reference has been made to them in this Bill. They are also very important. If we are planning data cables, we must ensure we can properly secure them and maintain the integrity of those communication lines. There are significant fibre-optic data cables between North America and Europe of great strategic importance. They carry millions of financial transactions every hour. People think that the data cloud is in the sky but in fact the cloud is at the bottom of the sea. If we are planning these data cables, either near our coastline or through our maritime jurisdictional area, it is important that we take this into consideration.

I refer to offshore energy.

3 o'clock

The Minister of State knows more than anybody else that the wind and wave potential out there is immense. It is almost immeasurable. There is potential for several trillion euro worth of revenue to be gained from a wind and wave perspective. It is vital that we recognise the importance of our maritime domain. For those reasons, it is important that we improve our maritime positioning. I am not sure there is an understanding of how important it is that we pivot from land to sea and extract as much as possible from a maritime perspective. When I say we can protect and exploit, it is because those two words can be used in tandem. They are not incompatible at all. We can protect the environment and, at the same time, sustainably exploit what it has to offer.

The second key point I want to make relates to MARA, the formation of which I very much welcome. It is a good development and is long overdue. As a proud member of the Regional Group, I am pleasantly surprised that the new body will be based in regional Ireland. All roads do not lead to Dublin but, in fact, to the sea. I am very happy the authority will be located in Wexford. That county deserves this facility for a number of reasons. First, it is coastal county; second, it is a very disadvantaged part of the country; and, third, it is very close to our sea lanes to continental Europe. Most important, it is geographically the closest county to our now nearest EU neighbour, namely, France. Perhaps the Minister of State will elaborate in his closing remarks on where exactly in Wexford MARA will be sited. In the light of recent developments, how will the board be appointed? Will it be through the Public Appointments Service or by Government appointment, and what checks and balances will be in place in that regard? There does not seem to be any input into MARA from a security or defence perspective. Will the Minister of State comment on how that aspect will be fed into the system? The defence and security sectors are key stakeholders in this environment and I would like them to at least have a voice at the table.

The final point I raise is to do with the references in the Bill to enforcement. If we have learned anything from a planning perspective, it is that enforcement is important. From a maritime point of view, enforcement from a number of perspectives must be considered. I refer to our Naval Service. The navy is the primary seagoing State agency in the country and that is exactly as it should be. It operates as a kind of one-stop shop for State services. If the State has a maritime requirement, it generally approaches the navy. That arrangement is called the single-agency concept and it is working very well. For instance, the Sea-Fisheries Protection Authority does not have vessels of its own. Nor does the Garda Síochána, and even Customs and Excise vessels cannot go out too far and generally piggyback on naval vessels. I suspect MARA will be no different and will have to utilise the resources of the Naval Service. I ask the Minister of State to ensure the navy is properly resourced. It is going through a very bad patch at the moment. I fully appreciate that this is not specifically within the portfolio of the Minister of State and his senior colleague but I refer to the concept of Cabinet collective responsibility. A number of naval vessels cannot put to sea at this time because we do not have the sailors. Navy staff cannot strike and have no access to the Workplace Relations Commission or the Labour Court. They have absolutely no bargaining power when it comes to pay talks. In line with Cabinet collective responsibility, will the Minister of State have a chat with his colleagues and remind them that our sailors and navy staff are relying on Ministers to make a decision to ensure they are not exploited down the line?

In summary, I want to emphasise the importance of elevating maritime matters to where they belong in this island nation of ours. I used the two words “protect” and “exploit” because we certainly can do both. However, we can only do both if we have the proper governance and legislative underpinning in place before we expand into our maritime domain.

Deputy Dara Calleary: Is deas a bheith ar ais anseo i Seomra na Dála. I welcome this Bill because it brings up to date legislation that is far too old and irrelevant to where our island is at today. Deputy Berry’s comments were very true. I suspect he and I might have the same source in terms of how big our island actually is, apart from the bit we can see. This Bill is a step in the right direction in terms of putting the legislative framework in place. It could, however, be more ambitious. I am also concerned that the various provisions around community and community-led initiatives will, in fact, result in developer-led activity. It intrigues me that there is even a difference between community-led projects and community benefit funds. There should be just one community benefit and it should be community-driven and community-owned, as opposed to owned by those who seek to develop it.

I note the marine planning policy statements and marine area consent system and the various aspects of those provisions. They reflect a major change in planning legislation, particularly for the coastal communities concerned. It would be beneficial for the Department not to wait until the legislation is passed but to engage now in an information campaign on what this will mean for communities. I come from a county where communities and community spirit were destroyed because of the bad handling of an energy project. I do not want to see any community in my county or anywhere else go through that again.

There needs to be greater engagement with fishing communities on the Bill and its consequences. Our fishing industry is in a very dark place at this time and these changes are adding to their concerns and causing stress. Atlantic coastal communities have the most to gain from the legislation but they also have the most to pay. The Minister of State, Deputy James Browne, has just come into the Chamber. I am sure he had something to do with the decision to locate the new agency, MARA, in Wexford. MARA needs to have a very active and visible presence on

the west coast, where the bulk of this development will happen and the bulk of the advantage to Ireland Inc, for want of a better phrase, lies. Communities must be partners in this legislation. If not, the legislation and the new planning system will not work and we will not be able to get the benefits, not just for our economy but for our environment.

Deputy Naughten's proposal regarding the Western Development Commission is worth pursuing. The commission is an organisation with enormous potential. With the proper support and investment, the western investment fund could be key to enabling this legislation to make a real difference and to equipping communities to involve themselves in some of the benefits of offshore wind and alternative energies. Other projects will come under this system. It is not just about alternative and renewable energy; it is about tourism projects along rivers and coasts, which are areas that planning has choked for a long time pending the enactment of this legislation. An active engagement with the Western Development Commission is important. There also must be an engagement with the Atlantic Economic Corridor organisation. If the Atlantic Economic Corridor project and the rebalancing of our country's economy away from the east coast are to mean anything, this legislation and its potential are crucial. Unless there is engagement, we will not see any of the benefits of it.

There are other issues that are crucial to consider. I think the Minister of State will agree that the issue of coastal erosion is not being properly dealt with, either by central or local government. It would be worth his while to see how many local authorities have not drawn down funding to deal with coastal erosion because they do not have the ability to meet the co-funding requirements. Our coast is eroding in front of our eyes. As we move into the winter season, there are beaches, dunes and cliffs there today that will not be there next year. If we are to have proper maritime area planning, coastal erosion must be taken seriously by both Government and local authorities. We cannot just assume it is an inevitable consequence without engaging with local authorities and communities in defending our coasts and coastal localities.

The theory and ambition behind this Bill and behind much of the work of moving to renewable energy is excellent. We all sign up to it, but ambition is lacking. I constantly hear that from organisations and companies that want to engage with the State. For instance, we aim to have many targets in renewable energy as a country, yet we are dragging our feet and have to be dragged kicking and screaming. Hydrogen is an example one of those areas. I fear that much of the benefits of this Bill will also be wasted because the reality and ambition do not match the rhetoric or our alternative and renewable energy policy. This legislation, welcome as it is, is an opportunity to match the ambition and to match what we do with the rhetoric and do what people say. Otherwise, the legislation will be just another document on a shelf.

Communities, local authorities and private enterprise the length and breadth of the Atlantic coast want to do this. They want to engage with the Department and with private and community enterprise to maximise the power of the Atlantic, as I am sure do communities in the south east and on the east coast. They need the Department, the organisation and MARA to have the ambition that they have. They need MARA to have the flexibility and the desire to work with them on these plans. The Minister should not allow this Bill to make the mistakes that were made previously in developing our renewable resources. He should not allow this Bill and the powers it gives to alienate communities from their own resources and energy. He must allow them to get the economic and social benefits of the Bill. Otherwise, we are wasting our time here.

Deputy Mairéad Farrell: Caithfidh mé a rá go bhfuil mé sásta go bhfuil an Bille seo á

phlé. Is rud fíorthábhachtach é go bhfuilimid ag plé leis an mBille seo atá ag déileáil le pleanáil amach ón gcósta. Dúradh liom agus chuala mé an Teachta Ó Cuív ag rá, agus b'fhéidir go ndúirt an Leas-Cheann Comhairle é freisin, nach dtuigeann sé cén fáth nach bhfuil Gaeilge ar an Teideal seo agus caithfidh mé a rá nach dtuigim cén fáth go bhfuilimid ag bogadh i dtreo téarmaíochta Bhéarla sa Dáil lá i ndiaidh lae.

Agus muid ag déanamh plé ar an mBille seo, is dócha gurb é an rud atá tábhachtach ná go mbeadh sé inár n-intinn i gcónaí agus muid ag plé le forbairt in-athnuaite agus pleanáil amach ón gcósta ná go gcaithfidimid cinntiú go bhfuil tábhacht leis an mbitheolaíocht agus go bhfuil sí á cosaint againn. Chomh maith leis sin, caithfidimid cuimhneamh ar na ceantair agus má tá forbairt ag tarlú, tá sé fíorthábhachtach go mbeidh buntáiste eacnamaíochta ag an gceantar agus más ceantar iargúlta é, amhail Conamara i mo Dháilcheantar féin, go mbeadh fostaíocht agus mar sin de ag teacht ón bhforbairt go dtí an ceantar sin.

Le cúpla lá anuas, bhí go leor cainte mar gheall ar go mb'fhéidir go mbeadh pleanáil á chur isteach i gcomhair forbartha in-athnuaite taobh amuigh de ché Ros an Mhíl agus b'fhéidir gur billiún euro a bheidh i gceist leis an bhforbairt sin. Is é an rud atá fíorthábhachtach, má tharlaíonn sé sin, ná go mbeadh buntáiste eacnamaíoch don cheantar. Má táimid ag breathnú air sin, tá sé fíorthábhachtach go mbeadh an t-infreastruchtúr ann. Tá mé ag caint le fada an lá faoin tábhacht go mbeadh infreastruchtúr cuí ag ceantair iargúlta. Nuair atáimid ag caint faoin infreastruchtúr sin agus forbairt amach ón gcósta ag cé Ros an Mhíl, tá sé fíorthábhachtach go n-aontódh an Rialtas go dteastaíonn forbairt ar ché Ros an Mhíl.

Tá sé cloiste againn inniu agus le roinnt laethanta anuas go mbeidh tuairisc eile ar bun sula ndéantar cinneadh ar fhorbairt ché Ros an Mhíl. Táimid ag fanacht ar thuairisc i ndiaidh tuairisce agus caithfidh an Rialtas cinneadh a dhéanamh maidir le cé Ros an Mhíl agus caithfidh an Rialtas a rá go bhfuil sé chun an fhorbairt sin a dhéanamh ar mhaithe leis na daoine áitiúla.

Deputy Michael Collins: The Bill seeks to provide the legislative framework for a new streamlined development consent process for activities in the maritime area, including offshore renewable energy. The Bill also provides for the establishment of a new agency, the maritime area regulatory authority, to undertake certain consenting and enforcement functions in the new regime. Types of projects or activities that would fall under the new MAC system under the marine planning and development management Bill include offshore renewable energy and gas storage, telecommunications cables, ports, harbours, marine environment surveys and pollution, while also helping to address the threat of climate disruption.

It is critical that coastal communities and the fisheries sector are fully protected within the new process, while also ensuring tourism potential is not impacted. Much of the conversation regarding this plan emanating from the Government has revolved around the potential to scale up offshore wind energy in line with increased targets, aligned with a halving of carbon emissions by 2030. However, there has been little or no meaningful public consultation with local communities on the plans. It appears that much of the focus on maritime planning is on developing wind energy, while on the other hand targeting the effective wipeout of the entire fishing sector. Where is the sustainability in this approach? While I agree with wind energy at sea, in no way should it be allowed to impede the fishing sector. This sector was abandoned by successive Governments before and during Brexit and has since been abandoned by the Fine Gael, Fianna Fáil and Green Party Government, which happily sat idly by as €43 million was wiped off fishermen's income in the blink of an eye. The hope for the Government is that it can now stagger along until the decommissioning of the Irish fishing fleet happens. It is a case of get-

ting rid of it. Ireland and Europe worked hand in hand together to wipe out the fishing industry.

The Bill must demonstrate how fishermen and rural coastlines and islands will benefit from it. Areas of Irish water will be set aside for construction. If that is the case with this proposal, jobs will be created in all sectors at sea, both long term and short term. Can we guarantee that fishermen who are now out of work can get some of these jobs? Such issues must be examined in order that we can bring hard-pressed fishermen totally on board. Have discussions taken place with fishing groups throughout the country and what has been the outcome, as they are masters of the sea and the voice that must be listened to?

The discussions must be honest, unlike the recent visit to west Cork of the Minister for Agriculture, Food and the Marine, Deputy McConalogue. He mistakenly sent a press release about the successful visit he had with fishermen in west Cork the day before he arrived, which meant this political stunt backfired and showed what little regard he had for the fishing groups and fishermen of west Cork. There is a degree of mistrust in rural, island and coastal communities and that must be examined more deeply by the Minister. If he wants to get this across the line, which is of great importance, he must do so with their consent and by working with them. When he visits constituencies such as Cork South-West, he might contact all the elected representatives so that we can work with him rather than looking at party members from elsewhere on the political spectrum. It will come back to us, the Deputies in these areas, and if we are being overlooked and are not part of the process, we will make our own mind up from there.

If the Bill is to be managed properly, we must have honest and straight discussion on the benefits and pitfalls and explain how we soften the pitfalls to the benefit of rural communities. The loss of fishing grounds must be avoided at all costs. I recently met with the successful fish farm groups in Castletownbere. I put to them the upset of inshore fishermen when large fish farms are given licences taking up large areas of the sea. That is a huge concern. We are facing something similar but of a different nature in the bigger seas and there is concern about it. In fairness, some of the people who have fish farms are genuine. They are local and they are providing local employment but there is a concern about them. There is a land-based alternative in some countries and that must be examined here as an option. I was listening to the fish farmers and I fully agree with them. The biggest blockages they have in this country, and I hope the Minister of State does not come up against the same pitfalls, is the licences being applied, for example, for a fish farm. I am not saying that a fish farm should or should not get that licence, but it takes ten years before it is notified. Imagine someone applies for planning permission for a house or anything else and has to wait ten years for a response as to whether they get it or not. It is an astonishing situation. I know it is not under the Minister of State's Department but it is under the Department of Agriculture, Food and the Marine and it has to be answerable to these applicants, whether their application is genuine or not, and that is another area the maritime Bill should be looking at because we should be looking at all issues of the sea.

What I am trying to say is that there is engagement and discussion but I wish that discussion had gone on before Brexit last year. No matter how I mentioned it in the Dáil, the Taoiseach was away with the fairies and he did not understand what I was talking about. It was obvious the Minister for Agriculture, Food and the Marine did not understand it. They led blindly into an agreement out in Europe that decimated Irish fishermen and ruined their incomes and livelihoods. There was no answer bar dragging themselves into decommissioning, hoping that will get things across the line, get rid of this and then move on.

I also note that our harbours will be involved in this Maritime Area Planning Bill. Harbours

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and piers need to be looked at seriously. There are so many in west Cork that need upgrading and that is probably the case throughout the country because they are in a shocking state of disrepair. I can name many, and one is the pier at Union Hall. The Minister for Agriculture, Food and the Marine was down recently to do the Fianna Fáil road trip, for all the good it was to the fishermen of west Cork, as the pier users in Union Hall got no announcement as to when that pier will be expanded or works done on it.

Floating terminals were mentioned. I cannot understand for the life of me why this cannot be considered in a more serious light. I am certainly not an expert on floating terminals but I did put forward a very genuine proposal to the Minister, Deputy Eamon Ryan, last year in a spirit of openness and dialogue. To be fair, he rang the individual in question in west Cork, a person who had huge experience across the world and wanted to invest some money in Ireland. We have a situation where we have faced many amber alerts in the last 12 months. We are on the verge of a blackout in Ireland and, if the Minister of State does not mind me saying it, a bit like with the Brexit negotiations, the Government is asleep at the wheel. We have to look at other ways. This plan is down the road. I know the Minister is trying to speed it up and I respect some parts of that, but it is still not going to be a solution to the situation we are in right now. The floating terminal was a great solution by a west Cork company that was willing to invest and willing to do this off Cork Harbour. Please tell me where I am going wrong or where this guy is going wrong because it is happening all over Europe. It seemed to be a green solution and a great solution, but not in Ireland. It cannot happen off Cork because we are Irish. Is that it? I went into great detail with the Minister. I raised it on Leaders' Questions at some stage and had three minutes with our leaders to try to get that point across because I had taken advice and listened.

While we need to discuss the Maritime Area Planning Bill, as I said, I wish the Government gave as much time to other maritime areas. I am supportive of much of the Bill but if rural communities, inshore fishermen and pelagic fishermen are not properly consulted, I will be led by their call as they are the only people I am answerable to inside in the Dáil - the people of Castletownbere, Kilcrohane, Mizen Head and all the way out along the coastline to Kinsale, by Union Hall and Glandore. They are the people who put me here and the people I represent. If the Minister of State is in west Cork, he might decide there is only a certain sector that he wants to speak to but I want everybody spoken to. I want everybody on board. I want to make sure that everybody's livelihoods are protected, the livelihoods that were lost by complete and utter neglect. This is an opportunity to turn it around. There may be advantages and there will obviously be snags and disadvantages that we will have to iron out. I am supportive of this if they are ironed out and if there is complete consultation. I will be meeting with fishing groups over the weekend and discussing this with them. I will be meeting farming groups and I have just texted in regard to an IFA meeting over the weekend. I want to talk to them because they represent rural communities and I want their vision and their view on this. In fairness, we are in the House talking about it, which is positive and something I welcome. Hopefully, we will keep along that line of discussion and go from there.

Deputy Mattie McGrath: I am glad to speak on the Maritime Area Planning Bill 2021, which seeks to provide a legislative framework for a new streamlined development consent process for activities in the maritime area, including offshore renewable energy. The Bill also provides for the establishment of a new agency, which is the bit I do not like, the maritime area regulatory authority, or MARA. I remember "Mara" used to be referred to on "Scrap Saturday" and that was P. J. Mara, God rest him, a friend of mine. I hope this will not be another quango.

We have so many of these quangos and agencies. If the Leas-Cheann Comhairle will allow me to digress a small bit, we have the Marine Casualty Investigation Board, which is totally unfit for purpose. Two young men from my constituency drowned nearly 11 years ago off Helvick and there was no proper investigation or inquiry. Nobody with seagoing experience is on that board. There is every kind of hanger-on or political appointee but nobody with seagoing experience. It is imperative, if this MARA is to be set up, that we will not be shouting “Mara”, as we heard back in the past, and that it has people who know what they are doing.

I know nothing about offshore wind energy but I am all for it. I heard a Deputy say earlier that the stocks might be replenished because some of the bigger boats might not be able to commit themselves in the area. That should have been looked at years ago. Our fishing industry has been wiped out and all we see is the compensation scheme. I remember when the Carlow sugar factory, in the Minister of State’s constituency, closed and it was then moved to Mallow. I had huge engagement with the people moving it because there was massive equipment which went through Tipperary and there were problems all over the place. I apologised to the contractor after a delay of three or four days trying to get through the town of Cahir. He said that, if the truth be known, he was moving it closer to the scrapyard in Haulbowline. The closure sent it to Mallow and Mallow was gone shortly afterwards, with the loss of that valuable industry. We have lost the fishing industry. We are not learning from our mistakes. It is all but lost. It is lost, it is gone, and we have a compensation scheme. What good is compensation for people whose lives are at sea, whose lives are work at sea, who are providing jobs and spin-off jobs and, above all, providing food for our people and people who want to visit our shores? What has gone wrong?

I know there is a review of the Marine Casualty Investigation Board at the moment but it is a token review. It is not fit for purpose. Who will be on this new agency? Is it more party cronies divvying it up between the three parties, or somebody might lobby from abroad and send texts to get on it because they know somebody? This is what is wrong here.

We are trading recklessly as regards power supply for our country. I was in contact with Eir-Grid last spring to be told we had two orange and two amber alerts in the fall last year. Without doubt, we are going to be lurching into darkness this year. There have already been unexplained power cuts in different towns and people have contacted me, albeit the power cuts were short. We have to consider the damage that does to equipment, especially when it is without notice. It is bad enough if a swan hits a power line, which can happen in my area, or there is an accident, a storm or an act of God, and we have to turn it off. The Government is closing down peat stations and not replenishing supplies. We are trying to rush by setting up this agency and bringing forward this legislation.

We definitely need to utilise wind. God knows, we have enough area of sea around the country and I have the research figures here, which I do not have time to go into. It is massive, as we know. We are a small island country but we are losing our destiny as a sovereign nation. We have lost it; we have sold it. Who owns these big conglomerates that are going to come in and develop this? I heard Deputy Calleary, for whom I have great respect, mention the community developments. The same happened with the turbines. There was huge angst and anxiety in my constituency because they were all out-of-town developers and big companies that were doing the development. They thought they could, like Cromwell, nearly take over the county of Tipperary. When Cromwell came over the Vee from Port Láirge - the Minister of State knows the area - he looked down on the plains of south Tipperary and the Golden Vale. What a land worth conquering, he said. Some of these companies think the same and they treat people with

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disdain. They do not consult, they do not engage and there is no bottom-up engagement with the community. I am all for community, for airt in local people and the meitheal spirit, but we have gone away from it. I note two meetings in my county in recent days trying to revitalise our villages. Public meetings start at the bottom. They have been denuded and cleaned out, with shops closed, pubs closed - everything closed. The way the housing policy is going now, we cannot build houses and we are herding everybody into the cities.

On this specific legislation, I will work with the Government constructively. However, as I said, the Minister for Housing, Local Government and Heritage brought forward another part of this before Christmas and he did not even go through pre-legislative scrutiny. This is not the way to deal with such issues.

I have listened to the Leas-Cheann Comhairle and others who know more about this than I do talk about their fears regarding big companies when they come in. Do MARA and the other agencies have the power to police it? The Garda has neither authority nor equipment to go out on the sea to deal with the Marine Casualty Investigation Board and they conduct desktop studies. Conducting desktop studies with these big companies would be very dangerous.

The policy around our renewables and our energy is gone daft. The price of ESB is gone hugely expensive. I am told that in Lanesborough, the Government is dismantling a peat processing plant and it is being exported to Germany and being put into reoperation as a peat processing plant out there. I am all for climate change and being sensible about green policies but this is daft. We are closing down. We are tying our two hands behind our back and nearly blindfolding us. We will be in the dark in the winter. We will be fumbling around trying to feel our way or back to the candles. This is not the answer.

Sustainable local involvement by community groups must be nurtured and supported. We should take chapters from the different pieces of legislation across the water in England where they have community gain in all planning applications. Deputy Michael Collins, my colleague in the Rural Independent Group, stated before me how he knows that the fish farms and the merits of them can be achieved elsewhere. That is what the planning authority is for, but for any decision to take ten years is archaic. No developer will wait.

Then we had the situation in the Minister of State's constituency where our friends in An Taisce are holding up a fabulous splendid pristine-clean company to process our milk into cheese that is needed, with a Dutch company as partners. For a fourth time, they are going back to the courts. We are told they will go to the European court. Where was An Taisce when we allowed all these data companies to come in here and make the ordinary public pay for the ESB for them by the reverse charges? This is crazy stuff. We are crucifying and, as I mentioned the late Oliver Cromwell, we are going back to the people to make them paupers again - pay up, shut up and stay quiet. Over the past 18 months, we have terrorised them and locked them down completely. Our freedoms have been denied to us.

In this area, we have allowed the fishing industry to go like the beet industry, but will we allow these big offshore companies to come in? We do not have the expertise and, meaning no disrespect to the Department officials here, we probably have no proper expertise dealing with it either. We need to get in the right people and expertise. As I said, we need to get the right people on MARA because if we do not, we are piddling against the wind. We are talking about wind energy here and we could create a lot. All the hot air spoken here last night would nearly power the place for a week if we could capture and use it. That often happens in here.

I am asking the Minister of State, Deputy Noonan. He is a Green Party member. I have respect for the Minister of State but the policies are on their head when we have data companies using such quantities of electricity. We are building more of them and we are boasting about them. There is a building going up on the Naas Road - the Ceann Comhairle probably sees it as well as I do. It is massive and we cannot get a henhouse built or build a log cabin. We cannot build log cabins anymore because we cannot cut the trees. I said yesterday morning here that when somebody plants any crop they are entitled to harvest it. You should not have to get a licence to harvest a crop of trees after waiting 25 or 30 years.

On this Bill, I look forward to engaging with the Minister of State on it. Deputy Collins was lamenting the fact the Minister of State was in west Cork and he never met the Deputy or told him. That is disrespectful to any Oireachtas Member but it is happening all the time. The Minister of State promised to visit the wonderful Knocklofty House in Knocklofty Demesne, a former home of the Earl of Donoughmore who was kind to the IRA men on the run, looked after them, left them train and fed them. The house now is being plundered. The Minister of State promised to come and see it. I beg the Minister of State to come and see it because it will not survive another winter.

Minister of State at the Department of Justice (Deputy James Browne): A couple of years ago, Wexford County Council put forward proposals to develop Trinity Wharf in Wexford town to rejuvenate a brownfield site at the heart of the town to help to develop the socio- and commercial development of the area, to facilitate economic growth and, in particular, to create a vibrant place to live, to do business and to support the cultural part of that town. I was delighted recently when the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, provided almost €19 million under the European Regional Development Fund, ERDF, scheme to help to develop that as the location is wonderful, looking over Wexford Harbour and Wexford town has a rich maritime history. The Minister, Deputy Darragh O'Brien, visited Wexford town only two weeks ago with me and the mayor, Mr. Garry Laffan, from Wexford town, where he confirmed that the new maritime area regulatory authority, MARA, will be located in Trinity Wharf. I could think of no better location.

There is a rich history in Wexford and we have deep connections to Savannah, to Newfoundland, where you can still hear the Wexford accent several hundred years later, and to Argentina. We did not go to anywhere handy in the United States, like New York or Chicago. We went to some very distant places but our history and tradition is still there.

I wish MARA the best as a key agency. It will be in a county where we already have the Environmental Protection Agency, EPA, and the Department of Agriculture, Food and the Marine. It is a crucial agency to support the Maritime Area Planning Bill and to ensure it will be effective in ensuring the protection of our coastlines and developing the potential of those coastlines, but to do so in a manner that is safe and protective of our coastlines and our climate and in a way that recognises the local communities. It will be critical that in any developments that MARA will oversee, the local communities on the coastlines are protected and, whether they be the fisheries or the villages, are involved and consulted. They should also benefit from any economic advancements as a result of developing offshore wind energy, such as wind, tidal and other wave energies. Of course, that would be another key part of it as well.

We are facing a catastrophe around climate change or, to use the more apt phrase because of what is happening, global warming. MARA will be critical to ensuring we can develop that offshore energy in a manner that recognises the importance of our coastal culture. Our sea area

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is seven times the area of our landmass. We have huge potential there to develop it, but in a sustainable way that helps to tackle global warming and climate change.

As I say, this will be a hub of excellence based in Wexford town. I tried to argue that if you stood up on top of Vinegar Hill in Enniscorthy town on a ladder you could see the sea on a clear day and maybe Enniscorthy would be a great location for MARA but that was an argument and a stretch a bit too far.

I congratulate the Minister, Deputy Darragh O'Brien, on this Bill. It has huge potential. I also congratulate the Ministers of State, Deputies Noonan and Peter Burke, who no doubt have had significant input into these proposals.

Deputy Chris Andrews: I welcome this opportunity to speak on the Maritime Area Planning Bill 2021. As an elected representative for one of Dublin's coastal constituencies, I am all too well aware of the negative impact planning along the coastline has had on local communities, over the years and right up to the present day. This is an extremely important and vast piece of legislation and will have far-reaching consequences for generations to come. We need a robust system that will deliver for the State and, most importantly, our coastal communities, which have often been forgotten and failed.

It is all well and good speaking about vast pieces of legislation, but I do not see us getting the basics right in Sandymount or Ringsend. When you walk down the Shelly Banks and around Sandymount strand and experience the dreadful smell of what the council tells us is Ectocarpus - there are vast amounts of it, making Sandymount strand almost unusable - or hear that another "do not swim" notice has been put in place, it is upsetting for residents and visitors. You might stroll by the Poolbeg lighthouse, which is a popular spot for sea swimming at the Half Moon swimming club, and see brown foam floating on the water's surface only to be told by officials it is harmless and just the result of heavy industry further up the Liffey. Sandymount strand as well as Clontarf in the north of Dublin are regularly unusable because of neglect by State authorities, including the Environmental Protection Agency, EPA. During the winter, I regularly get reports from rowers in the Stella Maris Rowing Club and St. Patrick's Rowing Club of raw sewage floating past them as they row up the Liffey or along the coast. Recently, I reported what appeared to be waste discharge but was told it was grand. If you saw it, you would not put a dog in it, never mind kids. You would not feel safe even wading into it up to your ankles.

This situation is not acceptable and has to change. We must do something about it. Coastal communities should not have to put up with these failures time and again. We need to start getting the basics right. The State needs to start delivering for these communities. We need additional water quality monitoring at beaches and shorelines where there are swimmers year round. Sea swimming has taken off and is something we must keep up with, but we are not at the moment. Information needs to be made available to the public rather than buried online. It needs to be published in local media and on social media. We need to escalate rapidly the development of infrastructure nationwide to treat raw sewage before it is discharged into coastal waters. We need short-term engineering solutions to be put in place while works are being carried out to prevent further discharges of raw sewage every time there is heavy rainfall. These requests are moderate and would improve the impact on coastal communities immensely.

Deputy Thomas Pringle: I welcome the opportunity to contribute on the debate. This is a welcome Bill that is necessary to ensure the maritime area will see some sort of control over the development of its resources as well as preservation of environmentally vital areas, which

is probably a more important element at this stage.

Our record of protecting the environment has been pretty poor. The marine area has really only been recognised in Ireland recently. Those of us who have lived in maritime areas have known of its importance to our communities. In the past, there has been a them or us attitude to preservation of the marine environment, but that is changing. Vitally, we know the whole environment is interlinked.

I would be concerned as to how the planning of the marine environment will progress even with this Bill. Marine protected areas, MPAs, are geographically defined parts of the marine environment where a limit has been placed on offshore industry and other human activity to protect marine habitats. Only a small percentage of our marine environment is protected currently. I believe it works out at approximately 2.13%. This will have to increase significantly in the next few years. It is not something our fishing communities and island communities should be afraid of, but given how the Bill might develop, they may well be.

MPAs are a key tool in ensuring the conservation of marine ecosystems. Legislation on expanding the MPA network will follow the Bill, but why must it follow? They could have been managed together. The network legislation is large and complicated, but this so-called complicated Bill has been put back a couple of years already. I am afraid that damaging human activities, pollution, biodiversity loss and climate change will be left until the end after a great deal more damage has been done.

Developers will be granted marine area consents, MACs, in ecologically important areas. There is no way around that, which I understand. According to Dr. Tasman Crowe of the Earth Institute in his contribution during the committee's consideration of this Bill, the MPAs will require "implementation as part of the national marine planning framework" and "co-ordination among relevant Departments and wide and sustained consultation". Therein lies a major part of the problem, as it seems everything falls down in this country when we need to have Departments work together to achieve a goal. How will the Minister of State ensure Departments will work together? Which Department will take the lead? Will his Department even be interested in seeing how this develops? These are important questions and their answers will have an impact on how the Bill progresses and whether it is successful.

The Bill does not include all of the marine environment. It amazes me that this can be the case. Fishery harbours are not included and fish farming has been kept out of the Bill. How could a Bill that is supposed to deal with the marine environment leave out fishing ports and fish farming? While there appears to be some mapping of consent for fish farms in the Bill and through the environmental process, how much does it integrate fish farming into the overall marine environment protection? This is a vital issue.

The Bill's main purpose seems to be the development of offshore energy projects, particularly wind, although there is tidal and wave power as well. There is no doubt it needs to be managed in a way that allows schemes that have already gone some way down the development road to go ahead. I presume they will still need to have regard to environmental needs. Even though all of the MPAs have not been designated, it will still be known where they are likely to be. This needs to be taken into account.

I note that marine planning is developer-led and the intention is to move to a plan-led system. This is a laudable aspiration and is where we should be heading, but we do not have a

good record of it in Ireland. That problem will arise in future. Will marine developers supply environmental impact statements for their developments? An offshore environmental impact statement, EIS, will be the same as an onshore EIS in that it will not say a development should not go ahead. A system should be developed like the one that obtains in respect of Natura bays and fish farming, in which regard we did something well, albeit only because we were forced kicking and screaming by Europe into doing it. Working through it was slow, but it has done a proper job. Under it, it is the Department and the Marine Institute that carry out the assessments and tell the developers what the latter have to take cognisance of in the licensing regimes. That is where we should be going with all developments. The State or its planning authorities should conduct the assessments, not the developers. He who pays the piper calls the tune. That is the reality of the situation. As I have stated numerous times, I have yet to see an EIS that says a development is too detrimental to the environment to go ahead. The person paying for the assessment will get the answer he or she wants. We could face this problem in future.

There is an opportunity to do this right. Let us take the time and put a genuine plan-led development system in place. The plan-led aspect is vital. I would love to see it working out that developments take place in this way. Unfortunately, only time will tell whether that is what we achieve through this process. If we need to change and adjust to protect the environment, I hope we will not be too late in doing so. We must get this right. Maybe I am being too negative. I am not wildly confident we will have such a system, but I hope we do. If we do, we will have something to point to as a model for the way ahead. Maybe we will be able to move the offshore development system onshore so that we can have proper developments onshore as well. Time will tell.

Deputy Joe Carey: I am pleased to speak in favour of the Bill, which will lead to many new and exciting developments in our marine economy. The establishment of this authority will ensure that these developments will be done in a well-managed way, striking a delicate balance between sustainable development and managing our environment for the good of all humans and the millions of other species of flora and fauna with which we share our land and seas.

Ireland has a long and proud tradition of marine enterprise and exploration. I am a Teachta Dála for the coastal county of Clare. We must remember that 75% of our population live in coastal counties. The new authority will be of benefit to all of us, and I will support this Bill. The new authority will research, plan, and manage a maritime area seven times the size of our landmass. The main basis for this legislation is contained in the National Marine Planning Framework, part 1 of Ireland's marine strategy, which was published by the Government just over a year ago. This is a comprehensive and valuable document. Many of the records contained in this report were recorded and observed by the Marine Institute. Will this body be absorbed into the new authority or will it remain an independent entity?

In recent years, we have seen a number of important and strategic developments held up or cancelled by serial objectors who, for ideological or other reasons, have lodged numerous objections. Does this legislation include any measures to provide for address of these concerns in a balanced and fair way for all sides? Is the issue of commercial rates liable to a local authority also addressed? Will the hundreds, if not thousands, of marine wrecks at the bottom of sea be dealt with within the administrative area of the new authority?

Under section 36, the authority is answerable to the Minister. Does this extend to the answering of parliamentary questions?

Deputy David Stanton: I am glad to contribute to the debate on the Bill. For many decades, we in Ireland turned our back to the sea. I come from a coastal community, where we have Cork Harbour, the second largest natural harbour in the world, Cobh Harbour, which is steeped in history, Ballycotton Harbour and Youghal Harbour, where the film “Moby Dick” was made not that long ago. The coastline along that area is maritime and it is inhabited by fisher-folk, which is a dwindling community, one that needs our support.

For many generations, we have treated the sea as a dumping ground. It was fantastic to be in the presence of the Taoiseach recently when he opened the waste water treatment plant pumping station in Cobh dockyard, where up to quite recently 44,000 Wheelie bins of raw sewage per day were being dumped into Cork Harbour. That has stopped. We have done something similar in Youghal and Carrigtwohill, but there is a lot more to be done across the country to treat effluent and to stop the sea being treated as a dumping ground. I am concerned too about the plastics, including microplastics, that our finding their way into the sea and out into the ocean. We have an awful lot more to do in that regard.

It would be remiss of me when talking about the sea and the potential of the sea not to say that we must the best we can to safeguard the America’s Cup. It would be a shame if we lost it. Generations into the future will not forgive us if we let it go. I call on the Government to do what it can. I know we are discussing an infrastructure Bill but infrastructure will need to be developed to make this happen. Plans already in place will have to be brought forward. It would be a fantastic event for the country if we could get it. We should do all we can to bring it here.

Mention has been made by colleagues of green hydrogen. I am not sure if the Ceann Comhairle is aware of it but there are plans to erect large wind turbines off the coast of Cork. This is known as floating wind energy. It is very exciting. I often wondered how it could be possible to have a floating turbine and whether the first storm would knock it over, but technology has advanced so much they are floating, tethered to the bottom. They are enormous. For many years, people have objected to wind turbines on land and they have become a bit toxic and they do not want to look at them. People will not be able to see the floating wind turbines because they are out at sea, but they will have an impact when out at sea, in particular on the marine environment. That is why this Bill is so important. We need to plan these things carefully. A company in Cork called Simply Blue Energy Limited has fantastic plans to do this. The plan is to pump the electricity onshore and to use that to create green hydrogen by splitting the water into hydrogen and oxygen and using that hydrogen to generate electricity to power our trucks, ships, aeroplanes and to pump it into the gas grid. We have one of the most modern gas grids in the world. This has to be planned properly. It also needs to be fast-tracked and supported as best we can. It is hugely exciting. The only emissions from this when the hydrogen is burned is heat, energy and water. It is really good. It is the future for us all.

4 o’clock

Talking about the future and about infrastructure brings me to another point. Quite often we in this House plan in election cycles. We plan from one election to the next. Five years is the maximum, then everything stops and we start again. Recently, I was in the company of a group of people who wanted to honour a man called Edward Bransfield, who discovered Antarctica on 30 January 1820. At the moment the ice sheets of Antarctica are melting at a ferocious rate. The ice sheets in Greenland are melting at a ferocious rate. The glaciers are melting at a ferocious rate. While we were in recess, some reports came out which were staggering. These reports suggest many towns I represent such as Midleton, Cobh and Youghal will

be underwater in the next 30 years. They also suggest much of Dublin will be underwater due to rising sea levels. I have done a fair bit of reading on this and it seems this particular issue is unstoppable. The sea has warmed, the ice is melting and this is irreversible. What we should do now is plan ahead to see what we can do to safeguard our towns, cities and people from rising sea levels. There is no point in waiting until the water is coming under our door. That is too late. Maps produced by the EPA and OPW are pretty scary. All the low-lying areas are at risk around our coastline. However, we are not as bad as some parts of Europe. I have seen some suggestions for infrastructure that must be put in place, and which can be, to safeguard against and prevent the damage and the worst outcomes that can happen. I have seen some reports that suggest 100,000 addresses in Ireland could be at risk by 2050, which is not far away. If we are to safeguard these addresses and these people, homes, businesses and infrastructure, we must start planning now. The Minister of State is probably well-seized of this. We must take action. This is something that is coming and from what I have read, and I have read a lot on it from people who have studied it a lot, it cannot be stopped. It is going to happen. We can throw our hands in the air and say this is or more of this or more of that but I have read the science and I am quite concerned about it. Thus I would suggest that when we are talking about this Bill, we ensure we get our act together regarding rising sea levels. It is hugely important.

With respect to the other issue of global warming, we are aware, and it has been said again and again that the agricultural sector produces much methane from the dairy herd. There is much interesting research going on, which suggests methane could be reduced by feeding a very small amount of a certain form of seaweed to cattle. That seaweed could and should be harvested in the marine environment and this is something we should perhaps consider as well. We must produce food but it should be clean food and green food and the answer is in the blue sea.

Deputy Verona Murphy: I have spoken many times in the House on the areas of fishing and the marine and some of the issues I have raised highlight the need for better marine planning, so I am pleased to be speaking on the Bill. I will first address maritime spatial plans in chapter 2. We will have to wait and see how these spatial plans work in practice but progress in the area is welcome. The Bill states:

(2) The objectives of a [maritime spatial plan] shall be—

(a) to analyse and organise maritime usages in the maritime area for the purpose of achieving ecological, economic and social priorities,

(b) to establish a national strategy for the Government in relation to the strategic planning and sustainable maritime usages in the maritime area,

(c) to apply an ecosystem based approach for the purpose of supporting proper planning and sustainable maritime usages in the maritime area, and

(d) to promote the colocation of different types of maritime usages in the maritime area.

I have highlighted on a couple of occasions the lack of joined-up thinking when it comes to the planning of marine activities. I used the example of cable-laying activities being issued a licence to operate in fishing areas, which effectively meant two separate Departments granted licences for two different activities in the same area, leading to conflict. The conflict stemmed from the lack of clear rules and regulations as to what activities would have priority. Fisher-

men were receiving cease and desist letters from cable-laying companies because the fishing activities were interfering with the cable laying. It is for reasons such as this that we need a clear maritime plan for an area to organise the usages in such a way as to reduce conflict. The fishing community in particular has been hit hard over the past number of years. It is the oldest and longest-established maritime activity. In the same way as horses have the right to use our roads, fishermen have the right to use our waters. I therefore hope that when a maritime spatial plan is being produced that at all times the rights of Irish licence holders to fish in our waters are protected and that it, above all other activities, has the right of way in our waters.

This Bill also establishes an organisation, much mentioned today, to be called the maritime area regulatory authority. I have some examples of issues it might consider working on as soon as possible, though the agency is not yet set up. The first is an issue related to salmon drift net fishing. Following recent correspondence with licence holders for salmon drift net fishing, I was supplied with a copy of correspondence sent to them by the former Minister of State, Mr. John Browne, father of the Minister of State at the Department of Justice, Deputy James Browne. My correspondent received this letter on 13 February 2007 regarding a temporary suspension of salmon drift net fishing in the interests of conservation. The correspondence refers to a hardship fund aimed at alleviating hardship related to loss of income derived from salmon harvesting in recent years, caused in turn by the cessation of mixed-stock fishing in the interests of conservation. The hardship fund or compensation package was given to licence holders willing to relinquish their licences. Those who held onto their licences in anticipation of a resumption of salmon fishing have not yet received any compensation, nor have they been permitted to resume their fishing activities. The letter goes on to state:

In the future event that stocks recover in each of the rivers of the Waterford estuary, and it is established through the results of the genetic stock identification project that significant numbers of fish destined for other rivers are not intercepted within the estuary by commercial nets, it should be possible to exploit the identified surplus by all methods.

This paragraph clearly shows that under certain conditions, salmon drift net fishing would be allowed to return. More than 14 years later it remains suspended. In the interest of fairness to the people involved, I ask the Minister undertake the a number actions, or perhaps MARA could carry them out. The first is to arrange for a stock identification project to be completed on all relevant rivers to establish whether stocks have returned to a sufficient level for all of the fishing to resume. The second is to reintroduce the hardship fund for any remaining licence holders who wish to relinquish their licence on the same terms as were offered in 2007.

The second issue the Minister or MARA could turn their attention to is the introduction of regulations which see shellfish boats being no longer able to land their catch in UK ports. From 1 October, bivalve mollusc shellfishing boats can no longer land their catch in the UK, meaning they must go to Belgium or France to land their catch. Boats being unable to land in the UK mean hours and hours of additional sea journey time to land catch in EU ports and then more time to get the catch transported back to Ireland for processing. These fishers are not included as part of the trade and co-operation agreement because they are non-quota. They receive no compensation but are gravely affected. Seven boats are affected by this and all of them are owned in County Wexford. The extra cost imposed as a result of this change will cause major hardship for those hardworking fishermen who are trying to make a continued success of their businesses. Those affected must be supported by a liquidity fund to allow for the costs incurred as a result of the change and to give them time to identify mainland EU processors as we now have only one processor in Ireland.

The way those affected have been treated is unacceptable but is symptomatic of the way in which our Government treats our fishing communities. When it comes to Northern Ireland the protocol can be kicked down the road but we are enforcing it to the nth degree here. This has created an uneven playing field. The Government must think that if no one mentions it, then it will go unnoticed but untold damage is being done. In fact, the Government's treatment of the fishing industry lately, which has been mentioned in the House many times today, has been crazy. I previously highlighted issues around fishermen being expected to spend hundreds of thousands of euro to provide quayside weighbridges when perfectly operational weighbridges are only a few metres away in a factory setting, all as a consequence of the European Commission interfering unnecessarily in our fishing affairs, based on information given by the Sea Fisheries Protection Authority, SFPA.

The third area that we need to see more movement on is the wind farm construction base at Rosslare Port. No disrespect to the Minister, but there has been much talk today of MARA, a quango that has not yet been set up. It is to be housed in Wexford in a building that has not been built yet. I want to be optimistic and I hope that it transpires that we get MARA and that it is housed in Wexford because the Wexford people do not deserve spin; they deserve delivery. Rosslare Europort is ripe for investment. I do not believe that the heel-dragging will bring the much-needed foreign investment to the port. We need action. We need the Government to deliver on the words that we continually hear on local and national radio. Rosslare Europort is the country's most strategic port and it is in urgent need of investment. Giving taxpayers a double bang for their buck would mean awarding the offshore construction wind base to Rosslare Europort which will provide the infrastructure required and repair the neglect of that port for the last 30 years. I hope that MARA will be a success. Too many State authorities end up putting unnecessarily onerous barriers in the way of people they are supposed to be helping. I hope that the work of MARA will focus on removing barriers to investment and innovation for all of the hard-working people involved in various marine activities across the country.

I will finish on the issue of landing catches in the UK, which I urge the Minister and Department officials to take very seriously. These fishers have spent millions of euro on their fleet. They are now seeing their businesses and their family life turned upside down through no fault of their own because of Brexit. They believed that they would be compensated as part of the national fleet but because their catch is a non-quota species, they have been excluded. No compensation is available to them. They are being told they are not being affected but nothing could be further from the truth. It is the fishers' belief that because there are only seven boats in the Irish fleet, the Government does not care because that amounts to only seven votes. However, I remain optimistic on their behalf and believe that this Government, the Minister and departmental officials have the foresight to prove them wrong. The entire fleet is owned and based in Wexford and as a Wexford woman I know that Government members elected by the people of Wexford, including the Minister of State, Deputy James Browne, who has just returned to the Chamber, are well aware that all of Wexford is united behind this small group of fishers and the many who live in our fishing communities. Those who work in the only scallop processing plant in the country, based in Kilmore Quay, are also full-square behind them. We have the best fish restaurants in the country because of our fishers and I am going to name some of them because they deserve it. They depend on the seven boats that the Government may see as representing only seven votes. I will name all of the restaurants I can because those who work in them, their families, communities and county have votes. We have La Côte in Wexford town, the Lobster Pot in Carne, Sharky's Fish and Chips which has become a well-known chain, the Silver Fox and Mary Barry's in Kilmore Quay, the Strand Tavern in Duncannon, The Hollow

in Ramsgrange, Byrne's in Ballyhack and Greenacres in Wexford town which has won the best seafood chowder award. These are all family-run businesses, supporting the community and based on our fishing sector and seven boats. I implore the Minister to take that on board and consider the communities in which those seven boats are involved. I am available to discuss this issue with the Minister, the Government or departmental officials at any time.

An Ceann Comhairle: I am sure all of those restaurants will be delighted to have been mentioned in the House. Deputy Shanahan is next. Are you going to tell us about the restaurants in Waterford?

Deputy Matt Shanahan: No, I am not.

The Maritime Area Planning Bill is a component of the national marine planning framework designed to manage marine development. The Minister synopsised this Bill yesterday as setting out to develop and integrate the management plan for 500,000 sq. km. of our ocean and foreshore. The magnitude of the responsibility this Bill seeks to address was highlighted in the Minister's opening statement when he said that we have not inherited the earth from our parents but have borrowed it from our children. The Minister described the scope of the Bill to provide for a marine planning system which will address environmental and planning issues from the smallest boathouse to the largest offshore wind farm. The Bill will establish a new body, the maritime area regulatory authority, MARA, to undertake certain consent and enforcement functions in the new regime.

The enactment and implementation of the Bill will help Ireland to meet its climate action and renewable energy targets. There are very lofty goals within this proposed legislation. Who are the stakeholders? They include Ireland Inc., our coastal communities, our ports and regions, those who draw their living from the ocean, those involved in energy generation and the tourism sector. What are the opportunities? They include the development of a marine-based energy infrastructure having full regard to sustainable development, biodiversity conservation, carbon mitigation, energy security as well as community and enterprise development.

MARA has said that its offices will be located in Wexford which I welcome. I also echo the calls of others in this Chamber regarding the designation of Rosslare as the future wind development port in the country. I am sure the Minister is aware that the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, on a recent tour of the country described the future designation of the national wind port as a "competitive process". However, I would point, as I have done on numerous occasions in this House, to the lack of investment in the south-east region over decades. Rosslare is located exactly where it should be in terms of facilitating developments along the east and south coasts. It is also adjacent to the Welsh coast but beyond that, it could be a significant boost to the economy of the south east.

I spoke recently to Mr. Glenn Carr of Rosslare Europort who told me that the envisaged cost is somewhere between €100 million and €150 million, substantially less than the money mentioned earlier to secure the round the world yacht race. The extension of that facility into the future would benefit Ireland far greater than the tourism boom that might come from yacht racing.

What of the impact on stakeholders, the fishermen and coastal communities, the impacts on our biodiversity, the marine protected areas and our special areas of conservation? Deputy Naughten spoke earlier of the need for a significant and sustained community component, a

wind energy rebate into the future. That is an absolute prerogative in this policy.

How does this strategy promote data centre development? I have asked questions in the Dáil in recent weeks, and have yet to have adequate answer, on how many memorandums of understanding, MoUs, have been developed with data centre companies in this country. I understand it is anywhere between 30 and 75. It is said between 30% and 35% of Ireland's energy consumption will be required for data centre management. Are we building these windmills for Ireland Inc. or are we building them for foreign companies to invest in wind generation and data management here?

The long-term strategy is very important in protecting our coastal communities as this strategy unfolds. As others have noted, there are significant pressures on our fishing industry. Factory trawling is going on adjacent to our shores. Can fishermen's trawlers in Ireland be retasked in the future to support offshore wind generation? We should remember that in the recent fishermen's discussions, fishermen lost 15% of their quota. We have some 12% of waters in the EU, yet we can only land 4% of fish caught in these waters. This is an undescrivable horror for people who have been in the industry for so long and who see it wane. Maybe wind energy generation can offer some regeneration of income into these coastal communities.

Marine pollution was touched on. There is a significant problem with marine microplastics, as I am sure the Minister is aware. We cannot talk about marine conservation without talking about future social initiatives to change consumer habits. We are talking about stopping fossil fuel generation in the Irish Sea. Why are we not talking about reducing plastic at the same time? It is certainly a no-brainer to me.

I commend the quality of the debate from colleagues yesterday and today. They have offered the Minister and the Government points to think on. We are closing out on the development of fossil fuel and natural gas from the marine environment, but we must ensure we retain national ownership in these future commercial revenues we will create in wind energy generation. I look forward to further developments with Government with this strategy. The south-east coastline is a pre-eminent amenity for people in my constituency and adjacent areas. There are very significant discussions about very large wind farm areas along the south coast. These cannot be foisted on the people of the south to generate for Ireland Inc. and generate energy for foreign data centres without some community coupon and without regard to the wishes of people living in these areas. I look forward to engaging with the Minister and the Department on these issues. I hope to see a genuine effort to designate Rosslare Europort as the future wind generating port in the national development plan.

Deputy Catherine Connolly: Fáiltim roimh an deis páirt a ghlacadh sa díospóireacht seo. Ceapaim go bhfuil an Bille seo thar a bheith tábhachtach; fiorthábhachtach i ndáiríre. Leagfaidh sé amach an fhís don todhchaí agus an chaoi a rachaimid i ngleic leis na dúshláin atá os ár gcomhair ó thaobh athrú aeráide agus athrú bitheolaíochta. Tuigim an méid oibre atá taobh thiar den Bhille seo ach, faraor, ní mór dom a rá, cé nach maith liom a bheith diúltach, go bhfuil mé buartha. Tá 20 nóiméad agam agus déanfaidh mé mo dhícheall leagan amach cén fáth go bhfuil mé buartha faoin mBille seo.

This Bill is 240 pages long. It is important that I would be ag insint bréige dá mbeadh sé ráite agam go bhfuil sé léite. Níl. Tá sé leath-léite agam ach tá na cáipéisí cúnaimh uilig léite agam. There are nine Parts broken into 49 chapters, 181 sections and 12 Schedules. I would have thought pre-legislative scrutiny was essential and we have not done that. We had pre-leg-

islative scrutiny on the heads of the Bill but we did not have it on the actual Bill. I do not belong to that committee, unfortunately, although it is also fortunate because I do not have the time, and therefore I have to read around, as most Deputies must do. It would have been very helpful to me to have a second report published from a committee that looked in a pre-legislative way at the Bill that was published. That did not happen. I always pay tribute to the Oireachtas Library and Research Service because it does tremendous work. It is clearly under pressure because it was only on Tuesday that it was in a position to produce a digest on this. That indicates the pressure the system is under. I was reading this on Wednesday and Thursday in between chairing. I am not complaining; I am simply highlighting the system we have to cope with. As a Deputy, like others, I take my role seriously in relation to legislation but with the size of this legislation, it is extremely difficult. We are nearly back to a situation of “We know best; don’t worry, we’re doing it for your good”, which is something I might return to later in relation to the mother and baby home legislation. That is the mentality. We have not really embraced the Aarhus Convention and the absolute essential nature of the involvement of people in our future. That is the theme of what I am going to say today.

The Bill extends to the whole maritime area. We have had different figures used here today, courtesy of the Library and other documents. It extends from the high watermark to the outer limit of Ireland’s continental shelf and includes our territorial seas and the exclusive economic zone. Ireland’s maritime area is seven times - someone else said it was 12 times - the land mass of Ireland, spanning over 490,000 sq. km. If we counted our seabed Ireland will be one of the largest countries in the EU. Our 7,500 km-plus of coastline is longer than that of most EU countries. Those figures are subject to change depending on which document is used, so I take those as the baseline. It is very important, therefore, that the area is properly regulated. The absence to date of proper planning and regulation has been absolutely detrimental. I know that is something the Minister has inherited. Daily, we experience the extent of that devastation. Plastic in our seas has been mentioned, and there is plastic in our fish, oil spills, dumping at sea, not to mention raw sewage.

I come from a city that I am very proud of, cathair dhátheangach. Rugadh agus tógadh mé sa chathair agus tá mé thar a bheith mórtasach as ach tá séarachas amh fós ag dul isteach san fharrage. Raw sewage goes into the sea in I do not know how many counties in Ireland. I find that unforgivable and unacceptable. It is basic infrastructure and should be top of the list with any Government. When the housing policy is launched later, and I hope we get a chance for a proper debate at that as well, the absence of infrastructure to facilitate the planned housing jumps off the pages.

Let us take a look at plastic. The 2017 UN report says there are 51 trillion microplastics in the ocean. Each year more than 8 million metric tonnes of plastic ends up oceans. Up to 80% of all litter in the oceans is made of plastic. By 2050 it is estimated that oceans will have more plastic than fish if present trends are not stopped. By 2050, it is estimated that 99% of the Earth’s seabirds will have ingested plastic. A study by the University of Plymouth in 2016 said plastic was found in one third of UK-caught fish. It is very difficult to stand here and understand that, explain that, or explain to our children how we as a nation have allowed that to happen and have taken so long to take action.

I understand it is eight years since the first iteration of this Bill. Parallel with that time we have had periodic reports from the Intergovernmental Panel on Climate Change. It said, among many other things, that human activity is unequivocally the cause of the climate crisis and that some changes to the climate are already irreversible.

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Today the Minister, Deputy Eamon Ryan, replied to a parliamentary question on carbon budgets and so on. The Minister said:

The recent IPCC report is an important statement on international science's understanding of the climate system and climate change. Its publication could not be more significant or timely. It details the increasingly dangerous future that is ahead of us unless action is taken by all of us now.

It is totally unacceptable that successive governments have utterly failed to produce comprehensive legislation to protect family environment. In this context I absolutely welcome that we are finally beginning to look at this area and to regulate it. My serious concern, however, is that once again we are prioritising development and seeing this development through the prism of developers and profit. I wish to see my city thrive. I wish to see Rossaveel developed as a thriving port. I am totally in favour of renewable energy. I am not in favour of not learning from the mistakes of our past and once again looking at development in our seas in a way that repeats the mistakes of the past. It was bad enough that we made mistakes but to do it again with the evidence of climate change and biodiversity emergency is simply unforgivable. I for one will not be part of it.

I despair when I hear a Deputy from the Government backbenches talk about disappointment with regard to the negative nature of the debate from some of us on this side of the House. As I have said before, I do not have the luxury of despair. I am paid a salary and I am paid the salary to speak out. Despair is not something I will give in to, although one could very easily go into it. When the context of the debate is set by somebody saying "do not be negative" then we have learned absolutely nothing. The most dangerous thing we can do in this country, unfortunately still, is to ask a question. There is something seriously wrong with our democracy when questions are dangerous. I do not believe the Minister of State is of that ilk and I do not believe he is from that background but I find it important to say it when I hear the debate being framed as "do not be negative, let us be positive". This is far too important for that type of drivel from any Deputy. We need to actually use our voices so that we stand up for the future of our children.

It seems to me we have learned nothing from the climate or biodiversity emergencies, nor indeed from the Covid pandemic, all three of which crises were and are consequent on the unsustainable exploitation of our natural resources or assets. What is required, and what we should have learned at the very least, is that we are not the owners of the earth nor the sea. Rather, we are the guardians, and the decisions we make will have consequences for the country, the planet and our children. As guardians it is our responsibility to protect our natural resources and, within that framework of protection, to enable and allow development that puts the common good to the fore.

I am telling the Minister of State openly that I could not possibly have read all of the Bill, but my difficulty with it is that it is not being done within a framework of protection, although we are using those words. We are going down the line of development and the protection comes afterwards. It appears to me that the Bill has it back to front, given that we have utterly failed to provide the protective framework first. We know this from the failure to have any marine protected areas except 1% or 2%, and one haven that is the marine nature reserve lake in Cork. We know the programme for Government in 2020 commits to meet 10% as soon as possible, and 30% by 2030. We fell far short of the targets to date.

Along with this Bill we also have the marine protected area advisory group. Its report, *Expanding Ireland's Marine Protected Area Network*, is 336 pages long. I really appreciate all of the work that went into writing that report. It was completed in October 2020 and published in January 2021. The report states, "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." I am familiar with the background. Consider also the Library and Research Service's Bill digest, the report of the committee, the EU frameworks, the policies, and the plans that we have all done. Then we come up with this Bill but there is no protection. We are being told those protections will come in the future. Will the Minister of State please explain how we are going to give out licenses and permissions and then in the future marry this with the protected areas legislation? Please explain that. I would be the first to support that but I just cannot see it happening.

Consider the prioritisation of industry over environment. The committee identified nine issues and 27 recommendations. We are being told by the Minister of State that all of those were incorporated into the Bill. I will be precise here. There are nine key issues and 29 associated recommendations. Library and Research Service's Bill digest kindly went through those recommendations to see which ones had been incorporated. I would have thought this was the role of the Minister of State when he had 20 minutes to give his speech. He only used up ten minutes of that time and two of those minutes went to housing. I would have thought the Minister of State could tell the House which recommendations were incorporated and why, and which were not. Members are dependent on a Bill digest from the Library and Research Service, which was published only on Tuesday, to tell the House which recommendations were incorporated. It is significant to me that practically almost every single recommendation from industry was accepted.

On the nine key issues and 29 associated recommendations, one of the Green Party Deputies spoke earlier and said that one of the recommendations was to include the marine protected areas in this Bill. The Deputy rightly said there was an alternative. Obviously, we have had to keep all of the committee members happy. From reading between the lines it seems to me that there was a huge push to have the marine protected areas but when that could not be done, according to Department we then got the alternative which was to happen in parallel. I understand that when something is happening in parallel we move together on it but this must be a different interpretation and it is going to come sometime in the future. The second one was accepted that it would be developed in the future.

I shall now turn to the industry considerations. The Bill digest shows that Nos. 1 and 3 were partially accepted; No. 14 was fully accepted; No. 15 was fully accepted; and No. 16 was fully accepted. They are all green ticks. When we go to the community dividend, however, we see, in regard to the first of these, "the Good Practice Principles Handbook provide for an adequate, transparent, and fair distribution of benefits to communities" was considered "not applicable" by the Department. I could not disagree more strongly with this. I have that handbook and I have read it. It has just been published. The Department's reaction to all community dividend key issues is "not applicable" including:

Future iterations of the Renewable Electric Support Scheme provide for community benefits stemming from offshore wind projects.

Consideration be given to the potential for wider dividends to be provided in respect of protecting and preserving biodiversity.

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Consideration be given to the potential for wider dividends to be provided in respect of grants and scholarships.

There may well be good reasons for this but when a Minister of State comes to the House and says this is most significant legislation, then there is an onus on him or her to explain that.

My time is running out so I will move on from the specifics. I agree this is the most important piece of legislation we are going to look at in the Dáil. We must learn from the three crises we are living through which are Covid, climate and biodiversity. There is no way we can continue doing business as usual. This is the penny that has not dropped. There is cognitive dissonance. Part of the Government is saying we must do the right thing by climate change and the other part is saying we are back. The Tánaiste used the expression that the economy was going to blast off or take off. There is something seriously wrong with those expressions. That cannot be anymore. We simply cannot have growth for growth's sake. We simply cannot do that. Now, this Bill is covering everything, not just renewable energy. It is covering every single thing and all types of projects, from cables to renewable energy to the storing of gas. I want to quote it exactly for people who are listening. The Bill digest states:

The Bill is designed to work for all types and sizes of maritime projects from the harvesting of seaweed to the development of offshore renewable energy. Other types of projects or activities which fall under the Bill include gas storage, telecommunications cables, ports, harbours, marine environmental surveys and ... dredging.

Therefore, it covers everything.

Ar chúrsaí feamainne, cúpla bliain ó shin chuir mé rún os comhair na Dála maidir le feamainn. An rud bunúsach a bhí á lorg agam ná go mbeadh polasaí náisiúnta ann maidir le cúrsaí feamainne. Breis is trí bliana ina dhiaidh sin agus fós níl polasaí againn.

We have no policy for seaweed in Ireland. More than three years ago, I placed a motion before the Dáil. It was the most basic request that we would have a policy with regard to sustainable seaweed use, recognising the wonderful and magnificent resource it is, and that it should be used in recognition of, number one, the traditional harvesters who have stood their ground for a long time and then the possibilities in terms of pharmaceutical projects and food and so on. Nothing has happened. We have no policy for the islands. We are still waiting for something basic. Scotland has both policy and legislation; we have nothing. And into this vacuum, we are now bringing this legislation, which to me, on reading and subject to further debate, is a thumbs up to unsustainable development. I see the Minister of State shaking his head. I hope he is right. I take his shaking of his head as a positive thing.

It is difficult for me, however, because I hear comments about how we have to change the law and the judicial review system. I am eternally grateful for the people on the ground who have used every fibre of their being to bring to our attention what is happening in the environment and in relation to climate change.

No later than 31 July last year, the Supreme Court said the Minister of State's policy and plan was at nought. His piece of climate legislation was void and invalid. Why? It was absolutely vague. What did it say exactly? On 31 July, the national mitigation plan was quashed. The Supreme Court concluded that "the Plan falls well short of the level of specificity required to provide that transparency and to comply with the provisions of the 2015 Act". That is the background. In this Chamber, we tend to give out about people who object. I do not like the

word “object”. I have met very few objectors. I have met concerned citizens and residents. Indeed, they have been hailed by the courts as part of the trinity, the trinity being the local authority, the planner or developer and the ordinary person on the ground, who is an integral part of the planning process. Where is that provided for in this Bill? There is no provision for public participation when we are talking about maritime area consent, MAC. That only comes later. There is a most negative attitude to community involvement and that should be top of the list.

If we are going to embrace new technology and new alternative energy, then it must be community-led, not a split and divide that is being produced in this handbook, where we throw the natives a few pennies to keep them quiet. In the process, there is the danger of dividing and conquering them as opposed to saying to the community that this is a fantastic project, it is theirs and let us lead the way. Sin é cuid den réiteach ar na dúshláin atá os ár gcomhair.

Deputy Bernard J. Durkan: If I may be so bold, as the Ceann Comhairle and I well know, I do not come from a maritime county. As we all know, however, we have a multiplicity of harbours in our county. We have two canals, a harbour in every town and the Barrow navigation. We are fairly familiar with the waterways.

I agree with much of what my colleague, Deputy Connolly, had to say. I would respectfully put my hand up in defence of some of the poor, much-maligned Government backbenchers, who can never do anything right. We have to progress every way. We have to progress to protect the environment and look after our people and their ongoing needs. We must progress as well in view of the fact that our population is much greater than it was. It is almost double what it was in the 1950s. That was progress whether we liked it or not. It was something that makes our existence here more sustainable.

I strongly support the Bill and its concept. I feel it should contain a reference to planning and development as well because, as we know, on land, the local authorities are governed by planning and development. There is no reason we cannot apply that to the sea as well. There are, however, huge amenities there, both on land and at sea. It would be very remiss of us to avoid doing what we need to do now to modernise, establish the protection and allow the development that is in keeping with that protection within the guidelines while at the same time meeting modern requirements. That is progress and we should deal with that.

I noted that my south Kildare colleague mentioned the marine and the Naval Service. I would echo that. We all have respect for our military, be it marine, naval or air. We need to bear in mind that we take them for granted very often and we should not do so. They are an important part of our constitutional package. We must always keep that in mind and show them the respect they deserve. I hope that is borne in mind in the course of ongoing debates on this particular issue or other similar or associated issues.

I am a supporter of alternative energy. The difficulty is how to provide it and how to achieve it in the best way possible, in agreement with the environmental and the various constituent bodies we have to deal with. If we do not, we will find it impossible to progress. A couple of years ago, in the course of a general election, I ran into a lot of hail over wind turbines. Everybody had every reason in the world there should be no wind turbines at all. They wanted to prove they were bad for your health, they would fry your brain, there was no future or living with them, and the amount of noise they generated was worse than anything that was ever known or had been measured before. This was despite the fact we had been living with ESB generating stations for almost 100 years. A huge amount of noise was generated by the ESB

stations in their immediate vicinity. We had workers who worked in those facilities all those years and nobody ever raised a word about their health or their hearing or anything else. If there was ever a noise I experienced, it was when I spent a lot of time with machines and heavy machinery. I can assure the Minister of State that the inside of a generating station generated more noise than anybody would ever want to hear.

We are now looking at alternatives because this may affect our ability to provide alternative energy. I am a little worried that referring to reliance on the ocean as a location to generate energy may prove foolhardy if it cannot be done and if it does not happen within a specified time. We need to do what we are proposing to do within ten years. That is the time limit we have. I do not believe we can achieve it within ten years. If we cannot, then we need to make alternative plans as well, whatever they may be. Of course, what we develop on the sea must be in line with what protects the marine as well. We cannot just decide, as we have been doing in the past, to pour the sewage into the sea from wastewater all over the country. Nobody cares about it, and given the choice, as we were, of paying water charges or pouring the wastewater in the sea, we said to continue pouring the wastewater into the sea. It is hardly a way to preserve our amenities.

What I would urge is this. I am not so certain how sustainable the generation of large-scale generating plants at sea will be in the future. There is no reason to believe some of the gales, hurricanes and tsunamis that have affected other parts of the globe will not reach the Atlantic as well. We need to be cautious and mindful of what might happen and we need to have an alternative plan. There are various other ways we can generate electricity. We may have to generate more on land. The Arklow Bank is a classic example of where it works but there is very shallow water there. One does not have to go down too far until one hits rock. That is not the same in parts of the Atlantic. A little caution in regard to what we are doing needs to be borne in mind.

It is in everybody's interest to protect our environment and to provide for the livelihoods of the people who live on this island. We will be charged with the responsibility. We could decide to stop growing food and then we could die of starvation, which is a worldwide issue. It was never more prevalent than it is at present. With the growing population worldwide, there is more starvation than ever. Some of it is in areas of conflict, but not all of it, and we need to be mindful of that. When people tell us it will be all right at the time and all the food we like can be imported from elsewhere, but they will have it and we will have to get it. That is the problem.

I support the Bill and its concept. I support the protection of the environment and the protection of our own industries, insofar as we can, to ensure we can exist in the future and that we do not become the victims of a worldwide campaign that would leave us poorer and others improving at our expense.

An Ceann Comhairle: I thank Deputy Durkan for the words of great experience over the years.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank all those who made contributions in this valuable debate. Many aspects of the Bill were covered. I ask those who have not read the Bill in detail to do so and familiarise themselves with it, because it is the most comprehensive review of marine legislation that has been undertaken since the formation of our State. This is once-in-a-generation legislation and a true cross-government initiative, led by my Department and joined by colleagues in the Department of the Environment, Climate and Communications and the Attorney

General's Office and the wider marine legislation steering group. It clearly demonstrates that this Government is working together towards the agenda we have set out in our programme for Government.

The marine planning system we propose is designed to work for all types of development, from the smallest boathouse to the largest offshore renewable energy project and protects our oceans through the rigorous environmental assessment of plans and projects. The four key pillars on which our planning system is to be based are clearly set out in this Bill. With regard to forward planning through the national marine planning framework and comprehensive sub-national planning, those who say we are not putting the cart before the horse when we published the framework can now see the logic to all this legislation. Some 21 of the 92 statutory planning policies set out in the plan relate to the protection of our marine environment. All future subnational plans and any decision made by An Bord Pleanála or local authorities must be in line with these policies. It is the plan in plan-led and not just empty rhetoric.

The creation of MARA shows how ambitious we are on this reform. These will no longer be myriad actors and agencies operating in the maritime area. We are, in anticipation of the enactment of this legislation, undertaking some of the preparatory to begin the establishment of MARA, as soon as permitted by the passage of this legislation. The consenting and development proposals by the board and local authorities are provided for in a way with which the public is familiar. There are no surprises here. People know how it works and they know how they can interact with the process. The experts will examine the merits of projects and will balance their impacts against environmental factors. We will not make such decisions in this Chamber. To ensure all of this happens in a rigorous and robust regulatory environment, we have set out that it will be an offence to operate outside the regimes we are creating and that MARA and local authorities will have the full weight of the law behind them when pursuing these offences.

Two main themes have emerged in the debate: participation and protection. Both have been central to the development of the marine planning system. Public participation statements will guide the development of forward plans. The statements set out, in detail, the practical details of public engagement; who will be consulted, when they will be consulted and the methods for consultation. The statements will include a range of participation mechanisms far beyond a simple single public consultation. They will be laid before the Houses to facilitate the participation of relevant Oireachtas committees.

On a project level, it is clearly stated in the Bill that the public will have its say in the planning permission process and that planning consent cannot be issued without public consultation. MARA will only make decisions based on frameworks and guidelines that have been subject to public consultation and scrutiny in these Houses. Schedule 5 clearly states that MARA will use the extent and nature of stakeholder engagement by a MAC applicant and assessment criteria. This is clear recognition of the nature of multi-user marine space.

The enactment of the legislation will afford a far greater level of environmental protection than exists. Forward plans and guidelines will always include robust protections for our environmental measures. Of course, there are complexities in this area. We may require some changes on Committee Stage and I am open to all reasonable amendments that are tabled within the overall scope of the Bill. We really want to make this work. Within the context of the overall package of marine governance reform, we are progressing the development of the legislation and marine protected areas, as indicated on the pre-legislative scrutiny stage. We concluded the first round of public consultation this summer on this crucial piece of the jigsaw.

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The Minister of State, Deputy Noonan, the Minister, Deputy O'Brien, and I have listened to members and we look forward to working with everyone on Committee Stage. Let us remember why we are introducing this key legislation. We need to ensure we act as custodians of our environment and move to taking plan-led approaches to our interaction with the oceans; create a system that works for all, in a manner that is familiar and accessible to the citizen; meet our climate action goals in a way that does not undermine our environmental protection obligations; and lay the foundations for the long-term management of our maritime area through the creation of independent agencies that oversee this in a holistic fashion.

I look forward to working with Members on Committee Stage to further develop and improve this Bill, but as almost all Members have stated over the past two days, we need to do this in good time. We need to ensure MARA is up and running, appropriately capitalised and can fund itself to deliver the ambitious suite of services set out in the Bill. We need the planning and licensing systems operational as soon as possible to begin the process of consenting for the wide range of activities and developments envisaged. Most important, we need to make sure the object to place the citizen at the heart of this process is realised, as soon as possible.

I thank Members for their contributions and we have noted all the issues raised last night and this afternoon. I look forward to working with all Deputies, as we progress through Committee Stage.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I welcome the comments by my colleague, the Minister of State, Deputy Burke, on this important legislation and note his remarks on the need to put citizens at the heart of the process and ensure we meet our climate action goals, in a way that does not undermine our environmental protection obligations. That is exactly what the Government is doing. I strongly disagree with the narrative being put forward that the requirements of the off-shore renewable sector are somehow being put ahead of marine biodiversity protection. This is not a binary choice. We can, and must, have a healthy resilient and biodiverse marine environment, while achieving our ambition on renewable energy.

I am confident we will achieve this and support coastal communities to thrive in the process. Our Department is reviewing and independently analysing 2,200 public submissions on the expert group report on marine protected areas. As part of this engagement process, I attended a number of gatherings at which I met fishers, young people, companies involved in the blue economy, heritage fishing interests, environmental NGOs and many others, both online and in coastal towns from Donegal to west Cork and Waterford.

5 o'clock

The common ask from everyone I met was for ongoing and meaningful engagement and participation. This echoes the contributions made in the House yesterday and today. We have taken this on board and are designing mechanisms for participation at local, regional and national level. I will be making arrangements for officials leading that process to make themselves available to the Oireachtas joint committee to discuss consultation and outline a way forward and I would encourage Members to engage constructively in that conversation.

In November we will begin to develop the marine protected areas legislation and this work is expected to continue into 2022. The scope and complexity of this process, along with the need for it to remain independent of the statutory consent process, necessarily means the

marine protected areas legislation will post-date the establishment of new marine spatial planning regime, which is centred around human activities. However, I intend to investigate the feasibility of pre-designation for important habitats, species and ecological functions through the designated marine area plan process.

It is worth noting the existing measures to ensure the protection of the marine environment that are already applied in Ireland. These include legal requirements for strategic environmental assessments, environmental impact assessments and appropriate assessments; the protection of listed species and habitats under the birds and natural habitats regulations and the Wildlife Acts; and the designation and conservation of Ireland's Natura 2000 network of sites. These are binding environmental targets under the national marine planning framework that are now central to the national planning and consent process for maritime activities.

We know we will not be able to deliver our blue growth ambitions for renewable energy, blue carbon storage, food production, transport and tourism if we do not actively protect the marine environment from human-made pressures. The Government's measure of success in this regard will have to be a marine environment that is clean, healthy, well understood and resilient to climate change. A thriving maritime sector that is sustainable has better prospects in the long term and that marine resource will feature species and habitats that are protected and biologically diverse for many generations to come. I look forward with my colleagues to delivering on that. As I said, we have had a number of queries from Members here today and yesterday and we will try to get back to Members individually in relation to those. We look forward to this Bill progressing.

Question put and agreed to.

Maritime Area Planning Bill 2021: Referral to Select Committee

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I move:

That the Bill be referred to the Select Committee on Housing, Local Government and Heritage pursuant to Standing Orders 95 and 181.

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Patrick Costello - to discuss the ongoing drug dealing in the Oliver Bond flats and the need for regeneration of the complex; (2) Deputy Brian Stanley - to discuss ambulance services in Laois and Offaly; (3) Deputy Alan Farrell - to discuss the progress of MetroLink and the business case submitted to the Department of Transport; (4) Deputy Verona Murphy - to

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discuss the national crisis presently evolving within the home care services sector; (5) Deputy Martin Kenny - to discuss concerns of staff relating to overcrowding and dangerous working conditions in Sligo University Hospital's accident and emergency department; (6) Deputy Bernard J. Durkan - to discuss the availability of psychiatric treatment for persons (details supplied) and similar cases where intervention is required; (7) Deputy Peadar Tóibín - to discuss the issue of water outages and disruptions in County Meath; (8) Deputy Chris Andrews - to discuss pest control policy for local authority flat complexes in inner-city Dublin; (9) Deputy Christopher O'Sullivan - to discuss the need for a significant increase in accessible housing in the local authority housing stock; (10) Deputy Holly Cairns - to discuss staffing shortages in Bantry General Hospital which resulted in reduced services during the summer; (11) Deputy Maurice Quinlivan - to discuss what progress is being made in reducing the number of patients being treated on hospital trolleys at University Hospital Limerick; and (12) Deputy David Stanton - to ask the Minister for Health to report on plans to provide alternative accommodation for residents of the Owenacurra Mental Health Centre in Midleton, County Cork; the further plans to provide day care services following the proposed closure of the centre on 31 October next; and if he will make a statement on the matter.

The matters raised by Deputies Christopher O'Sullivan, David Stanton, Martin Kenny and Verona Murphy have been selected for discussion.

Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2021: Second Stage

Minister of State at the Department of Justice (Deputy James Browne): I move: "That the Bill be now read a Second Time."

I am pleased to introduce the Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2021. The purpose of this Bill is to implement EU framework decision 2008/909/JHA on the mutual recognition of judgments in criminal matters imposing custodial sentences and other measures involving deprivation of liberty. The implementation of this framework decision will facilitate the transfer of prisoners between EU member states where that transfer would enhance the person's social rehabilitation. Prisoner transfers are, at present, operated under the Transfer of Sentenced Persons Act 1995, which implements the 1983 Council of Europe convention. The framework decision supersedes the convention in respect of transfers within the EU and makes several important changes to how transfers operate. As a consequence of Brexit, the framework decision does not apply to transfers to and from the United Kingdom, which will continue to be governed by the convention and the 1995 Act. However, as Deputies will be aware, transfers under the 1995 Act have been subject to legal challenge in recent years. Differences in sentencing structures between states have proved difficult and often impossible to reconcile. This has precluded the completion of many transfers, particularly between Ireland and the UK. While the issues that have arisen are addressed for the new regime in the Bill before the House, the 1995 Act will also require amendment. It is my intention to introduce the necessary amendments to that legislation by way of Committee Stage amendments to this Bill.

Judicial relations between EU member states are underpinned by mutual confidence in each other's legal systems. This is based on the principle of mutual recognition. Member states accept the outcomes of each other's judicial processes and facilitate their execution across the Union, notwithstanding that those processes may differ between states. The most familiar and

commonly used mutual recognition instrument is the European arrest warrant but the principle also applies in other areas, such as freezing and confiscation orders, probation, fines and pre-trial supervision, and in the case of this framework decision, judgments imposing custodial sentences.

It is a natural consequence of freedom of movement within the Union that an increasing proportion of EU citizens live outside their home member state. This is reflected in prison populations. In Ireland, approximately one in ten prisoners is a citizen of another member state. Prisoners serving sentences outside their home state face significant humanitarian difficulties, well beyond those normally arising from the deprivation of liberty. These difficulties can undermine the goals of rehabilitation and social reintegration. They can arise from language barriers and cultural differences, but most significantly, they arise from a lack of contact with one's family and friends. In this respect, I commend the work of the Irish Council for Prisoners Overseas, ICPO, which provides support for prisoners abroad and their families, and which has engaged very constructively on the development of this legislation. The 1983 convention was a major step in facilitating the transfer of such persons to their home states. It established a relatively simple mechanism that was based on the consent of all three parties, namely, the person themselves, the state imposing the sentence, and the state being asked to take over its enforcement.

While the legislation implementing the convention was introduced in 1995 in the context of the peace process, it makes no distinction based on categories of prisoner and applies equally to all of the states that are party to the convention, many of which are not members of the Council of Europe and include countries such as the USA and Australia. The framework decision updates this regime for transfers between member states. The most significant change is that transfers may, under limited circumstances, take place without the consent of either the sentenced person or of the executing state, that is, the state where the person is being transferred to. The transfer remains a discretion of the issuing state, i.e., the state imposing the sentence. Notably, a transfer may not require the consent of the person where the person is a national of the executing state and lived there prior to the imposition of the sentence, or where a person will be sent to the executing state as a consequence of a judgment after the completion of their sentence, for example, on foot of a removal order.

It is important to emphasise that under the framework decision it is an essential precondition that a transfer facilitates the social rehabilitation and successful reintegration of a person into society. This applies regardless of whether the consent of the person is required. The framework decision also sets down important procedural safeguards to ensure the person may participate in any consideration of a transfer. An opportunity to give his or her opinion on a transfer must be provided to the sentenced person, as long as they are in the issuing state. This opinion must be provided to the executing state. If the executing state believes that the transfer would not facilitate the social rehabilitation, it may provide a reasoned opinion to that effect. In the context of transfers out of Ireland, the Minister must be satisfied that the transfer would facilitate rehabilitation to proceed with the transfer.

I will highlight the general features of the new system. A decision to seek a transfer is always a discretion of the issuing state and there is no obligation to transfer a person out. There may be, however, as noted above, an obligation on the State to transfer a person in, where that person is an Irish citizen and lives here, or where the person would be removed to Ireland after completion of his or her sentence. The regime also applies where a person has fled to a member state. The judgment may be sent to that state for execution there. A similar regime exists for convention states under the Transfer of Execution of Sentences Act 2005.

An Ceann Comhairle: There is a lot of talk of executions. Is it open to interpretation?

Deputy James Browne: It is the official language. There will be no executions.

Transfers may also be conducted in respect of persons committed to the Central Mental Hospital under the Criminal Law (Insanity) Act 2006, and under 18-year-olds detained under the Children Act. Provision is made for consent to be given by an appropriate proxy where the person is unable to do so themselves. Once a person is transferred, the law of the executing state applies to the administration of the sentence. This means, for example, in an incoming transfer, a person will get credit for remission earned in the issuing state based on the law there and be eligible for Irish remission on the portion of the sentence after transfer.

As I mentioned earlier, significant issues have arisen following Supreme Court decisions in respect of inward transfers under the 1995 Act. The effect of the decisions in these cases is that inward transfers cannot be reliably conducted where certain incompatibilities exist between the sentence imposed in the issuing state and how that sentence would be enforced under Irish law. This is a particular issue with the United Kingdom due to the operation of automatic release on licence under UK law in certain circumstances, but similar issues may arise in any transfer where different sentencing structures apply. The Bill includes several provisions to address these issues. It makes clear that conditional release measures are considered part of the administration and enforcement of the sentence, rather than going to the legal nature of the sentence, even where those conditional release measures arise by operation of law. It also provides that a person has an opportunity to be heard at an *inter partes* hearing prior to a final determination of the remaining period to be served, and will provide the court with the necessary powers to adapt the sentence post transfer should that be necessary. I am giving further consideration to introducing a Committee Stage amendment that would require applicable early-release measures under the law of the issuing state, including judicial recommendations, which do not form part of the legal nature of the sentence, to be given consideration in making parole or other sentence administration decisions. I expect to also introduce further technical amendments.

The framework decision was due to be implemented by 2011. However, Ireland continued to operate the convention regime with other member states in the interim, and the cases I mentioned have required careful attention. However, formal infringement proceedings against Ireland were brought by the Commission in the Court of Justice on 3 March this year and are ongoing. We do not expect that a financial penalty will arise at this stage of the proceedings but there is clearly a particular need to address this transposition as quickly as possible.

While it is impossible to provide a definitive estimate on the number of applications that may be made, we would not expect the costs arising from transfers to be significant, or for the transfers to have a notable effect on prison populations, especially given that both inward and outward transfers will take place. Since the Transfer of Sentenced Persons Act was introduced in 1995, 154 persons have transferred, which is an average of around six per year. The vast majority of these have come from the UK. By comparison, Germany had an annual average of about 130 inward applications under the framework decision. Adjusting for population, this would suggest that between the new and existing regime we would be dealing with fewer than ten applications per year.

I will now turn to the content of the Bill. Part 1 deals with general matters and notably sets out the respective roles of the Minister and the courts.

Part 2 applies where Ireland is the issuing state. Under the convention regime, decisions in respect of transfers are primarily administrative matters for which the Minister is responsible. An application for transfer will typically be made by the sentenced person. Provision is also made in section 10 for such applications to be made by the Irish Prison Service or other relevant body, and a transfer may be considered by the Minister on his or her own initiative. Sections 12 and 13 deal with the consent of and seeking the views of the sentenced person. On receipt of an application, the Minister must provide the person with an opportunity to provide his or her opinion on the application. Where the consent of the person is required, the application cannot proceed without it. Consultation with the executing state is obligatory where the consent of the executing state is required, and should take place as far as is reasonable and practicable in any event. The decision of the Minister whether to forward the judgment is then made under section 16. Where a decision to proceed with a transfer is made, the Minister sends, or in the language of the framework decision, “forwards” the judgment to the executing state. This forwarding initiates a formal process where time limits apply and where recognition must be given unless specified grounds apply. Where the person is already in the executing state, the Minister may request the provisional arrest of the person under section 18, pending consideration of recognition. The person may withdraw their consent to the transfer at any point before the judgment is recognised by the executing state. The Minister has a general discretion to withdraw the forwarding of the judgment at any point up to the actual transfer of the person. If the executing state agrees to recognise the judgment, the Minister issues a warrant for the transfer under section 22, and the transfer itself is conducted under section 23. Amnesty or pardon may be granted by either state, but a review of the sentence remains the responsibility of the issuing state.

Part 3 of the Bill applies where Ireland is the executing state. Responsibilities are split between the Minister for Justice and the High Court in respect of incoming transfers. Where the consent of the State is required, the issuing state must obtain this from the Minister prior to forwarding the judgment. This consent is discretionary, but at a minimum the Minister must be satisfied that the transfer would facilitate social rehabilitation and reintegration. Section 33 provides for the possible issue of a reasoned opinion by the Minister, and requires the Minister to consider the opinion of the sentenced person. Section 34 sets out the procedure where a judgment is forwarded by an issuing state to the Minister. The Minister, when satisfied that the forwarding is in order, must make an application to the court to seek recognition and enforcement orders. The issuing state may request provisional arrest under section 35 if the person is already in the State and, if the Minister agrees, a warrant is then sought from the court. Sections 37 and 38 govern the application for recognition and enforcement. The court may refuse recognition where the provisions of section 38 apply. This includes, for example, where required consents have not been obtained or where the offence does not correspond to an offence in the State.

One of the difficulties arising in the decisions referred to earlier has been that court proceedings for transfer have taken place *ex parte*, with the consequence that important issues were not subject to a final judicial determination at the time of transfer. To address this issue, additional safeguards have been added. The application for recognition may be made *ex parte*, but the court may require the person to be placed on notice if necessary in the interests of justice. This might arise where the transfer was opposed by the person. An application for adaptation may be made similarly. When the court grants an application for recognition, it issues a warrant authorising the transfer and detention of the person. The person is then brought into the State and an *inter partes* hearing is held in all cases for a committal order to be issued. This ensures the person has an opportunity to be heard and allows for any issues to be resolved.

More generally, where recognition is granted, the court is required to take all such measures as are necessary to enforce the sentence. In particular, in cases where the sentence is incompatible with the law of the State, it may be adapted by the court to that of a sentence prescribed here for a similar offence. Where the sentence is greater than the maximum provided for in Irish law for the offence, it is adapted to the maximum. This adaptation may be made at the time of the recognition, but it may also be made or varied at any other time.

Part 4 of the Bill addresses miscellaneous and incidental matters.

The Bill is certainly complex, but it is a careful transposition of the framework decision into Irish law, and reflects the judicial developments which have taken place since the introduction of the 1995 Act. While it applies to a relatively small proportion of those detained, for that group it will be of very significant importance. I commend it to the House and look forward to working with the Deputies as it progresses.

An Ceann Comhairle: Deputy Kenny is sharing time with Deputy Ó Murchú.

Deputy Martin Kenny: Sinn Féin will not oppose this legislation. We will support it. It is worthy and has certainly been long delayed. However, it has its flaws and there are difficulties with it. The primary one which all of us are conscious of is the fact that the nearest jurisdiction to us is outside the remit of this legislation because it is now outside the European Union. That will be a difficulty for many people who might find themselves falling under this legislation, either as British citizens living in this State who may end up in prison and want to return to Britain, or as Irish citizens living in Britain who may want to return to Ireland to complete their sentence. Whatever amendments are required, it is unfortunate that they are not already provided for in the Bill and that we will have to come back to them at a later stage. Will the Minister inform us why there has been a delay? What are the technical difficulties with making the Bill all-encompassing, particularly as we recognise the largest cohort of citizens that might fall under this legislation are with our nearest neighbour?

The essence of what the legislation is attempting to do is to ensure that where people are sentenced for whatever reason in whichever country, their families, in general, would not also suffer because of their distance from the location in which the person is sentenced. That is laudable and is something we will support. However, an issue that also must be given due consideration is the position of the victims of crime. We are all conscious, particularly where people are victims of violent, perhaps sexual, crime, that there may be a fear that the person who is convicted might quickly be returned to his or her own country, where there could be a regime that would see him or her released early. The Minister of State referred in his contribution to pardons and so on. That is a very difficult thing for people to face and there needs to be a due recognition in that regard. He indicated that there is provision throughout the legislation for the sentenced person to be consulted, but the victim of a crime should also be consulted. That is something that needs to be at least considered in some way. Too often, even in this jurisdiction, we hear of people who have been the victim of serious crime or serious assault and the perpetrator has been sentenced and sent to prison but is released early and is at large, and the first the victim knows about it is when he or she, or a member of his or her family, meets the perpetrator on the street. Victims are not informed by the State when such circumstances arise. If that were to happen in a situation where these people are going back to another state, it is a difficulty we need to address. It could be addressed in some way in this legislation and I suggest to the Minister of State that it needs to be done.

In regard to the rehabilitation of prisoners and the regime in place in this State, there certainly have been great efforts and some progress in that respect in recent years. However, we still have a very large problem in respect of reoffending, with between 50% and 60% of prisoners released from Irish prisons going on to offend again. That is quite a high rate by international standards and certainly by European standards. Many EU member states have much lower rates and better systems in place to ensure people do not reoffend. Much of that, as I see it, comes down to the way the prison system is structured and the supports that are put in place for people while they are in prison and when they are released. Usually, people who find themselves involved in criminal activity, particularly those engaged in violent, drug-related activity, live chaotic lives that are outside the norm most of us experience. Returning from prison to that type of chaotic life is really just putting them back to where they began and, eventually, back to prison. That is the difficulty.

In some jurisdictions, the prison experience is different. It is about training prisoners to understand that the type of life they have come from is not the norm and is not healthy, good, reasonable or acceptable. It is about ensuring prison can be a place where they learn to live a different life. That is the model we need to try to put in place. I recognise that efforts have been made to get us there but we need to redouble those efforts and put more resources into achieving change. If we reduce the rate of reoffending, that is targeting the resources exactly where they need to go and it clearly will reduce the volume of crime that is happening. It would be a valid and appropriate way to do that. We often hear people say that we are soft on prisoners and too easy on them. We need to have a mature attitude to dealing with these issues. The attitude of “lock them up and throw away the key” does not work and has not worked in other jurisdictions. I have in mind in particular a country on the other side of the Atlantic, which has the highest number of prisoners per head of population in the world and whose prison population continues to grow. There must be other ways of doing this, which is not to say that we should not have a criminal justice system that is responsive to people’s needs and delivers for them.

The other side of this is that we also must ensure we have the relevant levels of resources, not just for our Prison Service and the rehabilitation service that is provided for people coming out of prison but also for our law enforcement services. We need to ensure An Garda Síochána and all the other resources that are there to deal with criminal activity are strong and robust and have international contacts and liaison capability with other police forces in other states. I acknowledge that liaison takes place but it needs to happen in a more co-ordinated fashion. I am aware of cases where An Garda Síochána, with its best efforts, has been unable to get the kind of co-operation it would expect to get from other European states. That is unfortunate and it needs to change. If we are bringing in legislation on mutual recognition of sentences, we also need to have a mutual recognition of law enforcement and greater co-operation between member states in that respect.

Clearly, there is a focus on rehabilitation and making it easier for prisoners to be able to come out to an environment where they are less likely to reoffend and to be closer to their locality and family. We also need to recognise that in many states in Europe, particularly when we look to the farther reaches of eastern Europe, there are regimes that are not as suitable as we would like them to be and which do not even meet the standard we have in this country in respect of dealing with people in an appropriate manner and putting rehabilitative resources around them. We need to approach this with a caution that we are not sending people to places where they have less chance of social rehabilitation and less chance of coming out of prison better than they went into it. There is a sense of needing to be very much guarded around how

all of this works.

Of course, we also need to understand that while police forces must co-operate more closely across international boundaries, and judicial process must do the same, the criminal elements are already spread right across all jurisdictions and recognise no boundaries. International communications and the way technology has moved in recent years have made the world a small place, mainly for the good but also for the ill in terms of how criminal networks are now able to operate. Indeed, it seems they have the capability to operate seamlessly around the globe, never mind across Europe. We must have a recognition of that, which this legislation goes some way to doing. It is very focused on what it wants to do and most of its provisions are welcome. However, I would put a particular emphasis on the importance of the victims of crime, their part in all of this and how they can be represented in the legislation. Many victims' experiences have left them with a sense that they have been left out of the process. Even in standard criminal law cases, as it stands today in our system, the victim is treated as no more than an ordinary witness. When we are talking about taking a person who has been sentenced for a serious crime in Ireland and sending him or her somewhere else, we should consult the victim of that crime. Even if the views of victims do not influence the outcome, they would at least feel they had been consulted and that the situation had been explained to them in terms of what was happening and what the merit was in going down that particular route. I recognise that each case will be taken on its individual merits and a Minister will have to weigh up the circumstances and, in some cases, issue a warrant of transfer. The Minister of State mentioned that there may be as few as ten or 12 such cases per annum. It would not be too much to suggest that the victim should also be consulted in such small numbers of cases as may arise.

I assure him that we will support this legislation. However, I ask that the points I have raised be taken on board.

Deputy Ruairí Ó Murchú: I will start where Deputy Kenny left off in referring to a meeting he and I had recently with relatives of a victim of tragic circumstances and a brutal crime. They spoke about what the Deputy referred to, namely, that they felt left out of the entire process. In fact, they feel they were almost victimised again by the criminal process. We do not have proper formal procedures in place regarding interactions and communications with victims and their families. It is vital when we talk about operating a system that involves mutual recognition of sentences and allowing for the transfer of prisoners that we also take into account the victims of crimes. It is an absolutely vital piece of work. The Minister of State indicated that we are talking about a small number of cases, so we should be able to build that into whatever structures we set up and ensure it is adequately resourced. I welcome what the Minister of State said regarding the fact that there will be discretion on the issuing state to take into account that transfers should only be carried out if they are beneficial from the point of view of rehabilitation. We believe that they should happen if possible, if it avoids collective punishment of a family that is not necessarily responsible for what a member of the family has done. Prisoners are in prison for a wide range of crimes so every case must be dealt with individually.

We must move away from the position we sometimes come across in the media or that some of us intuitively take that we must be hard on crime and on criminals and that prisons should not be easy places. We all have an understanding of what works best at this stage. The best-case scenario is where the loss of freedom is a sufficient penalty and once the system of law enforcement, followed by the court system, can move relatively speedily and that adequate sentencing is provided, combined with rehabilitative resources where necessary. This can be a lot more beneficial from the point of view of avoiding recidivism, which is vital.

We are talking about the transposition of a European decision. We are to some degree behind on the delivery of the measure and we must get it under way. I agree wholeheartedly with some of what has been said regarding a major element lacking due to Brexit, in the sense that we must amend the legislation to deal with prisoners in British prisons or prisoners here who seek to be transferred to prison in Britain and allow for such transfers.

The Minister of State indicates that there are significant technical difficulties with sentencing rules. Like Deputy Martin Kenny, I believe that, if at all possible, we would be provided with a brief and information in that regard. I welcome that the Minister of State has outlined that this should be addressed on Committee Stage, but we must ensure that is done.

We are offering something that may benefit individuals and their families in a small number of cases. It may also be beneficial to society in that sense that it is better for all of us if we can put resources into individuals in prison that result in them not reoffending. It reduces the cost on the criminal justice system of having to take individuals into the prison system again. Given the huge cost attached to having someone in prison it would benefit society as well as the prisoners and their families.

We must look at the matter in the round in dealing with the whole gamut of criminal justice. We are talking about resourcing this particular system if we get the legislation through. I believe it is necessary. The Minister of State has spoken about proposed changes by the Department in areas such as the youth justice system. He is dealing with youth diversion projects at this point, including some in my constituency. This is vital as he will talk to people who are operating at the coalface and seeing what works and what does not work. We all know that there are cases where it is evident that we have failed people at the initial stages in their lives from the point of view of facilitating them and their families to end up in a better place rather than be stuck in the criminal justice system, as Deputy Kenny described it, in the futile and dangerous world of drug criminality in particular, but even on the periphery of it there is dysfunctionality and chaos that has a significant impact on society. We all constantly deal with issues concerning drug crime, drug debt intimidation and all the rest of it. I have stated many times previously that we must look at the whole issue. The programme for Government contains a commitment to a citizens' assembly on drugs and we must set it up as soon as possible. Sometimes regular people dealing with experts can bring us to a better place than decisions made in here within the confines of politics and whatever other constraints within which we operate. That is a vital first step. We must look at the overall system.

I welcome the proposals on the community safety forums, which could be an improvement on the JPCs, involving the likes of the HSE and other stakeholders regarding coming up with better solutions for delivering on the ground for communities. I also welcome the Guerin report and the fact that the Drogheda implementation board is being put into operation in the next while. I am somewhat worried about the likes of the Family Addiction Support Network. I believe the Department is dealing with funding for the Red Door Project in Drogheda. We must make sure that some of the initial promises and actions happen and that we can give an element of belief to people that this is going to be a body that might provide a template for how we can operate throughout the State. It is a matter of us getting all these pieces together. The vital piece is dealing with the likes of family supports whereby we can provide support to people at an early stage so that they can avoid going down this road.

We fully support the legislation. It could be beneficial. We are not necessarily talking about a large number of prisoners, but it could provide a benefit to families and society as a whole.

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We must look at the entire situation as regards also protecting victims, involving them in the conversation and making sure we put the best case scenario in operation as regards rehabilitation.

Deputy Brendan Howlin: I am pleased both to have the opportunity to speak to this legislation and to have it finally before the House. There is a great deal of legislation coming from the Department of Justice, much of it stuff that has been on a shelf for a very long time. It is unacceptable in the context of us constantly lauding our membership of the EU that we are so tardy in transposing EU decisions and directives. It is my understanding that we are the last EU member state to transpose this directive, almost a decade after the deadline for the directive that was supposed to be transposed in 2011.

The essence of what we are talking about here is a framework decision within the Union on the application of mutual recognition of judgments in criminal matters imposing custodial sentences so that prisoners within the Union can be repatriated. If the country that is directly involved, that is, the country where the crime was committed and the sentence was imposed, and Ireland are agreeable and the sentenced person is agreeable, they can serve a sentence or part thereof in Ireland. There are good reasons for that. Obviously, there are additional hardships in terms of language, culture and distance from family in serving a sentence abroad beyond what we understand to be deprivation of liberty, which is what a custodial sentence in prison is about. There is that additional layer if a person is in a country where they do not speak the language, do not understand the culture and where they are such a long distance from family that it makes it impossible to have visits. The new framework broadens the scope of such transfers where it would improve the person's social rehabilitation, and that is the objective laid out in the framework.

I want to raise a couple of issues by way of a general point. I made the point about tardiness in the transposition of the directive but also, obviously, we currently operate under the Council of Europe convention. That convention will continue to apply, according to the Minister of State, in the case of the United Kingdom because it is not part of the European Union. That is worrying from a number of perspectives. First, by far the greatest number of Irish convictions of prisoners abroad are in the United Kingdom and by far the greatest number of Irish citizens serving sentences abroad are in the United Kingdom. It seems to me that since the United Kingdom was fully part of the framework directive decision in 2008 and 2009, it surely is possible for us, as part of the general framework agreement with the United Kingdom post-Brexit, to have an option, even if it is only on a bilateral basis, of a framework decision such as this that should apply across both such close and intimately related states. We are still going to apply the Council of Europe conventions to non-EU countries, including those countries that are outside the scope even of the Council of Europe, but are part of the Council of Europe conventions. The Minister of State has instanced the United States and Australia as being parties to the Council of Europe convention, so the convention applies to that. I would be interested to hear in regard to countries that are not party to the Council of Europe convention what legal framework applies in those instances.

Fundamental to society's attitude to incarceration is punishment for wrongdoing but also fundamental is the hope and expectation of rehabilitation. If our prison system simply ingrains wrongdoing, we are simply releasing people to do further harm to society, so rehabilitation is at the core of what we want. That hope must be real, with specific and concrete measures, including education, skills transfers and social rehabilitation. That should be and is, I believe, intrinsically involved in our legal systems. This Bill, as we have heard from the Minister, seeks

in accordance with the framework decision to streamline the process of transfers. However, there is a reason in many instances that we have no great urgency about transposing this directive. If we asked the number of Irish citizen prisoners abroad who were actually transferred into this jurisdiction to serve their sentences in the past five years, we would not be knocked over by the number because it is zero. My understanding is that no prisoners in the past five years have been transferred to serve their sentences here, although the Minister may correct me. The laudable aspirations in talking about the cultural differences and the additional burdens of serving a custodial sentence in a foreign country do not seem to be met with the urgency of making those transfers for Irish citizens to actually serve their sentences here. We not only need to have the legal framework right; we need to have the willingness to act upon it and to make sure it actually comes to happen.

The Bill mainly deals with process and, as the Minister of State said, it is quite technical. It sets out the procedural basis for such transfers, time limits, authorisations and so on. Up to now, for a transfer to happen, agreement is required by both states involved, as well as the agreement of the sentenced person himself or herself, or that is my understanding. Under these new agreements, for transfers within the European Union, as agreed in these two framework decisions, the agreement of the receiving state - I will use those words instead of "executing" and all the rest - may in certain circumstances not be required, for example, where a citizen or resident is returned on foot of a removal order. I would welcome from the Minister of State in his response on Second Stage greater clarity on this net point. It is understandable for a country to accept its own citizens back, for the reasons we have already articulated. However, where a convicted person happens to reside, say, in Ireland before committing an offence abroad, what are the mechanisms of consultation and what ultimate rights does Ireland, as the receiving State, have under these new arrangements? Is it possible that if we had some particularly nefarious person who was not even an Irish citizen but happened to be resident in Ireland before he or she committed those very serious, heinous offences abroad, we would be obliged to take him or her back? What exactly is the right of the receiving state under the new framework decision that will be enshrined in law in this legislation?

This question becomes all the more relevant, although I am going to instance a specific case which does not involve an EU country and, therefore, the decisions involved would concern the Council of Europe convention rather than the EU framework decision. Yesterday, a dual Irish-US citizen was sentenced in the United States, after being extradited from Ireland in the first instance, to 27 years in jail for what most of us would agree are horrific child abuse imagery charges. That person, Eric Eoin Marques, has indicated through his lawyers that he intends to return to Ireland as soon as he is released. In that specific case, a number of questions arise that might arise in other cases. If this person wishes to serve part of his sentence here and the US authorities agree, I take it that under the convention we would have to agree that would be acceptable. The Minister of State might give us clarity about how such a request would be normally handled. Who would be contacted and who would be the decision maker in the Irish justice system?

Another significant question concerns convicted criminals who have served out a full sentence in another jurisdiction. What level of warning, notification or contact, if any, is given to the Irish authorities in regard to the release of such a person and, in many instances, the return of such a person to this jurisdiction? It is not central to the Bill we are discussing in that they are not currently serving a sentence but once the sentence is completed abroad, is there any formal legal mechanism to ensure our authorities are, in an automatic, standard and consistent way, ad-

vised a particular individual is being released, has concluded his or her sentence and may well be returning to this jurisdiction? I am thinking of serious criminals, not minor criminals. An example is the Marques case, where the Irish authorities have already indicated that should he return, he would be subject to registration on the sex offenders register and serious monitoring. Is it possible for a set of circumstances to arise where somebody convicted in a different jurisdiction might not be known to the Irish authorities and could arrive back here after the serving of the sentence unknown to us? Maybe that it is not possible and there are robust systems in place to ensure that every country notifies us. I would be surprised if that was the case but maybe it is. The Minister of State might give us his best knowledge of that set of circumstances.

There are, of course, wider issues regarding the incarceration of Irish citizens abroad. Clearly, there is an expectation, indeed, a requirement, for all Irish citizens to obey the laws of countries that they visit. That advice is given to everybody. If they visit a country that might be outside the normal beaten track, they are told to be careful and make sure that they obey the laws of that country but we have seen cases of clear injustice where Irish citizens are detained abroad without just cause. I instance one particular egregious case, in my judgment and in the judgment of many in this House, and that is the case of Mr. Richard O'Halloran, who is in China. It is an important case to focus upon. For more than two years, Mr. O'Halloran and his family have sought his return to Ireland. He has been prevented from leaving China because of a legal dispute involving the Chinese owner of a Dublin-based aircraft leasing company for which he works. No charges have been levelled against Mr. O'Halloran. There is no suggestion that he has committed a crime but in many ways he is being held hostage. The family have received considerable support from the Department of Foreign Affairs. Many of us who have been in the contact with the Department have been told not to make too loud a noise about it in order that the Department can do its business below the waterline. It has been more than two years and Mr. O'Halloran's release has not come about yet. This is an issue which should concern us all. That is why I wanted, in the context of our discussion, to underscore it again, hopefully, not only with the Department of Foreign Affairs but also with the Department of Justice, which is concerned with issues of the application of justice to Irish citizens wherever they live and wherever they travel. The latter Department might also interest itself in this case.

The broader issue of Irish prisoners overseas is not often debated in this House. I am aware of, and the Minister in his opening comments referenced, the excellent work being done by ICPO. They do remarkable work and they provide a range of services to prisoners overseas and to their families. I also commend their great work. When we have before us such a Bill stating there are Irish people abroad who could usefully - maybe to improve their rehabilitation prospects - serve their sentences here, we should in this House or through the Joint Committee on Justice place a little more focus on that. ICPO, which has extraordinary knowledge of the particular challenges that face Irish people abroad, might give us some advices on things we could do better in ensuring that where people fall foul of the law abroad and find themselves incarcerated, they are not cut off from Ireland and that not only excellent charitable organisations but the State itself has some mechanisms to reach out to such individuals. I encourage everybody to be aware of the legal structures in every jurisdiction that they visit I am aware of the consular work done by the Department of Foreign Affairs but it is not an issue that we highlight too often in this House.

I am supportive of this legislation. The objective of ensuring that Irish citizens incarcerated abroad have the prospect, if the circumstances are right, and in the context of the framework agreement it would improve the person's "social rehabilitation", implies that we should be pro-

active in ensuring that such persons can be brought home. However, there is no point in having such a framework in place if it is not utilised. The European convention, is in place. That does not seem to be well used if nobody has been repatriated to serve a sentence in Ireland in the past five years. If that is the case, it is not an area that is utilised. Since it has taken 11 or 12 years to transpose a directive from 2009, there is clearly no sense of urgency about this. Since it is clearly a fact that we are the last EU member state to transpose it, we are the most tardy in terms of facing up to this as a social need. I hope that the enactment of this legislation might be the catalyst for a change in attitude, that we might have a clear presentation of the usage of both the European convention, which will still continue to apply to non-EU countries and this legislation enacting the two framework directives once they are enacted, and that we could have a regular reporting to the Houses on the number of prisoners under each of those measures who are formally repatriated to this county and how they get on.

I would welcome an answer to the other questions I have asked in terms of the level of knowledge of the State of people who have served their sentences before they come back. If the Minister of State does not have that information to hand, I ask him to present it to us on another occasion.

Deputy Éamon Ó Cuív: It is utterly wrong and unjustifiable that this directive was passed in Europe on 5 December 2011 and we are here now, in 2021, ten years later, having been prodded by the European Commission by way of referring Ireland to a European court for not implementing this directive. I cannot understand the reason for or the logic of our representatives going over to the European Union agreeing directives if they have no intention of implementing them. Maybe we agree to too many directives but if one agrees, one should then follow the letter of the law. I am particular hard where the State does not follow the law. We expect citizens to follow the law. We bring them to court for not following the law. It is totally unjustifiable when the State does not comply with its legal obligations. I have seen and heard no justification.

We know there was previous legislation, and I will come to that in more detail.

6 o'clock

We also know that, due to various court cases and so on, very few people will be transferred.

It is important to note that 1,100 Irish people are imprisoned abroad in 30 countries. However, one country dominates above all, and that is our nearest neighbour, the UK. After all the years waiting for the Bill to be published, it does not cover the UK, which is no longer a member of the EU. I understand that a commitment has been made to introduce amendments on Committee Stage, but I find that practice unacceptable. There were ten years to get this right and three years to deal with the Brexit issue. In the 26 years since the 1995 legislation, 459 applications of a total of 563 came from prisoners in the UK. There must be a cast-iron guarantee that we will see those amendments on Committee Stage rather than Report Stage.

The Minister of State might clarify another matter. Since Northern Ireland is jurisdictionally part of the UK, will people serving sentences in the North be able to apply for transfer to serve their sentences in the South? I know a number of Irish citizens who are desirous of doing so. Will the provisions apply to all Irish citizens irrespective of where they are from on the island?

I have heard much about prisoners. There are various types of prisoner. The more one

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visits prisons, the more one sees that prisoners are as varied as society. There are large drug barons with multinational operations, but if one carried out a census of the prison population, one would find that they only constituted a small minority. There are people in prison for all sorts of reason. Some prisoners are there for doing something wrong that caused a conviction but for whom reoffending is unlikely. One thing I am certain of is that all prisoners have human rights and are entitled to good prison treatment. The better the system, the better the treatment. The better the supports in prison, the more likely it is that, when people come out, they will reintegrate into society peacefully. The rationale for this legislation is humanitarianism and rehabilitation.

Something that always strikes me when dealing with prisoners is the significant burden put on families - parents, partners, spouses and children. I see this all the time. It is edifying to see the considerable effort that families make, many of whom must travel long distances to make visits, some of which can be short. Never forget that, when someone is sentenced to prison, it has a significant effect on family members in virtually all cases. In a strange way, we are relying on them more than on the prison system. Even people involved in the prison system have told me that people who are in stable relationships are much less likely to reoffend than those who are not. Therefore, we rely considerably on family members as part of the rehabilitative process. If people are serving prison sentences abroad, we can imagine the costs and burdens placed on their family members, who have committed no crime and are guilty of nothing, in trying to visit them.

According to the United Nations Office on Drugs and Crime, all things being equal, persons who serve their sentences in their home countries can be rehabilitated, resocialised and reintegrated into their communities better than elsewhere. The objective evidence is that giving people this option is a good idea.

I understand that the Bill contains a new principle that is part of the directive, that being people can be sent home against their will. I favoured the old arrangement where someone could not be transferred against his or her will. This is a matter that I will follow up during later Stages.

Deputy Patricia Ryan: I welcome the opportunity to contribute on the Bill, which seeks to implement the European Council decision on the arrangements for the transfer of prisoners between EU states. Some people might feel that the transfer of prisoners to their home countries should not be a priority. However, repatriation may assist in their rehabilitation, which can only benefit society. It can also help their family members, who are often innocent and inadvertent victims of the prisoners' crimes. While some of the crimes in question may be inhumane, we should not respond inhumanely, but we must remember that the victim is the priority concern.

I wish to address the issue of states that withhold prisoner transfers as a punishment for political prisoners. Amnesty International has criticised Spain and France, both of which have used separation of Basque political prisoners from their families as a source of collective punishment.

I wish to draw attention to a point made by a charity that works with Irish prisoners held abroad. It has warned that the proposed legislation on repatriation will be insufficient without adequate resources to process applications efficiently. Last month, ICPO called for a well-resourced, transparent, fair and explicit repatriation system to be put in place as a matter of urgency. Its call came after the charity published a survey of Irish citizens in prisons overseas.

It sent questionnaires to 1,100 prisoners and received 114 anonymous responses. The survey found that 60% of respondents reported experiencing mental health difficulties in prison, a problem exacerbated by Covid-19 restrictions. The survey also found a number of other problems linked to the pandemic, including a lack of visits, prolonged lockdowns in cells, delays in legal hearings and an inability to access educational and offender behaviour courses.

I support the Bill, which is an EU initiative, with one strong caveat. The majority of Irish prisoners abroad are in British prisons. As Britain is no longer in the EU, the Government needs to act urgently to ensure that we have reciprocal arrangements in place. The Minister of State referred to this.

I wish to discuss a repatriation issue and what he and his colleagues can do. Mr. Richard O'Halloran has been mentioned. He has been prevented from leaving China for more than two years. He has not committed a crime. He is being kept over fraud allegations directed against the Chinese owner of the Irish-based leasing company for which he worked. His family are deeply concerned. As Irish citizens, we should also be concerned. Will the Minister of State examine the matter?

Deputy Catherine Murphy: I welcome this legislation, which is long overdue. It seems that every time we have a debate on European legislation, I can use a copy-and-paste paragraph about the flagrant disregard for the need to transpose European framework decisions in a timely manner. It is 13 years since this framework decision was written and ten since the deadline for transposing it passed, yet here we are in 2021 with formal proceedings being taken against Ireland in the Court of Justice of the European Union, a domestic action before the Court of Appeal and Ireland facing the possibility of no longer being able to participate in the Schengen Information System should this legislation not be enacted by the year's end. We need to know why this is constantly happening. It is not that it can be postponed forever; it has to be done. Is it an issue of staffing or of Ireland not being in support of a particular directive? We need to have some understanding of what is in the queue and why we are constantly seeing these delays. We are seeing this over and over again. The Minister of State might indicate in his response what the delay is and if there are other pieces in the queue in within his particular department. Several Deputies have expressed repeated concern about this.

This legislation ultimately makes it easier for a person to serve a custodial sentence imposed in another EU country in their country of residence, with the aim of enhancing the prospects of a person's rehabilitation. It is welcome that the ICPO supports this legislation. I hope the Minister will listen to its call for a well-resourced, transparent and fair expeditious repatriation system, which needs to be put in place. The legislation alone will not address all of the outstanding issues with repatriation. It will be completely insufficient if the system is not created and resourced.

ICPO estimates that 1,200 Irish people are serving sentences abroad in approximately 30 countries. Many of these people serving sentences overseas are doing so away from their families, sometimes facing language barriers, in an unfamiliar justice system and with an uncertain future upon their release. The importance of connection to family in the context of rehabilitation and the need for a rehabilitation programme to be put in place in advance of release of a prisoner has been stated on numerous occasions. I concur with the points that have been made in regard to families also serving a type of sentence, particularly where there are children involved. Generally, if it is safe for them to do so - on occasion it is not - children should have the right to know their parent. That is a particular difficulty in this case.

Last year, ICPO conducted a survey. Essentially, Covid exacerbated the problems. A total of 60% of respondents reported experiencing mental health difficulties while in prison, with a significant decline in conditions noted during the pandemic. The lack of visitor access and lengthy lockdowns are a significant problem. We should acknowledge that there are some good examples of how the Prison Service here dealt with Covid, which was a collaboration between prisoners and prison staff. More than 40% of the respondents to the survey did not have plans for after their release, which highlights the difficulties of this particular group of prisoners when it comes to rehabilitation and resettlement services.

Many of the services available in Ireland cannot be accessed by prisoners overseas. People are left adrift once released without vital support services that are needed both during and after their time in prison. As has been said, a variety of sentences are being served and there is a variety of prisoner types, with many of them, probably, on the lower end. It is Government and EU policy that, where possible, people should be permitted to serve their sentence in the country they call home, close to their support networks and with the best chance of rehabilitation.

While Covid undoubtedly resulted in reduced standards for prisoners surveyed, no inward prisoner transfers to the State were conducted last year. Deputy Howlin stated there have been none in the past five years. I had wondered if it was just Covid that had impacted them. It is important that the Minister of State when replying tells us about the 1,200 people who are currently serving their sentences abroad. For example, have people applied to transfer, how many requested a transfer in the past year or within the past five years, and for what reasons might those requests not have been accommodated? Will the Minister of State provide data in respect of transfer requests?

It is a welcome feature of this legislation that there are provisions to refuse a request to transfer a sentenced prisoner where there is a belief that he or she might face prejudice due to sex, race, religion, ethnic origin, nationality, language, political opinion or sexual orientation. There are, however, a number of classes protected under our equality legislation that are not recognised here and should be added, namely, gender identity, disability, civil status, family status and age. While the legislation does adhere to Article 6 of the Treaty on the European Union and the human rights obligations stated within it, we can never be complacent about our responsibilities to protect individuals from discrimination within the EU. The EU has long had a poor record when it comes to sanctioning member states for breaches of the treaty and of human rights. It very much leaves this to the individual jurisdiction. The actions of certain countries over the past few years, that is, Hungary and Poland, have raised particular human rights concerns. Women's rights, freedom of expression, judicial independence and the rights of the LGBT community have been under attack in these jurisdictions for some time now. Recently, Hungary passed a law outlawing the distribution of content that is deemed to portray or promote LGBT people to minors. This follows legislation enacted last year which made it impossible for trans and intersex people in Hungary to legally change their gender, an action which further emphasises our need to include gender identity within the list of protected classes under this legislation. It is welcome to see the EU begin a substantive action against Poland and Hungary, with threats of daily fines and withheld payments due to these rule of law violations. We need to use all tools at our disposal to protect human rights and the rule of law within the EU. Any rogue member state should, of course, face sanction.

I hope that we take our responsibility to ensure the well-being of any sentenced person in this country seriously and that the Minister will not be hesitant to refuse repatriation on human rights grounds to other member states regardless of the political fallout that might occur. I also

want to refer briefly to the case of Richard O'Halloran who is convicted of no crime and is being denied the right to come home and of access to his family, in particular his children. He has missed key moments in their lives and is still facing, two years on, a great deal of uncertainty. There is a high level of public concern about that. I encourage any and all efforts that can be made to make sure that is remedied without further delay.

Deputy Neale Richmond: I appreciate the opportunity to contribute to this important and timely debate on this legislation. I thank the Minister of State for bringing it to the House. Like my colleague, Deputy Catherine Murphy, I agree that at some point we need to look at the process of keeping up with the transposition of European directives and ensuring that Ireland is not a laggard when it comes to implementation of European legislation. That said, this is worthwhile and important legislation, even though there are a number of amendments to be teased out on Committee Stage and more to be brought from the House. It is great to see it here and a great opportunity to contribute to it.

There are two approaches I wish to take to this legislation in my brief remarks this evening. The first goes to the crux of the legislation and is something we should always be mindful of when we talk about the penal system and people in prison, namely, that we should always consider the methods and merits of rehabilitation. It is far easier to rehabilitate a prisoner or convict if he or she is in a jurisdiction where he or she speaks the language, has opportunities to see his or her family, better himself or herself, educate himself or herself and perhaps rehabilitate himself or herself from addiction. Transferring prisoners to their home jurisdiction is certainly the most favourable approach to ensure that. As a number of Deputies have remarked, the vast majority in prison are not the masked criminals or the supervillains but people who have done wrong and are facing their sentence. As a society, we have a responsibility to guarantee their human rights and their rehabilitation. The opportunities this piece of legislation provides, in the form of ensuring repatriation, is something that should be really pursued by the Government. However, I agree with Deputy Catherine Murphy we must be cautious that while the vast majority of EU member states are very similar to Ireland in their approach to the judicial system, the rule of law and human rights, there are a number of worrying incidences in member states where the rule of law is simply being flouted and the human and civil rights of people, be they Irish citizens or otherwise, cannot always be guaranteed. That requires a very keen eye on the part of the Departments of Foreign Affairs and of Justice to ensure that level of equality and equity.

There is another element we must look at, that is, the hardened criminals we must get home to face justice here. We must get them home to ensure they atone for the crimes they have committed against Irish people and indeed society at large. When looking at this legislation, we must seriously consider how we can strengthen the European arrest warrant but also our ability to perform extraditions. There are a number of Irish criminals who are at large outside the EU, smugly looking back at the victims of their crimes, society at large, An Garda and our Government in this jurisdiction. They think they are beyond our reach. We must ensure the agencies of the State are given absolutely every resource that can be made available to them to ensure those people can be brought home to face justice and that we do not simply see them in tabloid newspapers making a mockery of us when some other jurisdiction or regime is more than happy to accommodate them.

Extradition is a very delicate matter, however. I welcome the decision taken by the Department of Foreign Affairs to suspend our extradition treaty with Hong Kong in light of the crack-down on protests in that jurisdiction by the Chinese Government and domestic lawmakers. A

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number of Deputies have already made the point, and I agree, that it is vitally important that we continue the effort to bring Mr. Richard O'Halloran home. Mr. O'Halloran and his family are constituents of mine and are known to me. The work going on very publicly and behind the scenes by the Minister for Foreign Affairs, Deputy Coveney, and his officials with Chinese officials is a credit to them, but we cannot let up. The fact Mr. O'Halloran has been away from home for two years on trumped-up charges simply is not good enough. We cannot cease to ensure that every effort is made to ensure he comes home.

This is a good Bill. It is good for Ireland and for the entire EU. Its swift passage through this House, with all the checks and rigours of democracy, is vitally important but the main aspect of it is that when we can receive returning prisoners, we ensure we fundamentally focus on their rehabilitation and ensure that when their sentence is finished they go back into Irish society as functioning and committed members of it. That is our responsibility as a State.

Deputy Michael Collins: The Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2021 was published on 29 July and comprises 58 sections. The purpose of the Bill is to implement EU Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

While we are talking about criminal justice and law, I wish to raise the extensive mural at Kent Street in Clonakilty which was completed this year. It marks a number of historical events and includes a depiction of General Micheal Collins. The mural was defaced with silver spray paint. The face of the freedom fighter was completely covered by a crudely-drawn graffiti tag. This mural was funded by Cork County Council and created in the summer by artists and Mr. Darren Warren of the Waterford Walls projects. The vandalism was committed ahead of Monday's unveiling of the new west County Cork Michael Collins Trail. The people of Clonakilty are angry, and rightly so, as we are all very proud of the Michael Collins Trail, museum and mural. People who go out and damage property like this must be dealt with appropriately, either by the Prisons Service or, if it is due to an illness, they must receive the proper care and access to mental health services. I wish everyone involved with the new Michael Collins Trail the very best of luck and congratulate them on their hard work in getting the project up and running and honouring one of the finest freedom fighters of our time.

This Bill, as I said, is to implement an EU Council framework decision. I saw a recent judgment - I will not go into the detail of it because we are not allowed to here - which showed what I call leniency. Someone, basically from another country, came here and did some harm to a lady and got a very lenient sentence. I felt deportation was the fastest and best way because, listening to the outcome of the case, the same individual had carried out numerous crimes in his own country before he came here. What he did to that lady was shocking and appalling. I am not going to mention the case so we do not get ourselves in any trouble but there must be some way of dealing with these people. The strongest way possible would be to send them back so that they can be sentenced again in their own countries, close to their own families. Maybe they could spend some time coming up with their own solutions as to why they have to hurt people to vent their anger.

There are other issues as well which are dear to my own home. I wish to speak of the awful murder committed on 23 December 1996, of a foreign national who was only 39 years of age. A young and loving mother was brutally murdered. Dr. John Harbison, the then State pathologist,

told an inquest into her death that she died of multiple injuries, including laceration of the brain and a fracture of the skull caused a blunt instrument, just a few miles from my home. This has left her whole family devastated and 25 years later they are still looking for justice. We must urge the Director of Public Prosecutions, DPP, to go back and look at the file, read it and ask why the case was not prosecuted over the years. This country, and our legal system, owes it to murder victim's family and also to the people of west County Cork, who have been left with this awful shadow cast over what we consider one of the safest places in the world. Over the past year, this case has gotten much publicity. However, we must not forget that behind the movies, books and interviews, the victim was only 39 years of age and was a mother who left a child behind. She did not die in a car accident. She did not die due to an illness. She was murdered by someone who thinks they have got away with it. The time will come when the person who committed this atrocious crime will be arrested and convicted. Then the victim will be able to rest in peace, and maybe her family will finally be able to get on with their lives. I ask the Department of Justice and the DPP to get involved and look again at this case for everyone's sake.

Acting Chairman (Deputy Bernard J. Durkan): As no one else is offering, I call the Minister of State to conclude.

Minister of State at the Department of Justice (Deputy James Browne): I thank Deputies for their contributions to the debate on this important Bill. A number of important issues were raised in respect of the Bill but there has been broad agreement on the importance of it and its need to pass through the Houses of the Oireachtas at a reasonable pace.

I acknowledge the issues raised by Deputy Martin Kenny to the effect that the UK is not contemplated by this Bill as it stands and that this is giving rise issues in respect of prisoner transfers. This is partly because the UK is outside the EU and is not part of the framework. However, we will bring forward an amendment on Committee Stage to include a provision that will address the situation with the UK. It is a deeply complex situation in terms of dealing with the UK and significant issues have arisen following the Supreme Court decision in respect of inward transfers under the 1995 Act. The effect of that decision is that inward transfers cannot be reliably conducted where certain incompatibilities exist between the sentence imposed in the issuing state and how that sentence should be enforced under Irish law. This is a particular issue with regard to the UK due to the operation of automatic release on licence in the UK in certain circumstances. Under UK law, a person is usually entitled to release on licence after either half or two thirds of the sentence has been served and he or she serves the remainder of the sentence in the community but this is not how Irish sentences operate. In implementing the framework decision, the Bill makes clear that conditional release measures are considered part of the administration and enforcement of the sentence rather than going to the legal nature of the sentence, even where those conditional release measures arise by operation of law. It also provides that the person has an opportunity to be heard at an *inter partes* hearing prior to a final determination of the remaining period to be served, and will provide the courts with the necessary powers to adapt the sentence post-transfer should that be necessary.

In terms of sentencing structures such as those in the UK, there are, broadly speaking, two options. One is to provide for the direct adaptation of a sentence structure, as the UK's sentences currently are, where the sentence may be replaced by a partially suspended sentence - this was the approach envisaged in the general scheme of the Transfer of Sentenced Persons (Amendment) Bill published in 2018 - or providing, as the framework decision does, for the full term of the sentence to be reflected on transfer, subject to Irish remission and potentially to subsequent administrative measures such as temporary release. There is no perfect solution to this.

It is deeply complex which is why there has been some delay in addressing it. We are still considering the options in consultation with the Attorney General, but I will be bringing proposals to Government and will seek approval for their inclusion on Committee Stage. While I cannot guarantee that amendments will be included on Committee Stage as this is subject to Government approval, I do envisage Government support for whatever proposals we bring forward.

A number of Deputies raised the issue of the delays with the transposition and asked, in particular, why it took ten years. It is interesting to note that one of the Deputies who raised the issue of delays was in government for five of those years and his party had a Minister of State in the Department of Justice in that period. In that context, I take a somewhat jaundiced view of complaints coming from that part of the House. When I was appointed Minister of State, I undertook to deal with all outstanding transpositions as quickly as possible while allowing the House the opportunity to discuss them, as is only right. Since my appointment, I have taken ownership of addressing overdue transpositions and in the past year my Department has steered four items of legislation through the Houses, namely, the Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Act 2020, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2021, the Criminal Justice (Theft and Fraud Offences) Act 2021 and the Counterfeiting Act of 2021. Alongside the Bill before the House, I have also introduced the Criminal Justice (Smuggling of Persons) Bill in the Seanad and will be progressing that during this session. I hope and expect, with the support of both Houses, that both of those Bills will be enacted soon. This will mean that six Bills will have been enacted as part of the transposition of directives in the space of approximately 15 months. I cannot answer for the previous decade, but I can stand my own record in terms of ensuring that these directives are transposed into law.

Deputies Martin Kenny and Ó Murchú raised the issue of victims of crime and rightly so. It is open to the Minister, under section 16(4) to consult with anybody on the implementation of any applications for transfers and I would expect that any Minister, where appropriate, would consider consulting victims of crime. Their voices must be heard in all aspects of the processes of justice. Any Minister of Justice would - and should - give an opportunity to victims of crime to have an input into decisions on transfers. The Department has had a very victim-centred approach since I and the Minister for Justice, Deputy McEntee, took office. This is evident from the introduction, for example, of the Harassment, Harmful Communications and Related Offences Bill, with which Deputy Howlin was also heavily involved. We also initiated public consultation on the third national strategy on domestic and gender-based violence and during Covid, we initiated Operation Faoiseamh to help those enduring domestic violence, the incidence of which unfortunately increased during the pandemic. We will be introducing hate crime legislation soon and victims continue to have the rights that were introduced under the Criminal Justice (Victims of Crime) Act 2017 vindicated.

We are also very much focused on restorative justice and ensuring that those who commit crimes face up to their actions. Part of the motivation for that is to help those committing crimes to see the damage their offending does to real people in the hope of motivating them not to re-offend. The aim is to reduce reoffending by showing criminals that their crimes are not victimless but have a very real impact. That is also very much the focus of the youth justice strategy that we launched earlier this year, the aim of which is to target young people and direct them away from criminal behaviour towards more positive behaviour. This involves putting wraparound supports in place to redirect them away from criminal activity.

Deputy Ó Cuív also referred to transposition delays. I am not going to justify the delays that occurred before I took office. I would say, however, in my first term in the Dáil I was very

taken by Deputy Ó Cuív's genuine concern for and actions on behalf of Irish prisoners. That certainly stuck with me and is one of the reasons I wanted to see this Bill enacted as soon as possible. The Deputy asked that amendments relating to the UK be introduced on Committee Stage. I will bring such amendments to Government and it will then be a matter for the Government to approve them. I can confirm that Northern Ireland is party to the Convention and does, therefore, come under it.

Deputy Catherine Murphy also referred to delays, a matter which I have already addressed. A number of Deputies also spoke about the importance of rehabilitation. Indeed, rehabilitation is a key criteria in the legislation. Reference was made to Mr. Richard O'Halloran and my sympathies go out to him and his family. I acknowledge the genuine public concern around his case, as mentioned by several Deputies. The Minister for Foreign Affairs, Deputy Coveney, has been working very hard behind the scenes on this matter and has met his Chinese counterpart to discuss it. The situation is very delicate so I will not risk saying anything here that might interfere in any way with what the Minister for Foreign Affairs is doing behind the scenes. However, I can say that the Minister has my full support in his endeavours in respect of that matter.

A number of specific, technical but important points were raised by Deputy Howlin. As I have only 30 seconds remaining, I will not endeavour to answer him now but will respond to the Deputy in writing on the important issues he raised. Obviously, China is not party to the convention. On the framework decision we can refuse where, on reasonable grounds, we believe there have been breaches of human rights. That is contained within the convention itself. There is a provision under the Act for annual reports and statistics and I expect that will be carried out as well. While the vast majority of our citizens abroad are not seeking to return, I will endeavour to get the exact number of applications that have been made over the last number of years.

I thank the Acting Chairman for the opportunity to address some of the issues raised by Deputies in the House. I will endeavour to provide responses to those questions to which I did not have time to respond.

Question put and agreed to.

Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2021: Referral to Select Committee

Minister of State at the Department of Justice (Deputy James Browne): I move:

That the Bill be referred to the Select Committee on Justice pursuant to Standing Orders 95 and 181.

Question put and agreed to.

Companies (Corporate Enforcement Authority) Bill 2021: Second Stage

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I move: “That the Bill be read a Second Time.”

As Minister for State with responsibility for trade promotion, digital and company regulation, I am pleased to present the Companies (Corporate Enforcement Authority) Bill 2021 for the consideration of the House. Since taking office the enactment of this Bill has been a priority for myself and for the Tánaiste. Before proceeding, I want to acknowledge the significant work that has been done by those involved, most notably in the past 12 months, to develop the General Scheme of the Bill before the House. I wish to acknowledge and thank the members of the Joint Committee on Enterprise, Trade and Employment for their engagement and consideration of the Bill during pre-legislative scrutiny.

At the outset I would like to give some background and context to the legislation. As I have said before, white-collar crime is a menace to society. It is not victimless and it has huge consequences reputationally for the economy, both nationally and internationally. Consumers and businesses need to have confidence that alleged breaches of company law will be effectively investigated and prosecuted. This is a landmark first step to strengthen and transform the Office of the Director of Corporate Enforcement, ODCE, into a statutory and independent agency with additional resources to investigate and prosecute white-collar crime.

My objective in this legislation is to make sure we are doing everything we can when it comes to having a robust company law framework for the conduct of business in the 21st century. Company law enables entrepreneurs to take risks, enterprises to grow and jobs to be created. It also serves to protect the interests of creditors, investors, employees and the State. The Government is committed to ensuring that the authorities are best equipped to enforce compliance with the law and to investigate instances of malpractice by companies.

This legislation to establish a new corporate enforcement authority is a commitment in the programme for Government. I know that Deputies will be aware that this legislation was developed in the aftermath of the investigation that led to the trial of the DPP v. Seán FitzPatrick and the acquittal of the defendant on all charges, on the direction of Judge Aylmer. Since the time of the investigation, the director has implemented multiple reforms within the ODCE, including staffing and procedural reforms designed to ensure the issues that led to the investigative shortcomings outlined by Judge Aylmer will not happen again.

There has been a focus on identifying further measures to enhance the capacity of the ODCE. The Bill builds on the organisational and procedural reforms undertaken by the director in recent years and ensures that the new authority has the optimum statutory independent structure. This, allied with the financial and human resources allocated to the new authority, will ensure it is well placed to tackle breaches of company law and promote compliance.

I will now turn to the specific provisions of the Bill. The Bill consists of six Parts, 36 sections and two Schedules. An explanatory memorandum has been published and provides a summary of the provisions. While the main purpose of the Bill is to establish the ODCE as an independent agency called the corporate enforcement authority, it also deals with a number of recommendations from the Company Law Review Group, as well as some amendments to the Companies Act 2014.

Part 1, sections 1 to 3, sets out the standard provisions on citation, commencement, definitions and repeals.

Part 2, sections 4 to 13, establishes the new corporate enforcement authority with a commission structure. This structure is modelled on the Competition and Consumer Protection Commission. Sections 4 to 9 contain technical and consequential amendments to the Companies Act 2014 as a result of the establishment of the new authority. Section 10 inserts a new chapter 3A in Part 15 of the Companies Act, the primary purpose of which is to invest the new authority with all the same functions and powers that the Director of Corporate Enforcement has currently, with some modifications to reflect the new commission structure.

The main elements of the new commission structure can be found in section 10 of the Bill at section 944F on membership of the authority. This provides for up to three full-time members and is designed to give the authority the structural flexibility to meet the differing demands of its remit, which includes investigation, prosecution, supervision, and advocacy, and along clear lines of responsibility. Section 944K on staff of the authority gives the authority the ability to appoint its own staff.

Part 2 also carries over the ODCE's existing functions to the new authority. These include encouraging compliance with the Companies Act 2014, investigations of suspected offences and non-compliance under that Act, prosecution of summary offences, referring indictable offences to the DPP and the exercise of certain supervisory functions with respect to liquidators and receivers. As now, there is provision for secondment of members of An Garda Síochána to the authority.

Sections 944N and 944O introduce new provisions in relation to the accountability of the authority to the Committee on Public Accounts and to other Oireachtas committees.

Part 3 of the Bill, sections 14 to 25, contains amendments to the Companies Act 2014 relating to shares and share capital. These give legislative effect to some of the recommendations that were made in the report by the Company Law Review Group on shares and share capital, which was published in April 2017. These are designed to provide clarity on matters regarding share capital following the repeal, modernisation and restructuring of the Companies Acts 1963 to 2013 into what is now the Companies Act 2014.

Part 4 of the Bill, sections 26 to 30, contains amendments to the Companies Act 2014 which implements recommendations of the Company Law Review Group on corporate governance. These recommendations address issues concerning the administration of company meetings, which also arise from the move from the Companies Acts 1963 to 2013 regime to the current Companies Act 2014.

A further Company Law Review Group report, on the protection of employees and unsecured creditors, published in June 2017, recommended changes to the current law on restriction of directors. Part 5 at section 34 of the Bill provides the High Court with a power to restrict directors on the basis that they have failed to act appropriately in a winding-up situation, for example by failing to convene a general meeting to nominate a liquidator or by failing to give the required notice to employees of an impending liquidation.

Part 5 also makes miscellaneous amendments to the Companies Act 2014. Section 31 provides for the obligation to register resolutions in a creditors' winding-up with the Registrar of Companies. Section 32 provides the corporate enforcement authority with the power to request

evidence from a person that they are qualified to act as liquidators. Section 33 provides that it may be prescribed that liquidators submit statements to the Companies Registration Office more frequently than at six-monthly intervals. Section 35 introduces a requirement for directors of companies to provide their personal public service numbers to the Registrar of Companies. The purpose of this section is to enhance the accuracy of the register of companies. Part 6, section 36, is a technical amendment which amends references to the Companies Act 2014 and the corporate enforcement authority in section 192 of the Irish Collective Asset-management Vehicles Act 2015. The 2015 Act is amended by the substitution of references to the Companies Act 2014 consequent to this Bill.

I shall now turn to the main purpose of the Bill. There has been lots of discussion, thought and policy analysis put into what is the best framework for combating white-collar crime. I welcomed the joint committee's support for the establishment of the corporate enforcement authority as an independent, well-resourced agency that works to deliver on company law compliance. I also refer to work undertaken by the Law Reform Commission on regulatory powers and corporate offences. In particular it recommended that there be a new corporate crime agency. The Bill is very similar to the Law Reform Commission's proposals when it comes to structure, staffing and co-operation with other bodies. The Law Reform Commission's recommendation also called for a comprehensive response to corporate criminal offences. Accordingly, this was considered in the context of an overall review of Irish anti-fraud and anti-corruption structures. That review was led by Mr. James Hamilton, and the Government approved and published its recommendations in December 2020.

Since then, the Minister for Justice has developed and led on an implementation plan to carry forward these recommendations. My Department and the Office of the Director of Corporate Enforcement, ODCE, are centrally involved in this process. The establishment of the new corporate enforcement authority is a key part of this implementation plan. The plan is cross-government, which is something I wholly support. Corporate and economic crime will only be tackled by a whole-of-government, joined-up approach.

The Bill provides that all the functions of the ODCE will be carried over to the new authority. These include encouraging compliance with the Companies Act 2014, investigations of suspected offences and non-compliance with the Act, prosecution of summary offences, referring indictable offences to the Office of the Director of Public Prosecutions, DPP, and the exercise of certain supervisory functions with respect to liquidators and receivers. The Bill also includes provisions for work already under way at the time of the transfer from the ODCE to the authority.

A well-stocked enforcement toolbox is vital to ensuring the authority can meet the challenges it faces in its investigation and prosecution of alleged breaches of company law. In this regard, the ODCE has the power to issue a range of warning directions or notices, the power to enter and search premises and take documents and other material, and the power to bring summary criminal prosecutions. The current range of powers the ODCE has will also be carried over to the new authority.

I also welcome that criminal justice powers will be further developed under the implementation plan from the Hamilton review group on a cross-cutting basis. It will enable our investigative agencies to have the required powers while balancing the rights of those being investigated. This will ensure the new corporate enforcement authority has access to the necessary powers when developed.

To follow on from what I have said about criminal justice powers, the House will be aware criminal investigations into corporate affairs are often complex and lengthy and require specialist oversight. Rigorous procedural safeguards and due process standards must be maintained to withstand likely court challenges.

As I have said, the Bill invests the new authority with all the same functions and powers the Office of the Director of Corporate Enforcement has. This includes some modifications to reflect the new commission structure. The commission structure with up to three members is designed to give the authority flexibility. The authority will have the ability to appoint its own staff. The authority will be able to determine for itself the skills, and staff it will need to conduct its work, subject to overall budgetary sanction and approval. This structure and flexibility is intended to allow the authority to adapt if its workload expands significantly or if it needs to organise its work into discrete areas or functions.

As the Joint Committee on Enterprise, Trade and Employment noted during its pre-legislative scrutiny, resources are key to the success of this new authority. My Department and the Government carefully considered the committee's strong views on this matter, and the Government decision establishing the authority referenced the actions need to ensure its resourcing needs. Indeed, the importance of adequately resourcing was also set out in the implementation plan arising from the Hamilton review group. The implementation plan commits to identifying the relevant Garda resources to be seconded to the corporate enforcement authority, and I understand the Garda Commissioner, who is independent in the exercise of his functions, has written to the director committing increased levels of members of An Garda Síochána for the new authority.

The Government decision also supported my Department's increased budget allocation and staffing sanction to the authority. In preparation for the establishment of the corporate enforcement authority, the budget of the ODCE has increased by circa €1 million on previous levels and has approved sanction for 14 additional civil servants to be assigned to the authority to enable it to undertake its new functions. This represents an increase of 20% in the level of funding to the ODCE and an increase of 35% in the number of Civil Service staff.

The director's assessment of the authority's requirements is based on its functions and the number and complexity of cases it will handle. The resources being applied to the authority are in line with his assessment. In preparation for the establishment of the corporate enforcement authority, a number of key senior positions have recently been advertised. These positions include a director of governance and support operations, director of finance and ICT, and director of legal. In addition, a new position of digital forensics manager has also been advertised.

As I have said, the Government supports additional Garda Síochána resources being made available to the corporate enforcement authority based on its statutory functions, its assessment of its resourcing needs, and the Government's vision for the new authority. The Bill provides for the continued secondment of members of An Garda Síochána to the authority. This is to facilitate the continued implementation of revised procedures within the ODCE whereby members of An Garda Síochána take the lead in all criminal investigations. This procedural reform addresses the investigative shortcomings identified by Judge Aylmer in the area of witness coaching and cross-contamination of witness statements. The members of An Garda Síochána assigned to the corporate enforcement authority will increase from seven to 16. Therefore, the total increase in the overall Garda headcount for the new authority will more than double. Taking the additional civil servant and Garda increases together, the corporate enforcement author-

ity will have a staffing level which has increased by nearly 50% overall.

While the primary objective of the Bill is the establishment of the new corporate enforcement authority, as I have already noted, there are a number of other provisions included in the Bill in the area of company law. The Companies Act 2014 is kept under active review and its provisions are reassessed in the light of changing circumstances, for example, court judgments or where a problem is identified by companies, practitioners or those implementing its provisions. The Act is also reviewed in light of developments in EU legislation.

The Bill also proposes some other changes to company law. These include in particular the verification and transparency measures for the register of companies and the use of personal public service numbers, PPSNs, for directors. Directors will be required to supply their PPSNs at the time of incorporation of a company, in the annual return and if changing director or secretary details. This will assist the registrar to verify the authenticity of the director and assist in removing duplicate information on directors from the register. Other changes to company law are: the implementation of Company Law Review Group recommendations on shares and share capital and corporate governance; closing off an outdated exemption from the requirement to include directors' names on correspondence; and an amendment to confirm the intention that Chapter 7A of Part 17 of the Companies Act 2014 applies to the securities registered in the name of a central securities depository and those securities that are registered in the name of a nominee of the central securities depository.

This Bill is part of a package of measures designed to ensure Ireland's reputation as a top-tier country for its business environment is underpinned by a robust framework to combat corporate, economic and regulatory offences.

7 o'clock

The establishment of the new corporate enforcement authority is a commitment in the programme for Government and one designed to combat breaches of company law, which are so damaging to our economy, which breed cynicism in our society about there being insufficient attention given to company misbehaviour and which undermine our international reputation.

The Bill, when enacted, will be a milestone in the area of corporate enforcement in Ireland. The new corporate enforcement authority will have more autonomy and resources to investigate suspected wrongdoing and to deal with larger, more complex investigations.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry to interrupt the Minister of State but as it is now 7 p.m., I must ask him to move the motion to adjourn the debate.

Deputy Robert Troy: I have only three lines left.

Acting Chairman (Deputy Bernard J. Durkan): We will allow that. The time is almost up.

Deputy Robert Troy: With new technology and more sophisticated economic crime, it is more important than ever that we have a well-resourced, stand-alone agency to identify those who are non-compliant with company law. We have seen how intricate and complex some of these breaches can be and how hard it is to secure prosecutions. As a statutorily independent agency, the corporate enforcement authority will have more autonomy to recruit the specialist staff it needs.

This legislation has been a priority of this and previous Governments. I recognise that many Deputies across the divide are supportive of action, having scrutinised the Bill on two occasions. I look forward to hearing from Deputies in the coming days and to working with Members of the Houses of the Oireachtas to enact this important legislation. I think we can all agree that this is a worthwhile project that has been in the pipeline for too long. I want to see the new authority established at the earliest opportunity and to work on supporting it as it continues the important work the Office of the Director of Corporate Enforcement now undertakes. I commend the Bill to the House.

I thank the Acting Chairman for his latitude.

Acting Chairman (Deputy Bernard J. Durkan): Does Deputy Quinlivan want to move the motion to adjourn the debate at this point and take it up on the next occasion?

Deputy Maurice Quinlivan: I thank the Minister of State for his contribution. I move the motion to adjourn the debate, unfortunately.

Debate adjourned.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Housing Provision

Acting Chairman (Deputy Bernard J. Durkan): We move now to Topical Issue matters. Deputies Christopher O'Sullivan, Stanton, Martin Kenny and Verona Murphy are all involved. I call Deputy O'Sullivan to discuss the need for significant increase in accessible housing in the local authority housing stock.

Deputy Christopher O'Sullivan: I thank the Acting Chairman and the Minister of State. The issue I wish to raise is the lack of existing housing, particularly social housing, for people with disabilities and particularly the cases that have been presented to me regarding those who are wheelchair bound.

It became very apparent over the summer recess, in particular, that more and more people are in positions where they are seeking social housing that requires accessibility. The simple fact of the matter is that those houses are not there. There is a chronic shortage of social houses for people with accessibility issues or who are wheelchair bound and it is something that we need to address.

I will give an example of the types of situations from people who are presenting to my office in Cork South-West. One individual, a young gentleman, is wheelchair bound and is currently renting, and is also on the social housing list. That is a key link. So many people with disabilities are on low incomes and because that is intrinsically linked, unfortunately, in today's society, we have issues where many people with disabilities are on the social housing list. The housing stock is simply not there, however, and it is not adapted to care for their needs.

A perfect example is in Clonakilty, where we currently have 100 social houses being built

along with Kinsale, where there are a further 50 houses. There are about another 50 houses in Skibbereen and more in Dunmanway. In one of the social housing developments in Clonakilty, which has more than 50 units, only six of those units have downstairs toilets and only one of those 50 units has a disabled or accessible toilet. Considering more than 640,000 people in Ireland have a disability, which is one in seven people, the ratio of houses within our social housing stock that are accessible to wheelchair users is nowhere near high enough. People like the gentleman about whom I spoke earlier are, therefore, in serious trouble and in dire need of housing.

I appreciate the Housing for All document, which is a plan that I believe in and will back fully. I know it will be implemented and it has good, strong sections on housing for people with disabilities. However, I firmly believe that in the interim, to look after the situations like those I described, we need to provide our local authorities with capital funding in order that they can either adapt their existing housing stock as houses become vacant, or acquire houses on the market and adapt them on a case-by-case basis for people with disabilities, particularly those who are wheelchair users. I urge the Minister of State to work with the Minister, Deputy Darragh O'Brien, to ensure that local authorities are provided with that funding to allow adaptation of existing stock.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank Deputy O'Sullivan for raising this very important issue. The recent launch of Housing for All demonstrates the absolute commitment of this Government to ensure that affordable, quality housing is available to everyone in Irish society, including those with disabilities and our older people.

The commitment was also reflected in the Programme for Government: Our Shared Future, in which we set out to ensure that there is an appropriate mix of housing design types provided within social housing, including universally designed units and accommodation for older people and people with disabilities. Local authorities are responsible for the planning and provision of social housing in their areas and, therefore, decide the number of specific types of dwellings to provide in their developments based on identified need. At national level, we are determined to ensure that they will have the funding and resources to deliver the housing that is needed and that houses provided will meet the standards of those who need them most.

We are ensuring that the ambition of Housing for All is translated into clear, target-driven local authority delivery action plans. The housing delivery action plans will set out how dedicated social housing provision for older people and people with disabilities will be delivered and including social housing delivery partners, matching the scale and extent of housing need identified and having regard to the forecast in the Department of Housing, Local Government and Heritage's July 2021 disability capacity review.

It should be emphasised that social housing in Ireland is built to an exceptionally high standard and that is evident right around the country. The design standards are set out in Quality Housing for Sustainable Communities: Design Guidelines. In preparing these guidelines, particular account was taken of the objectives of Government policy on sustainability, including access for people with disabilities and meeting the varied needs of occupants through their lifetime. The design approach on social housing seeks to eliminate barriers of accessibility for all users, particularly older people and those with mobility impairment or other disabilities. Where units are being designed for those with disabilities, the guidelines refer to the National Disability Authority publication, Building for Everyone: Inclusion, Access and Use.

More recently, the Housing Agency published a roadmap entitled *Designing Housing to Meet the Needs of All*, which has specific regard to the principles of universal design. Of course, all new buildings and extensions or material alterations to existing buildings must comply with the legal minimum performance standards set out in the building regulations, of which part M aims to ensure visibility for all.

To further explore the potential design of accessibility in new housing units and housing more generally, the National Disability Authority is currently preparing policy advice and completing a cost-benefit analysis of achieving universal design solutions in housing action under action 97 of the National Disability Strategy 2017-2021. My Department is participating in a technical group convened to undertake the development of a comprehensive economic and social evaluation of universal design models. Recently I attended the Oireachtas committee dealing with housing for people with disabilities and/or older persons and the challenges they face. We have significantly increased funding in our local authorities through our mobility grant mechanisms and through those for our older persons to try to support independent living and accessibility in people's homes where they most need it and where the most vulnerable need to be protected. I assure the Deputy we are fully committed to this.

As I go around the country to see the new housing builds, it is incredible to see the future-proof mechanisms attached in each to try to prepare for the future, as families and our needs change. I hope more people have that opportunity to be independently housed in their own homes for longer.

Deputy Christopher O'Sullivan: I appreciate the Minister of State's response and I can hear his dedication to ensuring people have the option of independent living in accessible houses. However, we are still in the situation in which we are. The development I referred to in Clonakilty will provide secure housing for so many vulnerable people on low incomes. Out of the 50 houses, to have only one adapted toilet is not good enough. Perhaps local authorities need to be explicitly instructed to ensure that when they are building social housing developments, a much higher percentage of those houses are accessible to reflect the number of people in Ireland living with disabilities or who are wheelchair users. That needs to happen. I gave the example of that young gentleman who is renting and who cannot avail of those mobility aid grants. There is also a woman who is, again, a wheelchair user. She is living in an isolated rural part of my constituency and her children are moving on to college. She has a feeling of isolation and desperation. The option for her to move into a town such as Clonakilty, Kinsale, Bandon or Dunmanway is not there because the houses are not there.

I completely back the long-term plan and strategies for housing provision, but in the short-term period, there are instances in which people are desperate for accessible housing. I urge the Minister of State to make funding available in this budget for local authorities, before those bigger-scale developments happen, for the acquisition and adaptation of existing houses. That would take pressure off.

Deputy Peter Burke: There is a commitment of €4 billion in multi-annual budgets in our national development plan, which was not there before and is backed up by the Housing Finance Agency and the Land Development Agency. That will be key to unlocking many of these developments to which the Deputy referred. I assure him the grant mechanisms will be supported to ensure local authorities have the resources to discharge their duties. I am also progressing with our new disability strategy, which had almost 1,600 submissions, of which 28% were from people with disabilities and lived experiences, which are so important. As the

16 September 2021

Deputy quite rightly referenced, we have a huge amount to do in terms of right sizing and giving people opportunities to live in homes that are suitable to meet their needs, especially the most vulnerable in our society. We now have the housing needs and demands assessment tool in the Department, which will assist local authorities in identifying the need they must supply into their functional area.

Obviously, it is disappointing to see that there is no future-proofing in a 50-unit housing estate. If the Deputy wants to bring the details of that estate to my attention, I will have that investigated, because it is important the signal goes out from the Department that you need to future-proof developments and the vulnerable must be protected. When housing allocations are appointed to tenancies, policies are in place for the quota that should be allocated for those with disabilities and the most vulnerable. We would be keen to follow up on that, if the Deputy wants to forward the details to me.

I assure people we will shortly have the strategy from 2022-2026. We have done a huge amount of engagement on it. The money is there and we want to ensure people can live in their homes longer and that the most vulnerable are protected.

Mental Health Services

Deputy David Stanton: I thank the Ceann Comhairle's office for picking this matter this evening and allowing me to be here. We have a central Midleton mental health centre. It was built in the 1970s. It is called the Owenacurra mental health centre. It provides mental health services, continuing care, mental health care and respite for people in a vast area. Last June, a decision was taken to close the centre. Some 19 residents are currently in the centre. We were told there would be moves to find alternative accommodation for these people. There is also a day centre, which facilitates between 40 and 60 people per week. It is also used as a respite centre for two people every two weeks. That is a very important service to the people of east Cork.

I have two big issues. First, I want the HSE and the Minister of State to tell me what the long-term plans are to replace this service. I do not think there are any at present. That is crucial. People do not want to lose this hugely important service. The second issue concerns the 19 residents. I accept this centre is not fit for purpose and is of its time, but it is the home for these people. Would the Minister of State like to be told tomorrow that he will be transported to Enniskillen or Cavan, away from his friends and what he knows and is familiar to him? People in this centre can walk down town. They are known around the town. They can walk into the shops and churches and are comfortable in their surroundings. If any of us were moved to a strange place, it would be difficult, but if you have mental health challenges, it is even more difficult.

I am calling on the Minister of State to pause the closure of this centre. It will be done on a phased basis. I know there are problems in the centre and that the building is not fit for purpose, but there is no immediate danger to anybody. It is just next door to the Garda station. The fire station is only a couple of hundred yards away. There is no danger to anybody. I want a pause.

There has been some communication with families and residents this week, even though this was announced last June. Residents and families are anxious. They need clarity. The social interaction is hugely important. It has been said to me that you could not get a better service. It is a community. These people are part of the community.

I would also like the Mental Health Commission to have a look at this and ask what the impact on people is if they are moved from their homes to a strange place far away. We have no clarity as to where people will go. I accept the bona fides of the people in the HSE. They are doing their best and I want to be supportive of the work they are doing. They are faced with a huge challenge. I ask that they pause this for a number of months until we have a clear plan with respect to what the long-term service will be in that area. It is not acceptable this service be closed down with no place to reopen a similar service. We need to look after the residents.

We passed the Assisted Decision-Making (Capacity) Act 2015, which means that people have a right to make their own decisions and that must be respected, regardless of their capacity. We need to bear that in mind. I ask the Minister of State to go back to the Minister of State, Deputy Butler, and ask her to ask the HSE to pause the closing of this. It is not ready and there is huge distress and upset in the area over this. The anxiety levels are high. These people have enduring mental health difficulties and it is wrong that this is happening at this time. There can be a better solution, which is what I want. I want time and space for that to be found.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank the Deputy for raising this important issue. The Minister of State with responsibility for mental health and older people, Deputy Butler, has been regularly liaising with the HSE on this very important matter, since it was announced. The HSE has affirmed that in the context of the closure of the centre, the needs and preferences of each resident are of paramount importance. On 28 June, the HSE notified the Department of Health that the HSE's Cork-Kerry community healthcare organisation had taken the difficult decision to close the Owenacurra centre in Midleton as the building is not fit for purpose. Owenacurra is a long-term residential centre with 19 residents but it also accommodates a mental health day service. The Mental Health Commission, as regulator, had raised serious concerns about the centre and the HSE shares those concerns. HSE estates confirmed that the building is in very poor condition with major defects and is not fit for purpose. It was originally planned to refurbish the building but as work progressed on those plans it became clear that no matter what refurbishment took place, the building could not meet either building or commission standards.

The HSE's priority is the welfare of the 19 residents of the centre. It has confirmed that all of the residents have had their needs assessed so that they can be appropriately placed in accordance with their assessed needs. I understand meetings with the multidisciplinary team to discuss options and the wishes of each individual resident, with family where consent is provided, are ongoing and I understand that it is planned to complete the programme of meetings this week. The multidisciplinary team continues to have ongoing discussions with all residents and a key contact lead is available as a facilitator for residents, families and the team. Social work input has been increased, including support from a housing co-ordinator, and increased consultant input is also available. A member of the independent Irish Advocacy Network is part of the project steering group, in addition to a mental health service user family member and carer engagement representative, to ensure the residents and families continue to have independent supports available throughout the process. The process of engagement with the staff is also being progressed, informed by the terms of the public service stability agreement 2021-22, Building Momentum, and underpinned by the nationally agreed redeployment protocol. The HSE is reviewing what healthcare services are required in the Cork-Kerry area and if this site is suitable for the delivery of any of these services. The future of the entire site will be considered at a later stage. A suspended mental health day service is also located within the building and work is under way to identify an alternative location for this service, as close as possible to the

current location. The Deputy highlighted that people with mental health challenges may be moved to a strange place and he wants me to bring these views back to the Minister of State. He has also asked that this decision be paused. I will bring his concerns to the Minister of State tomorrow and see if she and her team can address them directly with him.

Deputy David Stanton: I thank the Minister of State for his response and for his commitment to bring my views and the views of the people in the area, which are quite strong and quite worried, back to the Minister of State, Deputy Butler. This is in no way an attack on the HSE, the Minister of State, the Department or anyone else. We want to come up with a proper solution. That is why I am asking that this be paused. I am told that some of the residents have been advised that they may have to go into Cork city, Kanturk or Sarsfield Court, which is miles away. At the moment they are in a comfortable area. They are familiar with their surroundings, they can go down town and into the shops and pubs or the local church, which is very close by. People know them, greet them and make them feel welcome. They are integrated into the community. That is going to be ripped out now and that is not good enough at this stage.

The engagement about which the Minister of State spoke only started this week. That is a very short amount of time and people have been concerned all through the summer. I understand there is no immediate danger in the building whatsoever so that is why I am saying we should pause this and engage. There are some older people who I understand may be happy to go to nursing homes at this stage. That may be so but each of these people has to be engaged with, and have their families present if they so wish, and we have to respect their wishes in that regard to see what can be done here.

The other issue is that the overall service for the residents, the respite care, which was not mentioned in the Minister of State's briefing, and the day service will all be lost to a vast area. East Cork is the size of some small counties, going from Youghal right up to Cork city and beyond, and north of that as well. That will all be completely lost and there are no plans that I can see to replace those services at a time when we are all concerned about the impact of mental health, the growth of the challenges people face because of Covid and other concerns and the constant negative news we are getting through the media all the time that the world is doomed and we are all going to hell in a handcart. This is having a big impact on people. We need to do better. I again implore the Minister of State, and the HSE and others if they are listening, to pause this for a while. Let us get together and talk about it and let us do better.

Deputy Frankie Feighan: I thank the Deputy again for raising these very important issues. Improving all aspects of mental health service delivery is a priority for the Minister of State, Deputy Butler, the Government as a whole and the HSE, in line with the national service plan for 2021. This includes continued collaboration between the relevant agencies to ensure that quality and standards in our mental health facilities are further improved in line with the best practices and recommendations. With regard to Owenacurra, the most important thing is the safety and welfare of the current residents. The HSE has a plan in place to close the centre on a phased basis and to keep clear and open channels of communication with the individuals residing in the centre and their support networks. The aim is to secure an appropriate alternative placement based on assessed needs and in line with the will and preference of each individual. I hope the HSE will achieve these aims in respect of Owenacurra. I have taken on board what the Deputy has said about trying to stand back and, between all the stakeholders, to pause this decision. He also said that consultation only happened in the last week. That is a very fair and reasonable point. I will bring the Deputy's views to the Minister of State and hopefully she can liaise and work with him and all the stakeholders to get a satisfactory outcome.

Hospital Overcrowding

Deputy Martin Kenny: I am glad the Minister of State is here this evening to take this question regarding Sligo University Hospital and the overcrowding in the emergency department there. We share the same constituents so I am sure he is as aware of these issues as I am. Over the summer I have had various contacts from both patients and staff who have expressed their concerns in regard to the overcrowding situation, which they see as dangerous. I have an email here that I received on 28 July:

I am a nurse in the Emergency Department in Sligo University Hospital ... I don't think you or your colleagues will ever begin to understand the fear and stress [that working in an ED] has caused me. I continued to work there as wave after wave of COVID hit. I worked in there when my colleagues were hit with COVID and I luckily never succumbed to it. We were so short staffed on days and nights that we were lucky if we got a 30 minute break in our 13 hour shift and yet we kept giving.

We are now in dire straits we start days at 8am and some mornings the patients we left in the waiting room the previous night are still sitting waiting to be seen! Admitted Patients are spending more than 48 hours on trolleys! The lowest point I saw was when admitted patients were taken off trolleys and put sitting on hard chairs down an X-ray corridor for the day waiting for a bed on the ward to become available and given back a trolley for the night if they remained in ED.

I know the Minister of State is aware of this situation, as many people in Sligo are. It has gotten some publicity in the media over the summer because this is an absolutely ridiculous situation with so many people in the emergency department and it is so overcrowded. Last Thursday my own young fella broke his finger playing hurling and I spent four hours there with him. He was seen and looked after very well by the staff there and there was no issue with that. However, I saw first-hand the stress of people waiting there, who were worried about loved ones who had been admitted, wondering where they were and what was happening with them. One man said he was waiting 27 hours sitting on a chair to find out what was going on. The stress that this puts on people is unacceptable in this day and age. Much of this comes back to the central point that the staffing is not in place.

I also spoke to a nurse about this issue this morning. She sent me an email yesterday and I rang her and talked to her about it. She told me that today at 3.30 p.m., 71 people had been through the emergency department in Sligo and in that time, from 8 o'clock this morning, there were five staff nurses and three care assistants. That is all there was for the huge volume of patients they were trying to deal with. There is clearly a huge problem with staffing in this hospital. The level of staffing that is required and meant to be in place is between 12 and 14 staff nurses, in addition to care assistants and other backup staff. That is not in place nor has it been. Management told unions on various occasions that it is recruiting more staff to be put in place. Quite frankly, they are now in a situation where they do not believe that it will happen having been let down so many times by promises of this nature. It is not appropriate in this day and age that this kind of situation should continue.

This is not just an issue in the emergency department. It is an issue for the entire hospital. In most wards, there are beds along corridors and additional spaces are used to cater for people in an attempt to take the pressure off the emergency department. There are clear problems relating to space - there is a new wing being built at present - and the staffing, which is the primary issue

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and needs to be dealt with as quickly as possible. Many people have told me that when nurses qualify, they apply for positions in hospitals and they are actually not being recruited. That is a matter that needs to be addressed in some way. Staff are being taken on by the hospital in other ways besides being directly recruited by the HSE and that needs to end. We need to get as many staff in place as quickly as possible to resolve this issue. I look forward to the Minister of State's reply.

Deputy Frankie Feighan: I thank Deputy Kenny for raising this important issue and for the way in which he has articulated it. At the outset, I acknowledge the stress that overcrowded emergency departments cause patients, their families, and the front-line staff working in very challenging conditions in hospitals throughout the country. I acknowledge the work and commitment of staff in ensuring the uninterrupted provision of emergency care throughout the pandemic. I am aware of these issues, in particular, those in Sligo University Hospital.

I have had numerous meetings with management at Sligo hospital, the most recent of which was yesterday, along with the Minister, Deputy Donnelly, where we heard first-hand about the challenges facing the hospital and the commitment of all staff to deliver high-quality care to patients. Both the Minister and I expressed our full support for the extensive development plans for Sligo hospital. The HSE reports that emergency department attendance figures have now reached 2019 levels, and exceed them in some sites. The number of patients waiting on trolleys has been increasing steadily since June 2021, although trolley counts for September to date remain 25% lower than the 2019 level.

The emergency department at Sligo University Hospital, SUH, as outlined by Deputy Kenny, has been extremely busy with an increased number of people attending in recent months. In addition, a surge in Covid admissions and a Covid outbreak have impacted on the hospital's capacity to deal with both Covid and non-Covid admissions. These factors have resulted in an increase in the use of trolleys to provide care. Trolley numbers for July-August 2019 versus 2021 have increased from 491 to 811, which represents a 65% increase. This is contributing to pressures in the emergency department and in the wider hospital. While attendance and admission numbers have now returned to pre-pandemic levels, the continued requirement to provide separate Covid-19 and non-Covid-19 pathways presents an additional challenge to patient flow in all hospitals and emergency departments, including SUH. The winter plan 2020-2021 has provided several hospital avoidance measures to support SUH. These include the appointment of a dementia adviser and frailty intervention team to avoid admissions and reduce length of stay. In addition, seven-day cover has been in place in SUH since January 2021.

Staffing and recruitment plans are under way to address deficits across the hospital. A significant overseas nursing recruitment campaign is being actively progressed nationally, with a strong intention to bring additional resources into the service. Localised recruitment has also been under way. Therefore, we expect 14 additional nursing staff to start in the emergency department in the next two months. The modular emergency department will become operational in the coming weeks and will provide additional waiting, triage and minor injury spaces for patients. It will also provide a decanting space for patients arriving by ambulance. Also included in this unit are additional facilities for staff such as restrooms, seminar rooms and office spaces. This area will provide much improved staff facilities going forward. In addition, the internal reconfiguration works within the existing emergency department will also take place over the next 12 weeks to provide improved patient space within the department.

I acknowledge the email - it is very stressful - written to Deputy Kenny about the situation.

We hope the nurses will be recruited as quickly as possible.

Deputy Martin Kenny: I appreciate that the Minister of State understands the plight of the staff and patients in SUH. The management have made promises and are working with unions and the nursing staff to try to resolve this issue, but so far it has delivered very little. The email referred to was written at the end of July. I received another one yesterday. It stated:

Last weekend was a weekend that none of us wants to see again. There were too many horrific traumas with negative outcomes. There were 6 staff nurses on night duty for some of these and there were nights where they didn't even get a break all night. Not even a cup of tea to try to mentally process or prepare themselves for the next patient.

No profession should have to do this sort of thing or put up with this kind of situation.

It further stated, "We are in a desperate situation...". They need help as quickly as possible.

I was told today that management has said that it expects to recruit eight additional staff by the end of September. The Minister of State referred to 14 staff in his reply. That would be excellent if it were to happen, but the problem is that these promises do not seem to be delivered, either on time or at any stage. That is the real difficulty in all of this. I spoke to a nurse recently who is newly qualified, is waiting to be recruited and has applied for numerous positions but simply cannot get one. She has been told through the grapevine that she first needs to work with an agency for a while and then she will eventually be recruited by the HSE. The agency staff working for the HSE are being paid but the agency is taking its cut. This is costing the State twice as much to employ agency staff as it is to employ them directly. This is a folly and it needs to end. We all know that, yet no one does anything about it. That is one of the issues that need to be tackled immediately. We need to sort out this situation so that nurses can be recruited as quickly as possible. The nurses who are working there do not want to stay. They are looking around at the chaos and are thinking that they could have a better job and life if they were to go across the channel to England or to another country, such as Australia, where there are proper terms and conditions, and working conditions for nursing staff. This will continue unless we sort out this problem. The only way we can do that is to get the management right and the adequate number of staff to provide the service that people demand and need.

Deputy Frankie Feighan: We expect 14 additional nursing staff to start in the emergency department in the next two months. We will work together to ensure that it is progressed as quickly as possible. The health service capacity review 2018 was clear on the need for a major investment in additional capacity in both acute hospitals and the community, combined with a wide-scale reform of the manner and the location of where health services are provided. Approximately 800 beds have been provided on a permanent basis over the number available at the end of 2019.

As I outlined, ongoing and planned developments at Sligo University Hospital will provide additional facilities for staff and patients, including additional beds, and space for waiting, triage and minor injury patients when the modular emergency department extension becomes operational in the coming weeks. Additionally, the internal reconfiguration works within the existing emergency department will also take place in the coming weeks to provide improved patient space within the department. These additional facilities cannot come quick enough. They will improve the experience for patients visiting the emergency department and, hopefully, the staff who work there.

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Action plans are in place to deal with the current overcrowding, involving senior management, to ensure the focus remains on optimising the efficient and effective delivery of necessary treatment to all patients in a timely manner. Already, these actions are seeing an improving situation in the hospital. Staffing and recruitment plans are under way and we must work together to address these deficits. Local recruitment is also under way with additional nursing staff due to start in the emergency department in the coming months.

I remain active on this issue, because I am aware of it within the Department, and will work with colleagues in the Department and the HSE, and with management and staff in the hospital, to support the provision of high-quality, innovative and safe care to patients served by Sligo University Hospital and the wider Saolta University Health Care Group.

I will inform the Minister of the Deputy's views on agency staffing. This has been a very serious situation and I thank him for how he has articulated it today. I hope, working together with all the stakeholders, that we can get through this. It is very difficult for the management, staff and patients in the hospital. I will do everything I can, as Minister of State and as a person for whom Sligo is my local hospital, to work with the stakeholders to address this issue.

Home Care Packages

Deputy Verona Murphy: I am again raising an issue that I put to the Minister of State, Deputy Rabbitte, on the floor of the House some 12 months ago. It relates to the provisions that are being made by the HSE, together with the education sector, to recruit staff, and whether there is consultation and communication in that regard. I refer to the home care support packages that are not being delivered. The hours are there but the staff are not. I am incredulous that when people contact the HSE, the service provider will say it can give them 21 hours but it does not have anyone to deliver the care.

On 10 August, I had to resort to writing to the Minister, as follows:

Dear Minister, I am contacting you today with what I am sure you will agree are two very urgent and upsetting situations. For me, it is incredibly regrettable that I have to seek intervention directly from the Minister and your Department in both these instances as, for me, such cases as I am representing today should be afforded the immediate delivery of approved hours without excuse or delay. [I will not use the individuals' full names, only initials.]

BW has muscular dystrophy, is incapacitated and a full-time wheelchair user. BW's full-time carer is presently in hospital recovering from major surgery, which has resulted in an emergency situation where BW is now in urgent need of assistance in her home place. BW cannot toilet herself [and] she cannot attend to her own personal hygiene or prepare any meals. She is presently assisted by her sisters, who are both unwell and unable to provide BW with the care she needs. Both BW herself and her sisters have attempted to engage with the PHN [the public health nurse] as well as making direct contact with older persons' services, just to be fed with lame excuses and no resolutions. This lady is an urgent and emergency case, which is being passed from one person to the next, with zero interventions or solutions to providing approved care hours.

I wrote that letter on 10 August. Today is 16 September and it took three weeks for action

to be taken.

The other case I wrote to the Minister about concerns a person with the initials PS. I wrote as follows:

PS has a terminal diagnosis which is no longer receptive to treatment. All treatment has now stopped and PS is now seeking to return to her home for comfort measures. Also, a referral has been made to the palliative care team in Wexford to allow PS home. Home care hours are required to assist the family with PS's care. I am sure you will understand that time is not on the side of PS or her family and they are now extremely anxious to get her home. This is an incredibly upsetting and traumatic situation for PS and her husband and family, who now simply want her home to spend what short time is left in the comfort and love of her own home and family. However, she is being denied returning to her own home as approved care hours cannot be delivered due to staff shortages.

These are just two cases. I could go on providing more; the reality is I have instances almost in treble digits of where home care packages are not being delivered. The hours are there but the staff are not there to deliver them. Can somebody, please, tell me what is going on? Do we have the money? I attended a meeting of the Committee of Public Accounts today at which HSE representatives were in attendance to account for having spent €81 million - "spent" is a very conservative word - on ventilators we did not receive. How many carers would €81 million train and provide for the people of Ireland who have paid tax all their lives and are trying to get home to die in peace? I want my question answered and I do not want to have to stand up in the Chamber again to ask it.

Deputy Frankie Feighan: I thank the Deputy for raising this matter. I recognise that it is a very complex issue. I know from personal experience that trying to get carers is a difficulty. It is a key priority of the Government to enable more people to engage in services that allow them to remain independent and to live in their own homes with dignity and independence for as long as possible. In order to advance this, the Government is committed to establishing a new statutory scheme for the financing and regulation of home support.

In July, the Minister of State with responsibility for mental health and older people, Deputy Butler, announced the selection of a number of sites for a new home support pilot project. This pilot will deliver an additional 230,000 hours of home support over a six-month period and will test a reformed model of service delivery for home support. The Community Healthcare Network, CHN, sites selected for the pilot are Tuam, Athenry, Loughrea, Bandon, Kinsale, Carrigaline, Ballyfermot, Palmerstown and east Westmeath. The pilot will underpin the development of the statutory scheme for home support services. A national home support office will be established to support the testing of the reformed model of service delivery. In addition, approximately 130 posts have been funded for the national roll-out of the interRAI Ireland assessment system, which the home support pilot will test as the standard assessment tool for care needs. In parallel, work is ongoing by the Department to make progress with other aspects of the scheme, including the development of a regulatory framework and the examination of options for the financing model.

While this new home support scheme is under development, the Government is prioritising improving access to home support services. An additional €150 million was made available for home support for older people in budget 2021. The national service plan set a target to provide 24 million hours of home support. This is an ambitious target that will increase provision by 5

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million hours, or more than 25% above the 2020 target.

The Covid-19 pandemic has led to unprecedented challenges across our health services, nowhere more than in older persons' services. While there have been challenges in the delivery of home support hours, particularly during the third wave of the pandemic, significant progress has also been made. Preliminary data indicate that at the end of July 2021, more than 11.4 million home support hours had been provided to 53,732 people. This means that 1.5 million more hours were provided compared with the same period in 2020 and the number of people waiting for approval of funding for a new or additional service has greatly reduced.

The Department, the HSE and the Minister of State, Deputy Butler, are committed to ensuring that we continue to allocate additional home support hours where they will be most effective coming into the winter period. There has been a sustained focus in recent years on reducing delayed transfers of care and enabling patients to be discharged from hospital sooner. As of 14 September, there were 468 cases of delayed transfer of care. There were 93 people categorised as waiting for a home support service, of whom 57 were approved for funding and waiting for carer availability. The HSE will continue to work towards increasing home support provision. However, challenges remain in regard to capacity and efforts are ongoing to recruit staff across both direct and indirect provision.

The Department of Health is committed to working across Government and with relevant stakeholders to ameliorate these issues. The programme for Government committed to establishing a workforce planning expert unit to work with the education sectors, regulators and professional bodies to improve the availability of health professionals and reform their training to support integrated care across the health services. I take on board the cases the Deputy outlined, involving individuals she referred to as BW and PS, and the letter she wrote in that regard. Their cases are harrowing and I hope we will be able to address those issues in the coming weeks and months. However, there is an issue with both retaining and recruiting staff.

Deputy Verona Murphy: I thank the Minister of State for his reply but I have to say it is more spin. This Government is going to spin itself out of existence. There is not a word about delivery in his reply. He talked about challenges. The challenge here seems to be to rein in the HSE in some shape or form such that money can be spent where it is required. We cannot accept that €81 million just got thrown into the atmosphere without any cognisance of what that means for people's health. It means we do not recruit healthcare workers and pay them appropriately in order that they are enticed into the sector. I cannot have Departments deciding whether a 73-year-old man who ends up paraplegic as a result of an accident is an older person or a disability case, because that is what happened when I wrote to the Department. One came back and said it was not it, it was the other Department. That took another week, just for issues like that to be ascertained. It is outrageous. I am sorry to be going off on one here, but this is deeply frustrating for families in very vulnerable positions. Let us imagine the trauma of having one's 73-year-old husband and a father turned into a paraplegic as a result of an accident and not being able to come home from hospital for the want of two carers coming in for 45 minutes in the morning and for 45 minutes in the evening. Does that sound like too much to ask for a 73-year-old farmer who paid his tax all his life, whose wife wants to be the primary carer, to take him home and deliver the care he deserves? The co-ordinator says there can be one carer for 45 minutes once a day, five days a week, not seven, and they will be left to their own devices for the other two days even though his wife is also 73 years of age. This cannot go on. This is why I am so against what is going on here for the past eight weeks, that we voted on last night. The real work that needs to be done is just going unnoticed.

Deputy Frankie Feighan: I take on board what the Deputy says and I will bring back her exact views to the Minister. The Government did improve access to home support services as a priority. Last year we did provide €150 million for these services. The Covid-19 pandemic has highlighted the importance of supporting the most vulnerable in society to be cared for in their own homes for as long as possible. It is of the utmost importance that all individuals accessing home support are provided with a high quality level of care which is safe and person-centred.

The statutory home support scheme is a key enabler to providing more alternatives to nursing home care and a wider opportunity for people to live fuller more independent lives. The scheme will provide for the financing and regulation of home support services in order to provide equitable access to high quality services based on a person's assessed care needs. The system of regulation will ensure public confidence in the service provided, as well as safeguarding service users.

The sector probably needs a lot more pay. Such increases will be part of the Minister's deliberations on the budget. It is very difficult to attract people into the sector and I agree that they probably need more reimbursement. The funding is there, and I hope that all the stakeholders will be able to work to try to attract people because it is a very difficult job, but it is also necessary to keep people in their own homes away from the front-line services.

The Department of Health is examining the potential demand and costs of introducing this scheme. Following that, work will be undertaken to examine the associated workforce requirements for the introduction of such a scheme. I understand officials from the Department will engage with all the relevant stakeholders and the other sectors as required. It is an issue we hear about as politicians across the country, and we need to address it.

Adoption (Information) Bill 2021: Second Stage [Private Members]

Deputy Catherine Connolly: I move: "That the Bill be now read a Second Time."

The simplest thing is just to look at the explanatory memorandum, which makes it very clear what this very short Bill in my name and the name of my colleague, Deputy Pringle, is about. It states, "The main purpose of the Adoption (Information) Bill 2021 is to provide unconditional access to birth certificates for adopted persons" and goes on to say what needs to be done to ensure that. I do not think anything could be clearer. As I ran from my office, I saw an email coming in appealing to the Government to do the right thing.

I stand here before the House and I have so many documents it is like having a kaleidoscope in my head. I could pick any report I like and go forward. I will start with the simplest. What is the obstacle now? I welcome the fact that the Minister is not opposing the Bill, but I hope he goes further and says he is accepting the Bill. Whatever might be wrong with the Bill can be rectified. Could the Minister confirm tonight that he agrees with the principle that the time has finally come to say that people are entitled to have information on their identity as of right? If the Minister is doing that, then we have reached a turning point and that is good and we will all work with him, but I am not sure if that is what he means when he says he is not opposing the

Bill. Is that akin to killing the Bill by another method? I hope I am wrong. I am taking it in a positive light that the Minister is endorsing the principle of the Bill, which is as of right with no conditions.

Why do I say that? Birth certificates have been a matter of public record since 1864 and here we are more than 150 years later with men and women struggling to find out basic information. There is a denial of the most basic of rights, the right to know one's identity and family of origin. I could quote the Irish Council for Civil Liberties, Clann and all the organisations that say the time has come but I will look tonight at one particular report that has not been discussed in the Dáil. It is entitled *A Shadow Cast Long - Independent Review Report Into Incorrect Birth Registrations*, was commissioned by a former Minister for Children and Youth Affairs and was carried out by Ms Marion Reynolds. I mention it for a number of reasons. First, the date on the report is May 2019. I could mention many reports such as the commission of inquiry report, which I have to hand, and I will quote from it as well, specifically recommendation 7 concerning knowledge about one's identity being a core human right. I choose the former report tonight because this woman does not put a tooth in it, and she was given a task to do. It might capture the lack of trust on the ground and the many reasons for it. I will take her report and if I have time I will get around to the report of the commission of investigation as well.

This report is dated May 2019. For some reason not explained to date, it was never published until earlier this year. That, in itself, deserves explanation. After it was published, I understand from a report in *thejournal.ie* that Marion Reynolds asked for her name to be taken off. Perhaps that is wrong and *thejournal.ie* is incorrect. The Minister might clarify that tonight. It is a factual matter. Did the author of this report ask for her name to be taken off it because she did not like what had been done to the report, in particular regarding the redaction of institutional names? Did that happen? Is that a fact? Why were the names redacted? Why has the report never been discussed in the Dáil? I am using that report and then I will use some of the other reports. To put it into perspective for people who are listening, this was a report commissioned to look at 126 irregularities and illegalities that had been discovered belatedly in St. Patrick's Guild by Tusla. Subsequently, questions arose about many other possible illegalities. This was a scoping exercise by Tusla and the adoption society involved. I am not going to go into it tonight except to highlight a number of points.

There are seven conclusions in the report. She tells us:

For many years prior to 2018 it had been known that there were incorrect birth registrations, this is considered further in section (c) below. Due to the action taken by those responsible for creating incorrect birth records to conceal their actions proving instances of incorrect birth registrations is a complex task.

She points out that it is, was and remains a criminal offence. She also points out a number of other things in her report. On page 10, she stated: "The Taoiseach, Leo Varadkar, in May 2018 said that another '*dark chapter*' had been opened in the country's history."

8 o'clock

He went on to say that the people affected had a right to know their identities and their birth stories. He added: "What was done was wrong, what was done robbed children, our fellow citizens, of their identity. It was an historic wrong that we must face up to". Unfortunately, it is not an historic wrong and we are continuing to fail to face up to it.

I am not sure if Marion Reynolds was an adoptee. The Minister might help me in that regard. Dr. Reynolds arrived at a number of very important conclusions - and made recommendations - which she said merited further investigation. She also pointed out that robbing somebody of their own identity had done great harm. She said, "A great wrong has been done to those robbed of their right to identity and family, as the Taoiseach acknowledged". She went on to set out the law, just as the Irish Council for Civil Liberties and the Clann organisation have set it out. Those organisations point out that it is a basic right under the European Convention and the UN Convention on the Rights of the Child. It is not specifically stated in our Constitution, but it is an unenumerated right set down by the Supreme Court as far back as 1998 and which has been teased out. Prior to that, in 1984, there was an interdepartmental report that said the right to identity was basic to a human being, although it did not want it to be retrospective. Interestingly, one of the people involved with that interdepartmental report was subsequently one of the members of the commission of investigation.

In addition, Marion Reynolds said it is very important that the State learns from the experiences of those denied their identity and from the irregularities noted by Tusla and so on, and she also referred to the serious concerns about other irregularities. She said, and, again, níor chuir sí fiacail ann: "Harm has been caused to children, their parents and family relationships as a consequence of falsifying or obliterating children's identity." She also talks about records being "memories in lieu". She actually sets out that the records held by various organisations, including Tusla, are memories in lieu. Can anyone imagine that? That is what people are left with and they cannot even get that.

I am here tonight to ask the Minister to finally grasp the nettle. I realise there are complexities in other aspects like tracing but I see no complexity in the basic right to have basic information about your identity. I can see no problem with that. When we talk about protecting mothers, I get nauseous because we are not protecting mothers. We are protecting a system that does not want anything to come out about what has happened. I hope we are past that stage now and that we are going to agree on this basic right.

Interestingly, the title of the report in question is *A Shadow Cast Long*, and it still continues. If we look at the background, the mother and baby homes commission goes back and arises from Catherine Corless from my own county - she is from the east, in Tuam - and the sterling work that she did. Arising from that, we got the mother and baby homes commission. The terms of reference were extremely limited, notwithstanding that it was set up and it was good. It took right up to October of last year to get the report, an extraordinarily long time, with lots of interim reports. I have asked the Minister for all of the correspondence between any Minister who was there, any Department and the commission of inquiry. That should be given as a matter of course and we should not have to resort to freedom of information.

The report was not published until January, and that was done by way of a leak. We were promised an investigation into the leak and it never happened. We learned from replies yesterday from the Taoiseach that it has gone into the never-never land in the context of a bigger investigation. It is a very simple thing to do find out who leaked the story. It would seem the Taoiseach, although I do not know what role he played in it, was in the interview as part of the story that was leaked. Again, trust is really important. It was said to us that that would be investigated and brought to a conclusion but it never has been.

Then, of course, the survivors and those involved were never given the report. Subsequently, we had the debacle over evidence being destroyed that was not destroyed. I had the privilege

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last week of spending hours with a person, although I will not say if it is a man or woman for fear of identifying them. In that person's presence, I read for the first time the letter that person got from the commission of inquiry. I can tell the Minister categorically that nowhere did it state that the evidence taken on a video would be destroyed. It said that with their permission, and as an aid, an audio would be used, but in no way did it say it would be destroyed. We had all of that and then we had the magical reappearance of that evidence, which was good.

We then had a failure by the commissioners to launch the report, which was their choice, but it was a wrong choice, in my opinion, and most unfortunate that there was no press release or press occasion. Subsequently, we had the extraordinary behaviour of one of the commissioners in taking part in a seminar in Oxford. Quite clearly, the person was more comfortable in the surroundings of a seminar at Oxford than they were launching a report of such huge significance.

To move back to identity, that report has good points, and let me say that. I have been very critical of this report, mostly in regard to the executive summary and the narrative. The actual body of the work is quite good, and I am saying that, I have said it openly and I am placing it on the record. The narrative of the executive summary, which is quite a substantial document of over 300 pages, is not acceptable to me. However, even they, in their recommendation 7 state:

Adopted people should have a right to their birth certificates and associated birth information. A person's right to his or her identity is an important human right and should only be denied in very exceptional circumstances.

They go on to say that, in very exceptional circumstances, there might be a procedure in the Circuit Court. I do not agree with that but it is important, to be fair to them, that there might be a Circuit Court procedure where it could be teased out. However, they do acknowledge the basic right.

We have waited and waited and, more importantly, survivors have waited and waited for basic legislation. I acknowledge the Minister has published the heads of the Bill, but the heads of a Bill are what they are. I acknowledge that the Minister has started a process in regard to consultation for a redress scheme but, unfortunately, we are dealing with people who are extremely vulnerable, not because they are vulnerable people, but they have been made vulnerable by a system that has misused its power and its control over them, and we are running out of time to rectify that imbalance of power. If the Minister can do so, he should clarify tonight when the redress scheme will be up and running.

There are many other points I could make but I am not going to because I intend to leave five minutes to my colleague. I cannot emphasise enough that we need to leave out the patronising attitude and leave out the word "protection" because grown men and women do not need our protection. What they need is a rights-based system in regard to access to information, restoring the wrong and bringing in a proper redress system. We have to stop the infantilising of women by a patriarchy. It is totally unacceptable. People can speak for themselves - the men and women who have lived and survived through the institutions, or watched their mothers or fathers suffer.

Let tonight be a turning point. The Minister should please stand up and tell me by not opposing this basic and very simple Bill. I acknowledge other parties have similar Bills, perhaps even better than mine. I am the first to put my hands up. Sinn Féin has tabled a short Bill and I understand the Labour Party has tabled a Bill. It is testimony to the pressure we are coming

under both from ourselves, because we have thought about it and read about it, and also from the people on the ground. Let us stop the pretence, let us stop the delay and let us bring in legislation now.

Deputy Thomas Pringle: I am delighted to jointly move that the Bill be read a Second Time. I introduced the Bill at the beginning of this year alongside my colleague, Deputy Connolly. This Bill aims to address the State's very restrictive laws on adopted people accessing information. Under current law, adoptees do not have automatic entitlement to access their birth certificate or records relating to their adoption.

This is an extremely important issue and a necessary Bill, and I can only hope that it receives the level of support that reflects the incredible level of public support there has been for the survivors of mother and baby homes. I believe that in not supporting this Bill, Deputies would be doing a disservice to their constituents who have made it abundantly clear over the past few months that they support adoptees' right to access their birth certificates.

Every adopted person, indeed every single person, should be automatically entitled to his or her birth certificate. Under the 2004 Act, all born in the State have a right to obtain a copy of their original birth certificate on application to the chief registrar. Despite this, we continue to discriminate against adopted persons who have no entitlements to access their birth certificate or their adoption records. This is not acceptable and we must do all we can to change this and ensure that every person in the country has unfettered access to his or her birth certificate. It is time to start treating all citizens of the State equally and with dignity.

This Bill, if enacted, would amend section 86 of the Adoption Act 2010. This would allow adopted persons to access their entry in the adopted index, which would then enable them to obtain their birth certificate without the need for a court order or an order of the Adoption Authority of Ireland. It is a Bill that would require very little in that it would simply be a matter of substituting section 86(2) of the Adoption Act with new subsections (2) and (3). However, the significance and impact it would make on so many lives would be profound.

Deputy Connolly and I collaborated on this Bill with the Clann Project and I take this opportunity to thank and recognise the incredible work of Dr. Maeve O'Rourke, Ms Claire McGettrick and all those at the Clann Project. I was delighted to be presented with *Ireland and the Magdalene Laundries: A Campaign for Justice*, an incredible, yet difficult read, written by Ms Claire McGettrick, Ms Katherine O'Donnell, Dr. Maeve O'Rourke, Mr. James M. Smith and Ms Mari Steed. The book details the shocking life for many girls and women in Ireland's Magdalen laundries, the incredible survivor activism that came following this and the disappointing response that these activists have had to endure time and time again from this State. How much longer must we continue let these people down? How much longer must we continue to deny adoptees rights to their own information? How can we justify continuously asking them to fight this fight when they have already been through so much? These people deserve support and solidarity, not obstacle after obstacle, which has sadly been the experience of every survivor I have talked to.

The book rightly describes how in order to create a just society we need to allow people access to their personal information. We also need to allow for the possibility of critical analysis and the opportunity to make this public knowledge. The Irish public have a thirst and a real want for this type of just society. My fellow Deputies and I have seen this through the myriad emails and calls we have been receiving. I have been approached by many of my constituents

in Donegal voicing support and solidarity with those struggling to gain access to their records. There is a sense of frustration at the Government's lack of action on this issue and a real thirst for action and accountability. As the authors rightly state, "Irish people in the Republic are no longer in an anxious post-colonial mindset", and there is "an appetite and aptitude for looking at how and where we have collectively failed". This is our opportunity to look at how we failed and to finally do something about it. It would be a complete shame to let this opportunity pass us by.

Adopted people have waited long enough for this basic right. These people are not asking for much. They are simply asking for access to their records - their own information. They should not have to ask, never mind beg and plead, for this. They should be given complete, unconditional access to these records which have not been redacted or tampered with. If Deputies would like to be true and accurate representatives of their constituents, which is what they are elected to be, they would support this Bill. I urge them all to do so.

The Government has stated that it is accepting this legislation. That is appreciated but, as my colleague, Deputy Connolly, stated earlier on, what does that mean? Perhaps the Minister, Deputy O'Gorman, could expand on that in his contribution. Accepting this Bill could mean something real for the people to ensure that their needs will be met. That is what this motion is all about.

An Ceann Comhairle: The Minister, Deputy O'Gorman, is sharing his time with Deputy Murnane O'Connor.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O'Gorman): I welcome the opportunity to speak to the highly important issue raised in this Bill and I acknowledge Deputies Connolly, Pringle and Joan Collins for bringing it forward.

Access to birth information has been to the forefront of my agenda since I became a Minister and bringing forward legislation on this and other matters is a priority for me as a Minister and for this Government. We are keenly aware as a Government of the significance and urgency of the issue of birth and identity information.

The Government will not oppose the Second Reading of this Bill, although there are limitations to the particular legislative approach adopted in the Bill. I will deal with why the Government is not opposing this Bill and I will set out for the House the priority of legislation that I expect to advance later this term and how it differs from this Private Members' Bill.

This Bill seeks to amend the Adoption Act 2010 to enable an adopted individual to access information from an index maintained by the General Register Office, GRO. It would allow adopted people to apply to the General Register Office for a copy of their original birth certificate.

The Bill sets aside the restrictions that currently exist in legislation which apply to the index linking the adoption certificate of an individual to his or her original birth certificate. Consideration would be needed on how the Bill would impact upon the range of complex legal issues which have been flagged in the past during previous attempts to legislate for a right of access. Nevertheless, the intention of this Bill is to facilitate an adopted person to identify his or her original birth certificate. This underlying intention is consistent with Government policy to legislate to provide full access by adoptees and others to their birth certificate and this is why the Government is not opposing this Bill.

The Bill aims to facilitate a mechanism to unlock access to one part of birth information for adopted people. While this is of crucial importance and essential to the Government's legislative priorities, having engaged with and listened to stakeholders on this subject I believe we can and must achieve more than what this Bill proposes. Access to birth certificates for adopted people as provided for in this Bill is only part of the necessary approach, albeit a crucial part. The Bill does not incorporate other important elements related to birth, early life and care information for those with questions regarding their origins. This Bill will not help an adopted person seeking his or her father's name if he is not named on the birth certificate. It will not address those whose births were illegally registered or those who were boarded out and whose identities have been obscured. It will not help those who are seeking medical information about their birth families. It does not address the need to provide an effective and robust statutory tracing service for all these categories of people. In addition, it does not contemplate the careful balancing of identity and privacy rights which is constitutionally necessary.

As Minister, I published the heads of the birth information and tracing Bill in May of this year. This proposed Bill is currently progressing through pre-legislative scrutiny with the relevant joint Oireachtas committee. I thank the committee and its Chair for the priority status it has given to the scrutiny of this proposed legislation. Later this month, I will appear before that committee to discuss the progress made to date on drafting the Bill.

The proposed legislation the Government is bringing forward constitutes an integrated set of necessary proposals to provide for access to information. It provides the crucial access to a full and unredacted birth certificate, but it goes beyond this. The Government's proposed Bill will address a set of long-standing legal arguments which have served to prevent a right of access by adoptees in the past. Furthermore, it will provide for a right of access, not only to adopted people but also to boarded out persons and those whose births were illegally registered, and it is vital that these groups are included in any legislation.

Persons whose births were illegally registered need access to information on files rather than on the birth certificate. For illegal birth registrations, the birth certificate is wrong. It does not show their true identity and the only place where the correct information might be is in the relevant file. Having met with people who have been impacted by illegal birth registrations, I am particularly focused on ensuring that they can access their information about their origins. It is shocking to us that the legal landscape at present means that while they know they are not the person they thought they were, in some cases due to existing legal constraints they cannot be told the names of their birth parents. We could all agree that this cannot be allowed to continue and that the legislation needed to unlock this information must be an absolute priority. I am committed to ensuring that these people's identity rights are acknowledged and the Government's proposed Bill does this.

Persons seeking to know origins also want to know their birth father's name. In historic adoptions, it was also often the case that a father was not recorded on the birth certificate. However, the adoption file may note the potential father's name or make a reference to his age or occupation. That would be the only information available regarding the father. Therefore, access to that type of information is key to identifying the individual concerned. The Government's Bill provides access to this birth information, which would not be accessible from the birth certificate alone.

As the House knows, access to medical information is another key concern. Survivors have told me that not having access to information is not only upsetting, but also limits their ability

to make decisions about their healthcare. The Government's Bill addresses this issue within the context of the important GDPR issues that apply. The Government's Bill also provides for a robust and effective tracing service, which will be available to adopted people and individuals who were boarded out or subject to illegal birth registrations. The statutory basis for the current service is restricted and only applies to adopted people. It predates GDPR, which created new legal barriers. There is an urgent need for an explicit legal basis in order for data controllers to share information that allows tracing to take place and people to identify their origins. The best way to provide for the complex interlocking issues of release of the full and unredacted birth certificate, access to birth, early life and medical information, a robust statutory basis for tracing and safeguarding of relevant records is through a single, integrated and comprehensive Bill that enables all of these matters to be dealt with in a way that is compliant with GDPR and the Constitution.

Over the past year since the publication of the final report of the commission of investigation, Deputies have spoken passionately on these matters in the Chamber. It is true to say that there is a significant shared understanding of the urgent need for comprehensive legislation to be enacted. We all know the shame and stigma that the church and State placed on unmarried mothers. We know that women had little choice in the Ireland of the past. We know that one of the legacies of the secrecy that prevailed is the pain that is felt deeply when people cannot access information about their own origins. I have met survivors and heard their deep need for access to information about themselves. I am clear in my mind that the most effective action that the Government can take is to implement comprehensive legislation that provides for a right of access to all the types of information sought and includes all groups of people who have enduring questions about their origins.

I thank the Deputies for introducing this Bill. The Government will not oppose it today, as it seeks to deliver on one aspect of the legislation that the Government is progressing. Our comprehensive Bill, which I published in May, will help to acknowledge the wrongs of the past by vindicating the right to identity in the future. I look forward to it rapidly completing pre-legislative scrutiny, at which stage I will introduce it in Dáil Éireann. I look forward to Deputies' engagement and contributions this evening and when we discuss the Government's Bill.

Deputy Jennifer Murnane O'Connor: Something I have learned over the past year is that we are all interested in working together. It might not seem like that sometimes, but this Bill is proof of that. Deputies Pringle and Connolly are on the same page as the Government when it comes to adoption and tracing, which is why we will not oppose this Bill.

As Fianna Fáil's spokesperson on children and a member of the Committee on Children, Equality, Disability, Integration and Youth, I have had many discussions and worked on the Government's legislation, which will enshrine in law a right to access birth certificates and birth and early life information for people with origin questions. Like the Minister, I will compliment the committee. It is important to recognise that those Deputies and Senators have worked hard.

The purpose of our birth information and tracing Bill is to recognise the importance of a person knowing his or her origins and to achieve this through the full release of birth certificates, birth and early life information, and care and medical information for all who were adopted, boarded out, the subject of illegal birth registrations or otherwise have questions about their origins. It will establish a robust and comprehensive tracing service and a statutory contact preference register to support people wishing to make contact or share information. It will unlock access to records for those affected by an illegal birth registration and offer a way to find

clarity on identity, which matters. It provides for the safeguarding of relevant records and will create offences of destroying, falsifying or mutilating those records. Importantly, it will also provide for unfettered access.

Adopted people have been fighting for too long. Since the 1990s, the Adoption Rights Alliance has been providing information to assist adoptees and others affected by adoption in locating birth certificates and obtaining adoption records. It also has an information guide for adopted people. Over the past three decades, adopted people have used these methodologies to obtain their birth certificates. We need to assist those who want and need their records.

I congratulate Deputies Pringle and Connolly, who have worked closely with the Clann Project. I firmly believe in something that Deputy Connolly mentioned, in that this is about basic rights and our survivors. It is also about timing, though, and it is important that we get the timing right.

An Ceann Comhairle: Next is Deputy Joan Collins, who is sharing time with her colleague, Deputy Harkin.

Deputy Joan Collins: I thank my colleagues, Deputies Pringle and Connolly, for tabling this Bill. It is a discussion that needs to be had. The Bill will move the situation on. Deputy Connolly pointed out that the basic right to identity was key for people. The Bill is simple in that regard, in that it is asking for people to have the right find out what their identities are. The Minister raised issues relating to parents, fathers, care and so on. Recently, GlaxoSmithKline stated that it would provide information on vaccine trials carried out on people in mother and baby homes and other places where children were very much on their own. People must go through their GPs, who will then decide whether they will get the information. That is outrageous. I have a right to my medical files. Through my GP, I have a right to know everything about what has been put in my body since I was born. This attitude towards human beings whose parents survived mother and baby homes and who themselves survived those homes of putting them in a different category of not being able to deal with issues is not on.

The Irish Council for Civil Liberties, ICCL, raised fundamental points about the Bill. In response to the mother and baby homes commission, the ICCL stated: “A key missing element of the Mother and Baby Homes Commission’s investigation and report is a comprehensive analysis of abuses that occurred in and around the Mother and Baby Homes against the clear human rights standards and obligations on the State that were in place at that time, including in the Irish Constitution and in the European Convention on Human Rights (ratified by Ireland in 1953).” Regarding the right to access documents in respect of identity, the ICCL stated:

The State has an obligation to fulfil the right of all individuals to access documents that contain their personal data and provide information about their personal identity. It is vital that every individual born in Ireland has access to their birth certificate. Birth certificates have been a matter of public record in Ireland since 1864 and it is high time all individuals were afforded access to such a fundamental record of their own personal identify.

That is what this Bill is quickly trying to achieve through the Dáil. It is a basic step forward. The Minister is saying that he will get his Bill through very quickly and that the protection of the rights of parents must be taken on board. While the right to identity must be placed above that, there obviously must be protections for parents whose children are searching for them.

We must move through the legislative process quickly by accepting this simple Bill and then

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dealing with the Minister's Bill. I do not know whether his will take six months or however long. Perhaps he could give the House an idea about how long he expects it will take to be before the Dáil for scrutiny.

I will finish on an email that I received this evening. It reads:

Please support this Bill tonight. Access to one's birth certificate is a fundamental human right.

Through current GDPR requests, I got unfettered access to just 5% of my files held under AAI and 12% from TUSLA. Both denied me my Birth Certificate.

That is not on and is what the Bill is trying to address.

Deputy Marian Harkin: Since 1953, 4,682 adoption orders have been made in Ireland. It is heartbreaking to think of all of those adopted people, of all ages, who have been denied access to their birth information and of the frustration, anger and emptiness they feel at being left on the outside. Most of us think nothing of getting our birth certificates to access other documents. That is how it should be for all adopted persons. While the bureaucratic aspect of not having access to one's birth cert is hugely significant, the personal aspect, the knowledge of who I am, where I came from and who my birth parents are, is denied to some.

The number of refusals for release of birth certificates to adopted persons in recent years is significant. In 2013, there were 15 refusals; in 2014, two; in 2016, 15; in 2017, nine; in 2018, six; and in 2019, nine. In that time, 46 people were told "No". They were denied a chance to find their link in their family chain and the identity they were seeking. How many of us have been riveted to programmes such as "Who Do You Think You Are" and "Long Lost Family"? In many ways, we take that journey with those people as they try to access family information and, sometimes, family members. Tonight, we are on a journey, but it is of a different type. It is a legislative journey to help ensure all adopted persons can access their birth certificates.

Since the enactment of the Adoption Act 1952, we have had a long history of trying to enact comprehensive legislation on this matter. While, in fairness, very genuine efforts have been made by very many people, some of them in this House tonight, we still have failed. We have a duty in this Dáil to ensure this basic human right is enshrined in our legislation. While I believe the Minister, Deputy O'Gorman, is committed to this, I emphasise that we cannot fail again. The Bill before us is the first step, and that is because of our failure to progress legislation that establishes wider rights to information. This Bill separates the right of adopted persons to access their birth certs from consent to make contact with either parents or relatives. As I said, it is a first step but an important one.

I wish to refer briefly to the Clann project submission to the Joint Committee on Children, Disability, Equality, Integration and Youth, published in June of this year. I know the Minister is familiar with it. It represents the voices of very many adopted persons and provides a detailed analysis of what they believe any comprehensive legislation should include. Earlier, the Minister spoke about what his legislation proposes. This submission goes further. It analyses what is in those proposals and suggests what I believe are worthwhile amendments, but we will come to that at another time. The guiding principles in it are that nobody can be left behind, and when an adopted person is seeking information, he or she should receive the file, the whole file and nothing but the file. Those principles, as I said, must guide our work in the future.

I thank my colleagues, Deputies Connolly and Pringle, for bringing forward this Bill. I am more than happy to support it. It is an important step, it keeps this matter high on the political agenda and it is an important addition to the debate.

An Ceann Comhairle: Deputy Funchion is sharing time with Deputies Patricia Ryan, Martin Kenny and Mythen.

Deputy Kathleen Funchion: I commend Deputies Connolly and Pringle on bringing forward this Bill. Sinn Féin will support it. I feel a sense of *déjà vu* because we have had this discussion on many occasions over the past year and a half both in this Chamber and in the convention centre. As Deputy Harkin said, it is important we continue to have this debate until we get the situation resolved. I am always surprised, as are people you speak to who are not involved in this area, to hear there are people who still do not have a legal entitlement to their birth certificates, something so many of us take for granted. It is a document you wonder every now again where you have left it, but you always know you can get a copy of it. It is something we take for granted - a lot of us do anyway.

In March, I introduced a Bill similar to this Bill. In fairness, the Government also did not oppose it. However, we are still in the situation whereby we do not have access to birth certificates for people who are adopted in Ireland. I am the chairperson of the Joint Committee on Children, Disability, Equality, Integration and Youth, and I am well aware that there is legislation going through that committee. A number of the members of the committee are here this evening. The committee is working through the pre-legislative stage of that legislation. It is important the committee hears from as many people as possible on this issue and it is doing that. I welcome that legislation. However, I do not see, as I did not see with the Bill introduced in March, what the difficulty is in our passing legislation that would give access to birth certificates now. If there is other legislation that strengthens that, that is great, but why can we not do this now? We seem to be always waiting for something.

People have been so let down by this State over the years that there is, unfortunately, mistrust. We need to call that out. It is difficult to convince people the State is on their side on this issue because they have been let down time and time again. Deputy Connolly gave a good analysis of that in terms of the report, the leaking of it, people not being able to get physical copies of documents and people of a particular age group being directed online. There were so many different issues with the report, it seems like we are constantly failing people who have either been through the mother and baby system or were adopted in this country. There is an obligation on all of us to respect the human rights of individuals to manage their own identity and family relationships without further State interference. This Bill and the Bill I introduced last March seek to address this huge injustice. We cannot continue to condone the impact of the coercive closed and secretive adoption system that was enabled and continues to be enabled by the State. If it is true this issue was again thrust into the public discourse on foot of the publication of the mother and baby home report but is wider than just survivors of these inhumane institutions, it cuts to the nucleus of how little regard adoptees have been given in this country to date.

I reiterate Sinn Féin's support for the Bill. As I said, the committee is working through the legislation, which is a positive, but I do think we can do this now. If nothing else, it would demonstrate we are serious about this and we finally want to see the right thing done by so many survivors. Since we debated this issue last October, women have passed away having never had access to information and they did not get to see the report published. The longer this

takes, the more people will die without ever getting justice. As I said earlier, a birth certificate is something so many of us take for granted. We should ensure there is access to birth certs for everybody.

Moving to a different topic, I have dealt with the subject access requests, SARs, system recently on behalf of a number of people in my constituency. It has been a positive experience for them. I know there are mixed views on it and that everybody will have a different story, but I want to put that on record. We have to criticise when necessary, but we also have to give credit where it is due. I wanted to make the point while the Minister is here that it has been a positive for the people I have been dealing with. However, we still need to see access to birth certs as a right.

Deputy Patricia Ryan: I, too, thank na Teachtaí Connolly and Pringle for bringing forward this Bill, the main purpose of which is to provide unconditional and improved access to birth certificates for adopted persons. Sinn Féin supports the Bill. In March my colleague, an Teachta Funchion, introduced the Civil Registration (Right of Adoptees to Information) (Amendment) Bill 2021 which came at the same issue from a slightly different perspective. We advocated for a simple one-section amendment to the Civil Registration Act 2004 to allow adopted persons over 18 years of age to make an application for sufficient information to obtain a birth certificate. The Bill has a similar objective to the Adoption Act 2010. It would immediately provide for improved access for adopted persons to information relating to their birth record and provides for access to records and information held on them by the Adopted Children Register.

The right to identify is a fundamental human right. The Government loves to point to the North and try to denigrate Sinn Féin. It usually chooses issues that are not devolved to the five-party coalition Government or which do not reflect the reality that the petition of concern process is in place. I suggest to the Minister that the Government should look to the North on this issue because the right to access records is already in place in the North, and in Britain.

The history of adoption in Ireland is shambolic. There is no other way to describe it. In the past it has been driven by money, greed, religion and power. Babies were brought in and were bought, sold, or hired as farm hands, or even worse. A constituent of mine came to me recently. She was forced to give up her baby many years ago. She was devastated. The baby was adopted without her knowledge. For many years afterwards she received letters from the nuns on a regular basis, asking for money to care for the child, despite their having no part in its upbringing. It is wrong for the State to continue to argue that natural mothers generally do not wish their adult children to know their identity. As to the notion that adopted people may cause harm in some way, there simply is no proof. The Government approach has framed adopted people as untrustworthy individuals from whom their mothers must be protected. No other group of Irish citizens is discriminated against in this manner and it is time to resolve the issue once and for all. It is simply unjustifiable to suggest an adopted person should be denied their identity because their birth mother's perceived right to privacy outweighs that of an adopted person to know his or her identity.

In 1934 in this very House, the former Taoiseach, Éamon de Valera, said: "No longer shall our children, like our cattle, be brought up for export". He proceeded to oversee just that, treating what were known as illegitimate children like cattle. I have looked up the meaning of the word "illegitimate" and it is identified as: "Not authorized by the law; not in accordance with accepted standards or rules". I will say this briefly. My mother was one of those children. She is now 34 years dead. To this day it galls me to think someone would describe her as il-

legitimate. These are children we are talking about and this mindset still exists today in some quarters. It must be addressed and extinguished wherever we find it. It must start with this Bill.

Deputy Martin Kenny: We support this Bill. This issue has been very difficult for very many people across the length and breadth of the country for a number of years now. We have seen all the documentaries and all the reports. We have seen the uncovering of the terrible, cruel, tough place Ireland was in the past. It does us no harm to have a good hard look at it and to recognise that is part of where we came from and the society we lived in. Despite this, today I received an email from a constituent, and they sent a photograph with it. It reads:

I am five years old here in 1969, the picture (below) was taken after my time in a Mother & Baby Home, a Baby Home & an Industrial School. I'm 57 this year, I still have no right to my original name from the Adopted Children's Register, not to mention early life medical or care files during my first 5 years. You and your colleagues can help me by voting to pass The Adoption (Information) Bill 2021 and give, my kind and I, our full human rights, once and for all. Please make a clean break tonight, and ensure that the outdated past practices of discrimination, against your fellow Irish citizens, comes to an end.

That is a letter I am sure many people across the length and breadth of the country could write in regard to their situation because adopted people, as my colleague said earlier, were simply a commodity to be bought and sold, in many cases. The worst of this went on in the 1940s, 1950s, 1960s and right up to the 1970s. For many of these people, their time is drawing to an end; they are coming to their sunset years of life in many cases. I often think of Mary Silk-Kelly, a woman I met from north County Leitrim, who was born in the mother and baby home in Tuam. She told me of the terrible life she had, of the abuse and the way she was treated. It is too horrible to recount. She went to her grave earlier this year without resolution of her difficulties. In his speech the Minister mentioned there is much work to do and he is doing a comprehensive Bill to resolve all these issues. However, many of these people cannot wait. Time is ticking away and they need these issues dealt with. It should not be done at some time in the future. They should have been dealt with long ago.

It is a poor reflection of governments of the past that we are in this position today. Despite that, we are here and we now have the opportunity to do something with it. The thing we must do is ensure that as well as not opposing this Bill, the Minister puts his full weight and that of his Department behind it to ensure this small change is made and these people have access, first of all, to their birth certificates. The other issues he dealt with in his speech were around slightly more complex issues which must be resolved and which have constitutional consequences. I understand those must be dealt with but we can do it one step at a time. What can be done now should be done, and done immediately. There are issues all of us must come to terms with. In many parts of Ireland there are memories of the mother and baby homes and of the situations where people were adopted and sometimes went into the most cruel of situations in families, not only in institutions. It was an Ireland with not simply institutional abuse but a society that had that attitude towards its fellow people. We must deal with it and do so immediately. The urgency around this cannot be overemphasised. I absolutely understand the Minister's position in regard to not opposing it but as I said, he must put his full weight behind it and get this, or whatever piece of legislation, dealt with right now to ensure we deliver for these people because so many of them feel so let down, with very good reason.

Deputy Johnny Mythen: I commend an Teachta Connolly and an Teachta Pringle for introducing the Adoption (Information) Bill 2021. This is a very powerful piece of legislation

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and I thank them for their work on it. This Bill has a short Title but it would be a gigantic sea change for adoptees.

The main aim of this Bill is to provide unconditional and improved access for adopted persons to their birth information. It also allows for an adopted person to trace connections between information retained on the index administered by the Adopted Children Register and any corresponding information in the register of births. Full access to personal records for adopted people is something we in Sinn Féin are very committed to and are working hard on, so I am delighted to be able to support this important Bill today. The Adoption (Information) Bill will give adoptees life-changing information and give back a part of them they thought was lost and gone forever. What is our job in this House, if not to help people and give them a true sense of belonging?

I have talked to many adopted people and watched harrowing documentaries on the mistreatment of adopted people in Ireland. What stands out so clearly above all else is a sense of the soul-destroying nature of this and the deep loss a person experiences when he or she is denied access to his or her own records. This is a shameful wrong and it must be put right. In a similar vein, I have been absolutely struck by the sense of belonging and empowerment a person gets when he or she is handed his or her own records. The right to identity is a fundamental human right around the world and all one needs to do is talk to adopted people to understand how deeply they feel this. The continuing refusal to tell adopted people their name at birth and provide them with their publicly registered birth certificate is unconstitutional and contrary to the EU general data protection regulation, GDPR.

Adoptees have already waited far too long to access their records. We cannot in good conscience allow more delays and out-of-kilter laws to stand in their path. Surely this House has a collective responsibility to look after our citizens and to ensure basic human rights are upheld. What more noble cause is there than the right to have access to one's own birth certificate? We now have the opportunity to give adoptees what is rightfully theirs. We now have the opportunity to right the wrong. We now have the opportunity to return all of those stolen years. I ask all Deputies to fully support this life-changing Bill and remove these hideous burdens once and for all.

Deputy Ivana Bacik: I commend Deputies Connolly and Pringle on bringing forward this important legislation and express my strong support and that of the Labour Party for it. I am glad to hear through the Minister that the Government will not oppose the Bill. As Deputy Connolly said, this Bill joins a number of other Bills, all with common purpose, which is to enable adopted persons to have access to the information that would enable them to see their original birth certificates. Earlier this year, the Labour Party brought forward a similar Bill, the Adoption (Information and Tracing) Bill 2020. It has a slightly longer Title but has the same purpose, effectively. It would have inserted a new section 86 into the 2010 Act, thus unlocking the information necessary to enable adopted persons to access their birth certificate upon turning 18. It would have made traceable the connection between an entry in the adopted children register and the corresponding entry in the register of births - a simple legislative device, yet one that has given rise to such difficulty over so many years. It is extraordinary that in 2021 we still have not been able to provide for this simple unlocking mechanism that would address the anguish and heartbreak of so many people who have been denied the right to their identity for far too long.

There is also a Sinn Féin Bill that seeks to do the same as well as the Government's own Bill, the general scheme of which was published in May of this year and which is now undergoing

pre-legislative scrutiny. There is a clear cross-party intent in this House and in Seanad Éireann, from all parties and none, to ensure that this important issue is addressed and it is to be hoped that this will be done in this Dáil term. Indeed, the Minister has made a clear commitment to do that. I pay tribute to the many individuals and advocacy groups such as the Adoption Rights Alliance, the Clann Project and others that have worked so hard to keep this issue highlighted and to ensure we do not forget the need for the rights of adopted persons to be recognised. This debate also serves to highlight the need to bring legislation forward.

It is useful to review what has caused the difficulties and to understand why there has been this blockage when there is clear cross-party intent. Many of us have worked over many years to try to address the perceived blockage. Many colleagues have referred to the constitutional argument that was used for so long by successive Attorneys General that the right to information was always trumped by the right to privacy - the purported or perceived right to privacy - of the birth mother. However, we know from so many different reports over the years and from the testimony of birth mothers themselves that many did not wish that secrecy to have remained in place and did wish to have contact made with the children they had given up in such different and repressive conditions over so many years. Their purported right to privacy has always been enabled to trump the right to information.

It was a source of deep frustration to me that during the previous Government term, between 2016 and 2020, we did not finally get to legislate for this. We came very close and there was a lengthy debate on it in the Seanad but ultimately a Bill that sought to address this issue fell in January 2020. We had tried to devise a system with the Minister's predecessor, which would have enabled the unlocking while providing for the balancing exercise that we were told needed to be done. The idea was give birth mothers an opportunity to come forward and register objections and if no objection was registered, then the way would be cleared to provide access to information. I am glad that we have moved beyond that and are looking at a much more straightforward right to information being provided in the Government's legislation. This is long overdue.

It is extraordinary to examine the legislation in neighbouring jurisdictions and other European jurisdictions in this area. Just across the Border in Northern Ireland anyone aged over 18 has had the right to a copy of his or her original birth certificate since 1987 and that right has existed in England and Wales since 1975. Long before that, in Germany that right has existed since 1957 and in Belgium since 1960. In some jurisdictions, those who are aged 16 and over have access to this information. Again, we must ask why it has taken us so long and emphasise the urgency of bringing forward this legislation now.

I look forward to taking a place on the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth. That committee, chaired by Deputy Funchion, is undertaking pre-legislative scrutiny and I look forward to participating in that scrutiny. I hope we will see that done with all of the necessary speed and attention that it deserves. I am glad to hear the Minister's commitment to addressing the issue of those persons who were illegally or invalidly adopted and who currently have no accessible records. They have serious difficulties because they need access to files and not just to their birth certificate which, itself, is inaccurate or falsified. I have met many of those affected. Indeed, my party colleague, former Deputy, Joan Burton, was a strong advocate for those who had been illegally adopted and for adopted persons generally. She has gone on record to speak powerfully of her own experience. I would like to pay tribute to others who have also done so and to those who have given public testimony to their own experience as adopted persons, including in the documentary, "Who am I? The story

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of Ireland's illegal adoptions", which aired in March of this year on RTÉ. They spoke about their experience of discovering, in many cases as adults, that they had been illegally adopted and the trauma and anguish that caused them. They realised, as one contributor said, that their lives were built on a lie that they had been told. It is extraordinary to think that can continue and persist and that we still have no legislative redress for individuals in that position.

We are all conscious of the history and of the shame and stigma that prevailed for so long. The Adoption Act 1952, the primary legislation on which our entire adoption system was built, enshrined and fetishised a secret and closed adoption system. We developed a secretive system which, in the words of a former chairperson of the Adoption Board, Ms Vivienne Darling, ensured that adoptees were "kept in the dark" as to their origins. Birth parents were required to make a fresh start and high walls of separation were built between adoptees and their birth parents. That was perceived to be a system that had public support. It is extraordinary that the Adoption Act has been amended eight times, but never have information rights been provided for and that closed and secretive system has prevailed and persisted ever since. I am grateful to Dr. Maeve O'Rourke and Ms Claire McGettrick who, among others, have done so much work in uncovering the shameful history of our laws on adoption. I have had the honour of representing many survivors of industrial schools and other institutions who endured horrific abuse. I represented many of them before the Residential Institutions Redress Board and heard first-hand their stories of their experiences of being failed by a State that long had a policy, over many years up until very recently, of simply incarcerating and containing children and women who were perceived as breaking social mores or not conforming to the State's morality of the time. I am glad we have moved beyond that and am grateful to so many who have moved us forward.

I will conclude by again expressing my support and that of the Labour Party for this important Bill and for the principle it enshrines. I look forward to working constructively with all colleagues to ensure that we finally address, in this Dáil term, the needs of adopted persons which is long overdue.

Deputy Holly Cairns: This is incredibly important legislation for adopted people. It provides them with unconditional access to their birth certificates, a right which has been denied to them by successive Governments and civil servants for decades. I thank Deputies Connolly and Pringle and their teams for putting forward this legislation and prioritising it.

Birth registrations have been public records in Ireland since 1864. For more than 150 years, it has always been possible for any member of the public to view the register of births and obtain copies of birth certificates. However, outrageously, this right has been denied to adopted people by State services and private interests in defence of a system that continues to marginalise and stigmatise them. Not only is the State's stance morally wrong, it is a contravention of our obligations under international human rights law. Adopted people and many others rightly point out that access to a birth certificate is the bare minimum in terms of the right to identity. That this document, fundamental to who they are as individuals, continues to be denied to them is absolutely disgraceful.

9 o'clock

This Bill provides a very clear and humane response that will enable a cohort of people who have been treated with hostility and disdain by government agencies for seeking the most basic information about themselves. As part of the pre-legislative scrutiny of the Government's birth

information and tracing Bill, the joint committee on Children, Equality, Disability, Integration and Youth has had numerous submissions from individuals and groups deeply impacted by this denial of the right to access their own birth certificate.

Susan Lohan and Mari Steed of the Adoption Rights Alliance explained that:

Many of our cohort have died in the decades of inaction on the State's part to recognize their rights as Irish citizens and as adopted people. This inaction has led to serious human rights abuses and ongoing discrimination.

Maree Ryan-O'Brien of Aitheantas - Adoptee Identity Rights said that the current system "treats adoptees as if we are guilty of some wrongdoing" and that she is being forced to "liaise with agencies who simply did not care". She went on to outline that "most adoptees' concerns are very practical ones regarding medical information and access to identity information". Si-néad Gibney, chief commissioner of the Irish Human Rights and Equality Commission also warned that any denial of free and unfettered access to personal information and records in this context could be in itself re-traumatising.

The urgency of this Bill cannot be underestimated given the age of the many of the people concerned and the continuing harm done by the State's refusal to grant them access to their birth certificates.

The foundational principle of this Bill is to provide unconditional access to birth certificates for adopted people. This is such an incredibly important point, one which the Minister unfortunately is still not willing to acknowledge. Earlier today the Minister said that the Government's birth information and tracing Bill will "provide for access to birth, early life, and care information for adopted persons". His Bill does not provide unconditional access to birth certificates and other information. Instead, the Government is imposing a mandatory information session for adopted people - and adopted people only - whose natural parents have registered a no contact preference. Rather than ensuring adoptees, if they desire, have supports, such as counselling or medical assistance, they have a compulsory information session with a social worker, and potentially social workers associated with either Tusla or the Adoption Authority of Ireland, two bodies that understandably many adoptees have no faith in. The adoptee groups and advocacy bodies which made submissions to the joint committee have all objected to the imposition of this barrier.

The Government's birth information and tracing Bill has a broader scope than this Bill, but it is still loaded with restrictions, including limitations to personal information and records, the absence of mechanisms for siblings to get information about each other, and significant level of discretion assigned to relevant bodies. All of these will be discussed at the committee and I will do everything I can to remove any and all barriers to early life information for adopted people and ensure the law is representative of a transitional justice approach. I hope the Minister and the rest of the committee, especially the Government party members, will be willing to work with me on these issues.

However, the birth information and tracing Bill in its current form demonstrates that the Department is still trying to limit the information available to adoptees and is still trying to control and direct their lives. The disgraceful treatment of adopted persons and survivors of mother and baby homes was demonstrated again this week, as reported in the *TheJournal.ie*. Survivors seeking access to their personal information from the Minister as the data controller for the

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Mother and Baby Homes Commission archive were informed that they could not be given access until they nominated a GP who would receive the records first and then decide whether or not it was appropriate to pass them on. Survivors have rightly pointed out that this infantilises them and is a new bureaucratic barrier for people who have been seeking basic information about themselves for decades. Noelle Brown, the adoption rights campaigner, who was born in Bessborough and who received one of these letters has rightly described it as despicable and ridiculous. She also noted that it seems to be the first time the State has been concerned about adoptees and survivors of mother and baby institutions mental health.

In some cases, the Department has advised survivors to file FOI requests - another delaying tactic. This cannot be disregarded as an historic practice or a legacy issue. This is happening now and on the Minister's watch. It is at odds with GDPR as European legislation and the Minister must immediately rectify the situation.

While this latest issue concerns survivors of mother and baby homes, which does not include many adopted people, it is important to note it as being indicative of how the Department treats people looking for their personal information. Unfortunately, this Bill and others like it from other Opposition Deputies are the only means we can guarantee that the Government and State agencies will do the right thing and follow European and international law.

Successive Governments have got away with disregarding survivors and their rights. Deputy Connolly already highlighted the more recent cascade of events in the same vein, which I will not go into because she did a perfect job. There were the statements from the Minister's Department and the blanket sealing of archives in October, the commission's report being leaked to the media before it was released to survivors, the Minister's statement that survivors had a copy of that report when none of them did, the deleting of the tapes by the commission and their miraculous recovery, the refusal to extend the commission, the commission members' refusal to come before the committee but then one of its members speaking to an Oxford seminar - the list goes on. However, one thing that was not mentioned was the State apology and the blame put on society. The Minister's speech mentioned the stigma and shame put on those people by the church and State but that was not the nature of the State apology. Before coming here this evening, I called to my grandmother's place. We did not talk about it, but when I was coming in here I thought of the assertion that all society thought that women should be incarcerated into these institutions for the so-called crime of getting pregnant. Back then, my grandmother looked after pregnant women and girls in her home so that they did not have to go into those institutions. She went on to help to set up Cherish. I was thinking in the car on my way in here that it was not all of society, as the Government said when the commission's report was published, and that has still not been corrected. That is not to mention that the commission only investigated 18 mother and baby institutions in this country, when there are more than another 100 that have not been examined. Deputy Funchion rightly called out how there is a huge distrust in the State around these issues, and understandably so based on everything Deputy Connolly said.

As a member of the joint committee on Children, Equality, Disability, Integration and Youth and I want to thank the Chair for being a stand-out Chair - I really appreciate it - that I am developing those same feelings. We are looking at the burials Bill now, which is related to this Bill because it relates to the mother and baby institutions. I understand that was initially called the dignified exhumations Bill. I do not know when the language changed to the burials Bill. It is very clear from the first draft of the legislation that we did a report on that the Bill only seeks to intervene where the burial is manifestly inappropriate. No matter where your rela-

tive is buried, you have a right to find out their fate, whether they are in one of those unmarked graves or potentially anywhere else. I want to highlight that because it is relevant legislation and creates a distrust in the State.

Minister of State at the Department of Rural and Community Development (Deputy Joe O'Brien): I welcome the debate in the House today. I want to acknowledge all the Deputies who have contributed. I wish to thank Deputies Connolly, Pringle and Joan Collins and the Independent Group for bringing forward the Bill. I think all Deputies in this House recognise the background of the issues giving rise to this initiative.

The issue addressed in this Bill, that of access to adoptees to birth information, is hugely important and I fully agree with the Minister, Deputy O'Gorman's approach to not oppose this Private Members' Bill. Given that the issues to be resolved in terms of access to information are wider than those articulated in this Private Members' Bill, I welcome the Minister's work in progressing birth information and tracing Bill. I agree that this comprehensive legislation will be the best way to serve the needs of adoptees and survivors.

This Private Members' Bill seeks to help adoptees gain access to their birth information by amending the Adoption Acts, something we all agree on. Without opposing this Private Members' Bill, I am confident that the Minister's forthcoming legislation will deal with all of the issues pertaining to the sensitive and complex issue in a robust and comprehensive way.

The issues addressed by the Private Members' Bill before us this evening is hugely important but unfortunately that is not the only issue to be addressed. We must recognise that in addition to adoptees, there is also a group of people whose births were illegally registered, their true birth registration may not have been recorded accurately, or where their origins were obscured by informal processes where little or no records were maintained. As mentioned by the Minister, there are people whose birth certificates will not record a father's name. The Minister's forthcoming Bill will provide solutions for people in such situations. I agree with Deputies when they call on the Government to provide long-term solutions fast. I join the Minister, Deputy O'Gorman, in thanking the joint committee for prioritising pre-legislative scrutiny of the birth information and tracing Bill.

I reiterate my support for the debate and my engagement on this issue. I look forward to the Minister publishing his Bill.

An Ceann Comhairle: I thank the Minister of State, Deputy O'Brien. To conclude, I call on Deputy Catherine Connolly.

Deputy Catherine Connolly: I thank all of the contributors to this debate, including my colleague, Deputy Pringle, and those from Sinn Féin, the Labour Party and the Social Democrats. I appreciate their support. I also thank the Minister, Deputy O'Gorman, for his positive attitude.

I will use the few minutes available to me to try to put this matter into perspective. I fully understand the complexity of the issues involved, particularly in view of my background. No more than Deputy Bacik, I also had the privilege of appearing before the redress board on many occasions. In that context, I will highlight that it is a criminal offence for me to disclose the amounts of money the clients received. Can one imagine that in the 21st century the relevant legislation remains on the books? It is a crime if I disclose to the Minister what one of the clients I was with received from the redress board. We have to look at that and then also look at

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the detailed speech the Minister made, which I appreciate, except in the context of the issue of trust. I started with trust and I am finishing with trust.

There is a complete lack of trust on my part. If there is a lack of trust on my part, I cannot inculcate trust in the people on the ground. Why do I say this and why is there a lack of trust? The Minister did not mention the report produced by Marion Reynolds. Perhaps I am taking the Minister up short but he is fully aware of the audit by Marion Reynolds. I asked him to address it in his remarks. It identifies the potential irregularities in addition to the irregularities that were found. It is potentially major, with up to 20,000 documents involved. I do not need to exaggerate here. My question is: how come the Minister has not clarified what happened in relation to that? Why did it take almost two years to publish the report? Why is it not clarified what Dr. Reynolds apparently said to *thejournal.ie*, in that she asked for her name to be redacted because she was unhappy with the redactions made by the Department or the Minister or whomever? Why can this not be clarified now in order that the Minister can restore trust and so that I could have trust in the system?

The collaborative forum was put into being by the Minister's predecessor. The report was never published. There are so many reasons for my lacking trust. I see the Minister as a human being and someone who is interested and authentic. I do not doubt his bona fides, which I have said repeatedly, but I do doubt what is happening in his Department and what it represents. I say again that when we seek to protect mothers, we are deceiving mothers and we are deceiving other people. We are protecting the system. Look at the enormity of what we are discussing. We are talking about a report from the commission of investigation that dealt with 56,000 unmarried mothers - I will come back to that phraseology later - 57,000 children and more than 100,000 people in a sample number of institutions. Can we let our minds range as to how many of our relatives, friends and people that we know were in institutions or are descendants of people who were in institutions. Next, we look at the narrative in that.

The Minister has heard me say that there were good things in the report from the commission of inquiry, but the words the report used are to beware of the evidence given and the limitations of that. This is with regard to the vast majority of people who attended for the confidential committee part of the investigation. These people went to the confidential hearings because it was not clear that they could attend both or they were ever informed that they could attend both. Let us look at what the report says. This report outlines the experience of those who choose to recount their experience and says that "they are not a representative sample" because the number was small. The report says that the commission had:

... concerns about the contamination of some evidence. A number of witnesses gave evidence that was clearly incorrect. This contamination probably occurred because of meetings with other residents and inaccurate media coverage.

Imagine that these words have been put down there as a kind of introduction to the evidence that we are going to look at and that was given to the confidential committee. I have never heard the word "contaminated" except in respect of exhibits. I have heard of credible evidence or evidence that is not credible. Is this telling us that the people who went to the committee were not credible? This is one big problem I have with that.

There is also the issue of the phrase "unmarried mother". The terms of reference, notwithstanding how restrictive and limited they were, never once used the words "unmarried mother". Never once. I asked all Members to look at the terms of reference. Single women are referred

to. Yet, the commission decided to repeatedly use the words “unmarried mother”.

There is also the constant change of language in the report referring to this witness, that witness or another rape victim. It was a totally insensitive way of dealing with what came before us. That is just the commission and the Minister has heard me on record say how disappointed and shocked I am at the type of language that was used in the executive summary. The introduction of the report states: “The conclusions it reaches may not always accord with the prevailing narrative.” I say that, however, it is absolutely in accordance with the narrative - a narrative that said we all did it. We did not do it. I was not part of that narrative and neither were my family or the people that I know. This report, however, actually tells me that this is the narrative I am upset about, the narrative where responsibility of blame was splattered onto everybody, and the refusal to recognise the imbalance of power between those who had it and exercise it in a brutal way over those who had no power.

My passion comes from many things. It comes from my experience. My experience of my family, my experience as a barrister in a privileged life and many other experiences I have had that give me a voice here. I am standing here tonight because I have absolutely no trust that the Minister is going to produce legislation this year that will guarantee unrestricted access to birth certificates, birth details and all relevant information. Again, why do I say this? Deputy Cairns referred to what was reported in the article on *thejournal.ie*. I thank the *thejournal.ie* for highlighting these matters. The Minister is not highlighting them here tonight with regard to his Department. The applicants, the men and women, are telling us that when they apply to the Minister’s Department they have been told different things such as they cannot have the information under GDPR but that they should try under freedom of information. Some people are told this and some are not. Is the Department making it up as it goes along? Does the Minister feel shocked by this? Does he feel upset by it? Does the Minister feel it is something he should go out and check and make a statement on? They are the kind of answers I would like in here.

I appreciate the complexity of what we are dealing with, but there is no complexity in my mind as to what is needed so that people can discover their identities and begin their life journey of discovering who they are. It takes us a lifetime to find out who we are and we are depriving people of the most basic tools to do that, and for what reason? I believe the reason to be that we have still not grown up. We are still have not faced the fact that we are a republic and that information belongs to all of us. It certainly belongs to the person it is personal to. We have not yet crossed that road. We have not even begun to address what it means to be a republic.

So, we are back here with the Minister’s speech of a couple of pages in which he told us about all of the complexities involved while failing to answer any of the questions I asked. I will repeat them. When will the investigation into the leak be completed and published? When will the report of the collaborative forum be published? When are we going to get a redress scheme, or whatever the Minister is calling it? When will we see legislation? Will we see it before Christmas? Can the Minister tell us that? I will certainly work with the Minister because we cannot wait any longer. My oldest child was born in 1997. That was the year *Banished Babies* was published. It told us quite a lot of facts. Prior to that, in 1984 we had an interdepartmental committee that was fully aware of a number of facts. There is no shortage of information. We have the Marion Reynolds report that quotes Professor Éamon de Valera Jr. I do not wish to personalise this but Dr. Reynolds highlights it in her report. For good reasons apparently, he decided that births should be falsely registered, which was, and still is, a crime.

I am here tonight and all of my colleagues are here. The Minister is also here and saying

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“Yes, we are doing it.” When is it going to happen? Why does it take the Private Member’s Bill I have introduced with my colleague and the Sinn Féin and Labour Party Private Members’ Bills to elicit a response? I am sure the Social Democrats will also be coming up with legislation in this regard. Why is it taking that much pressure to say that people are entitled to unlimited access to information? As the Irish Council for Civil Liberties has pointed out, there is a difference between unlimited access to information and contact with a birth mother. They are two different things and can be dealt with differently. The heads of Bill the Minister has produced include some good points but there are many negatives. Institutions are named that are limited, there is an age limit and there are many other issues that are of concern to me, the Irish Council for Civil Liberties and the Clann organisation, among others.

In the two seconds I have left, I thank my colleagues. I thank the Minister for his positivity but I really would like him to come back with a date and time. If the matter is so complex, let us break it down and have a number of pieces of legislation.

An Ceann Comhairle: That concludes our Second Stage consideration of the Adoption (Information) Bill 2021. The question is that the Bill be now read a Second Time. Is that agreed? Agreed. I congratulate the Deputies.

Question put and agreed to.

The Dáil adjourned at 9.21 p.m. until 2 p.m. on Tuesday, 21 September 2021.