



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna ó Cheannairí - Leaders' Questions . . . . .	318
An tOrd Gnó - Order of Business . . . . .	328
Education (Voluntary Contributions) Bill 2021: First Stage . . . . .	337
European Union Aviation Agreements: Motion . . . . .	339
Housing (Housing Assistance Payment Waiting Times) (Miscellaneous Provisions) (Amendment) Bill 2021: First Stage . . . . .	339
Ninth Report of the Committee of Selection: Motion . . . . .	341
EU-UK Trade and Cooperation Agreement: Motion . . . . .	341
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	349
Companies (Corporate Enforcement Authority) Bill 2021: Second Stage (Resumed) . . . . .	351
Sea-Fisheries (Miscellaneous Provisions) Bill 2021: Order for Second Stage . . . . .	368
Sea-Fisheries (Miscellaneous Provisions) Bill 2021: Second Stage . . . . .	368
Planning and Development (Amendment) (20 per cent Provision of Social and Affordable Housing) Bill 2021: Second Stage [Private Members]. . . . .	374
Ceisteanna - Questions . . . . .	401
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	401
Banking Sector . . . . .	401
Tax Code . . . . .	403
Tax Code . . . . .	406
EU Funding . . . . .	408
Ceisteanna Eile - Other Questions . . . . .	410
Covid-19 Pandemic Supports . . . . .	410
Insurance Industry . . . . .	414
Tax Code . . . . .	416
Housing Schemes . . . . .	419
Remote Working . . . . .	421
Credit Unions . . . . .	425
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	427
Regeneration Projects . . . . .	427
Hospital Services . . . . .	430
Disability Services . . . . .	434
Public Transport . . . . .	436

# DÁIL ÉIREANN

*Dé Máirt, 21 Meán Fómhair 2021*

*Tuesday, 21 September 2021*

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

*Paidir.*

*Prayer.*

---

## Ceisteanna ó Cheannairí - Leaders' Questions

**Deputy Eoin Ó Broin:** In June 2016, as a newly elected Deputy to this House, the first Bill that I brought forward sought to link rent reviews to inflation. In that year, rents across the State rose by an alarming 14% and in Dublin by 15%. Some families were being hit with rent increases in the order of 20%. Unable to pay, they were forced into homelessness and despite the growing crisis in the rental sector, the Tánaiste and his party colleagues voted down the legislation. Thanks to them, rents continued to spiral out of control. More families became homeless and working people were forced into real financial hardship. Those wanting to buy their own homes were unable to save for a deposit.

In response, the then Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, introduced rent pressure zones. We told him on the floor of this Chamber that that policy would not work. There were too many loopholes and it was impossible to police. We urged him instead to link rents with inflation. He ignored our advice and, in fact, on five separate occasions the Tánaiste and his colleagues in the previous Government voted against rent certainty measures introduced by Sinn Féin and others on the Opposition benches. What happened? In 2018, rents rose by up to 10%, in many cases in areas where the cap was 4%. The same happened in 2019 and every year since then rents have continued to rise. Thanks to Fine Gael and the previous Government, supported by Fianna Fáil, the average renter today is paying more than €4,000 more a year in rent than he or she would have done if the then Government had accepted our legislation.

By the end of 2019, it was clear that emergency measures were needed and rent certainty was no longer the appropriate response. It was time to ban rent increases. Again, when Sinn Féin brought forward legislation to halt runaway rents, the then Government opposed that too. The Government's response at the time was that it would deter supply. Rents, however, continued to rise, yet landlords left the market in their droves. We have lost by net figures 20,000 rental properties in the past four years.

At the same time, we urged the Government to invest in large-scale affordable cost-rental

accommodation. We were not the only people to do that. The Housing Agency urged the Government to do it, as did the National Economic and Social Council, which was a function of the then Taoiseach's office. Remarkably, not a single affordable home to rent or buy was delivered through any central government scheme in the lifetime of the previous Government. That was when the Tánaiste was Taoiseach.

Rising rents and falling supply are the Fine Gael way. As it was then, so it is now under this coalition. Micheál Martin may be Taoiseach, but Fine Gael still dictates housing policy. The targets for affordable housing delivery in the new housing plan are embarrassingly low. Worse still, large landowners have been given an exemption on providing any affordable homes up to 2026. Any developer applying for planning permission for the remainder of the lifetime of this Government will not have to provide a single affordable home on his or her land. Meanwhile, the decision to link rents to inflation is too little, too late. We warned the Minister for Housing, Local Government and Heritage about this some months ago. He ignored us. Inflation is running at 3% and economists are saying it will rise even further. Given the Government's abject failure in housing policy, my questions are very simple. Will it urgently introduce a ban on rent increases for three years? Will it support the Sinn Féin Bill being debated this evening to ensure that all private housing developments include a 10% affordable housing, as well as 10% social housing, for the remainder of its time in office?

**The Tánaiste:** Governments change policies as facts change. Sometimes policies change and in this case, we had a change of Government. It is a new, different Government, involving three parties, namely, my party, Fianna Fáil and the Green Party. Some of the policies of this Government are different to the ones of the past, as they should be. Among the reforms we made to help people who are renting is the introduction of a rent freeze in real terms. That means that rents can only increase by the rate of inflation or less, as measured by the harmonised index of consumer prices. The logic behind that is to protect renters to make sure that rents do not rise quicker than prices in general or incomes, which is important.

However, in doing so, we do have to strike a balance. The Deputy pointed out in his remarks that the number of rental properties in Ireland is falling. Landlords are leaving the rental markets. Bear in mind that 86% of those landlords, of whom I am not one, only own one or two properties. We need to balance that too. One person's rent is another person's income. It might be his or her pension or how he or she pays the mortgage. In a time of rising prices and interest rates - it has not come yet but it will - if you freeze rents to zero, that could mean an income or pension cut for another person or another person unable to pay the mortgage on that property, which is exactly the problem that the Deputy identified and could cause more landlords to leave and fewer rental properties on the market. The only solution to bring down rents, which should be the objective rather than just freezing them, is more supply. That is what we need and we need lots more of it.

I acknowledge it is the long-standing position of the Deputy and his party to link rents to inflation. They were for that before they were against it. Now they are against it. As is always the case, when something is done, it is never enough. The Deputy's party wants to do more; the consequences do not matter. We have done that now, however, rents are now frozen in real terms and that will make a real difference for people who have seen rent increases of 5%, 10% or 15% in the past, which they will not see any more. Everyone in this House should welcome that. It needs to be in place until we see a step change in supply, because that is what will allow rents to stabilise properly and, it is hoped, fall in the years ahead.

Cost rental is now a reality. The first homes are available under cost rental. Some were built on Enniskerry Road in Dún Laoghaire. There is a plan to do so on Emmet Road. There are also those that will be provided in north County Dublin. That came as a result of a decision taken by the former Minister, Eoghan Murphy, to pursue the cost-rental policy. The Deputy talked about it; we have done it. For the first time, those properties are available to people. We will need many more of them. It is new and is not something we have ever done in Ireland before, at least not by the Government, but we are very committed to it. Providing cost-rental properties can make a real difference and enable people to rent at rates much lower than commercial rates. It can also work well because, unlike social housing, the rent covers the cost of building the property. It can be done on a commercial basis and off balance sheet and in a way that does not affect the Exchequer or cause us to have to curtail spending in other areas.

As for Sinn Féin's Bill, the Government has decided today that it will not be opposing the Bill on Part V. That will allow it to go to pre-legislative scrutiny for further detailed legal and economic analysis. The reason we are not going to 20% right away is very sensible, in that the Housing Agency has advised us that if we go from 10% to 20% right away and with no transitional provision, the cost will be borne by the 80%. It will put up the price of housing for people wanting to buy. That is the advice of the Housing Agency. As people who want to prioritise home ownership, we do not want to do anything that drives up house prices for people who want to buy their own homes. That is not the case for Sinn Féin.

**Deputy Eoin Ó Broin:** The more I listen to the Taoiseach, or the Tánaiste - excuse me, it is so confusing trying to know who is who in this Government - the more I realise he actually does not understand it. He said the Government has introduced a rent freeze in real terms. When the legislation was introduced inflation was at 1.9%. It then rose to 2.2% and it is now at 3%. Today in the *Irish Independent*, economists are quoted as saying it is likely to pass 4%. If it goes past 4%, will the Government accept the error of its ways and introduce emergency legislation to protect renters? A rent freeze means no rent increases, not increases of 2%, 3%, 4% or 5%.

The Tánaiste also said that the Housing Agency advised the Government on the sweetheart land deal that is included in the housing plan. That is not true. I challenge the Tánaiste to publish the report the Housing Agency gave the Minister for Housing, Local Government and Heritage because, in fact, it did not recommend any course of action. It was asked to outline a series of options and it did so. One of the options it wanted to include, which it was dissuaded from doing, was to have the exact same transitional arrangement as when Part V was originally introduced in 2000, whereby it moved immediately to 20% but the builder was compensated for the full market value of the land. It worked when it was introduced before and the Government should have done it now but of course when it comes to a choice between standing by working families looking to buy their homes and developers, the Government always takes the wrong choice.

**The Tánaiste:** I am advised that the Government made the decision on changes to Part V based on a detailed report from the Housing Agency, which recommended-----

**Deputy Eoin Ó Broin:** So publish the report. Let people judge for themselves.

**The Tánaiste:** -----that some transitional provisions should be included but only for lands purchased while the obligation was at 10%. Land purchases before 2015 or after July 2021 will be at 20%. The Deputy supported that Bill at the time. He was for it before he was against it. It is a little bit like linking rents to inflation.

21 September 2021

**Deputy Eoin Ó Broin:** Too little, too late.

**The Tánaiste:** He was for that before he was against it.

**Deputy Eoin Ó Broin:** Rents are rising too dramatically.

**The Tánaiste:** What happens is any time-----

**Deputy Eoin Ó Broin:** What happens is renters suffer under your Government.

**Deputy Josepha Madigan:** The Tánaiste did not interrupt Deputy Ó Broin.

**The Tánaiste:** The Minister of State, Deputy Madigan, need not be concerned. This is the regular pattern of Sinn Féin. The truth hurts. It really hurts.

**Deputy Eoin Ó Broin:** Dishonesty on your part has to be corrected on the floor of the Dáil.

**The Tánaiste:** Any time anyone speaks the truth to your party, you interrupt, you get aggressive, you get nasty and you get personal-----

**Deputy Eoin Ó Broin:** I am probably the least aggressive Deputy in this House, with the greatest of respect.

**The Tánaiste:** -----and that is one of the many reasons people should be very afraid of Sinn Féin in government. If members of Sinn Féin behave like this in opposition, imagine how they would behave in government.

**Deputy Eoin Ó Broin:** By standing up for renters, bringing rents down and delivering affordable housing.

**The Tánaiste:** If anyone stood up to them, whether workers, business people, pensioners, homeowners or property owners-----

**Deputy Eoin Ó Broin:** Those people tell the truth, Tánaiste - not like you.

**The Tánaiste:** -----they would be subject to this.

**An Ceann Comhairle:** Deputy, it is not in order to accuse the Taoiseach - the Tánaiste - of telling untruths.

**Deputy Eoin Ó Broin:** Even the Ceann Comhairle is confused by this Government.

**Deputy Michael Healy-Rae:** Tánaiste, Taoiseach, it is all the same.

**An Ceann Comhairle:** I call Deputy Alan Kelly.

**Deputy Alan Kelly:** Moving on from that sideshow, the cost of living is dramatically increasing and as the Tánaiste can appreciate, it is going to hit electricity and gas prices pretty hard. This will also have major consequences for renters and on food prices. In August, inflation hit a three-year high of 3%, which is the highest it has been since 2008, and according to all economists it is only going in one direction. The Government is genuinely facing a winter of discontent unless it acts on these issues, which affect people's everyday lives and living standards. Those renting will face more unsustainable rises because the Government refuses to put in place a rent freeze.

We know that in housing there are supply disruptions because of Brexit, Covid-19 and unreal construction material price inflation, which is having a massive impact. Contractors are pulling out of housing projects and other projects all around the country. I am sure other Deputies have heard that as well. People living on fixed incomes and social welfare payments who rely on gas and electricity to heat their homes face a very worrying winter. Social welfare rates-----

*(Interruptions).*

**Deputy Alan Kelly:** Is it ever going to stop, a Cheann Comhairle? Every single day - are you ever going to do anything about mobile phones?

**Deputy Mick Barry:** Are you doing a Roy Keane on it now?

**Deputy Alan Kelly:** It is just continuous.

**Deputy Danny Healy-Rae:** They will not ring you anyway.

**Deputy Michael Healy-Rae:** That is your answer. You want to remove-----

**An Ceann Comhairle:** Please, Deputy.

**Deputy Michael Healy-Rae:** -----doing anything for anyone. You are only here yapping. If you minded your own business, you would be a great man.

**Deputy Alan Kelly:** The two caricatures again. Enough.

Social welfare rates have not increased for two years and tens of thousands of people are out of work. We have multiple warnings about electricity blackouts due to rising demand from data centres and two gas plants are closed for maintenance. As the Tánaiste is aware, we recently had amber alerts in this area. Gas prices are soaring across Europe and we are worried about investment opportunities now, particularly the Intel issue. While the fuel allowance payment starts next week, the increase from last year has already been eaten up due to inflation. We all know the fuel allowance will rise again in the budget but it is a means-tested payment. Energy suppliers have been rapidly increasing their prices in recent weeks. Energia's latest increases were of 15.7% for electricity and 18.5% for gas. Many families are worried about these price increases and how to heat their homes. If there is a cold snap this winter, will the Government guarantee that we will have enough gas supply to keep the lights on and the radiators warm? What will the Government do to control prices? Will it freeze rents now? How will it protect vulnerable households at risk of increased bills, particularly when it comes to utilities? For those who do not qualify, will the Government commit to broadening the means test of the fuel allowance, a step which would be welcomed across this House?

**The Tánaiste:** The Deputy is absolutely correct in his initial remarks. The cost of living is rising and everyone can see that. We see it in the forecourts, the supermarkets and when people fill their oil tank for the winter. The cost of 1,000 l of home heating oil was €450 this time last year. It is €750 now; up to the level it was in 2019. We are seeing a return to inflation, a matter I spoke about months ago and which people were dismissive of at the time. It is now very much a reality. It is hurting families, consumers and businesses. It is a feature of two major international factors. Nobody in this House, this Government or this country controls the price of oil or gas. It is rising due to international reasons as demand outstrips supply. It is also down

to the policies of central banks lending money at 0%. Quantitative easing is something which some people in this House believe should continue forever. Of course, when central banks print €9 billion or \$9 billion, items that cannot be printed go up in price and that includes property and commodities. Part of the reason for this is due to the policy of central banks printing money and lending money at 0%. It was the right thing to do during the pandemic crisis but it will need to be reined in. Otherwise we will continue to see inflation rise unless there is a change in that regard. We will see central banks tightening monetary policy next year precisely because we need to restore price stability and for no other reason.

In terms of what the Government can do, there will need to be a welfare package in the next budget. There is broad agreement on that but not on its composition as of yet. That still needs to be worked out. There will need to be a welfare package in the budget because people on pensions and on social welfare will end up worse off unless there is an increase this year. That will need to be done. We will need to do something about the fuel allowance. We have committed to ring-fencing some proceeds from the carbon tax in order to increase the fuel allowance, which we will do. The fuel allowance kicks in from next week. We will give consideration to amending the means test. However, all these things come at a cost and we will have to get that right. We will need pay increases. Pay increases are happening across the economy and they are necessary. We will also need a tax package to make sure that those who get a pay increase do not lose most of it in income tax, universal social charge and PRSI. That is why we have committed to the indexation of tax credits and tax bands. I hope the parties opposite will support that.

On electricity supply, we have had a number of briefings, meetings and consultations about this. There is a concern about supply being tight this winter and even more so next winter but contingency plans are being put in place to avoid that. We are confident that even in a very cold winter, when it is calm and the wind is not blowing and we have to produce our electricity from oil, gas and coal or import it from elsewhere, we will not see brownouts or blackouts. We are doing everything to ensure that does not arise.

**Deputy Alan Kelly:** Respectfully, the Tánaiste was being open enough but I did not get much comfort from his answer. In the context of our energy supplies, brownouts and blackouts, what contingency plans are being put in place? I understand this is a real fear, particularly if we have a very harsh winter. We cannot predict anything with climate change. Can the Tánaiste confirm to the House whether EirGrid has issued a number of stop requests to heavy industries in the past few weeks, perhaps numbering more in that period than in the whole of last year put together? If this is the case now, then we are facing into big problems. What are the contingency plans for this?

I respect what the Tánaiste said in regard to the fuel allowance but we will see how it is widened out. I want to raise a particular issue. If gas and electricity prices soar this winter, in the light of what he and I have just outlined, will the Government use the opportunity to make maximum price orders under the Consumer Protection Act to ensure consumers will still be able to afford to heat their homes and have electricity in them? Such orders have been used in the past. Will the Tánaiste consider using them if that is the scenario this year?

**The Tánaiste:** I do not have data on stop requests but I will find out the position. I am interested to know myself. I will find out and pass the information on to the Deputy.

We are not going to rule out using maximum price orders, but I am conscious of what has

happened in the UK. One can impose a maximum price order on the electricity or fuel retailer but the latter still needs to get the fuel from somewhere else. Retailers still have to pay the international wholesale price. If the fuel retailer buys a barrel of oil or canister of gas for a certain amount and we have a price that is lower than that amount, what happens then? The company goes bust. In the UK, where there is a system of maximum price orders, we are now seeing energy companies going bust, because they are not able to offer energy at that price, and looking for a bailout from the state. That is not necessarily an example to follow but it is certainly not something we will rule out. That is the problem with a maximum price order - ultimately, it is the wholesale international price of oil and coal gas that determines what consumers have to pay.

**Deputy Mick Barry:** Aer Lingus asked its cabin crew to accept a four-year pay freeze, new yellow-pack starting rates and cuts to both sick pay and duty allowances. Staff are being told: “Go back in the sky, wear a sunny smile and put your lipstick on, but do not forget the hair shirt.” To the credit of the workers, they voted by 80%-plus to reject that package. The company has now threatened these mainly women workers with a unilateral imposition of even more draconian terms, including temporary lay-offs for senior staff and freezing the pay of those senior staff at 60% of what it was previously. Similar retaliation is expected against ground staff should the result of their ballot, expected tonight, also be a “No”.

What kind of message does it send to the country if front-line workers who kept this country connected through 18 months of a pandemic are allowed to be treated in this way? What does it say about the Government if it allows that? The State pays a large share of this company’s wage bill through the employment wage subsidy scheme, EWSS. The State provided Aer Lingus with €150 million in debt funding in February through the Ireland Strategic Investment Fund. Is the Government prepared to use the leverage this provides it with to protect these workers from such abuse? If not, why not?

The airline industry was hit hard by the pandemic but Aer Lingus had €900 million in reserve when it began. The tide is now starting to turn in aviation. Last week, Michael O’Leary said that Ryanair flew 67% of its normal passenger numbers in August and forecast a dramatic increase in holiday tourism next year. Airlines will seek to make up for lost profits in a post-pandemic world and this can come not merely at the expense of their workers but also that of less profitable routes. Can the Tánaiste guarantee that Aer Lingus will continue to provide the level of connectivity the Irish people need and deserve? Are the 23 Heathrow slots guaranteed? The US is opening up in November. Shannon Airport remains closed. Will all the routes from Ireland to US cities be restarted and guaranteed into the future? I do not think the Tánaiste can guarantee that they will be. An airline which shows such lack of loyalty to its staff cannot be relied upon to show loyalty to the country either. Aer Lingus’s bottom line is to serve the interests of shareholders not the interests of the Irish people. For this reason, I support the renationalisation of Aer Lingus. The Aer Lingus unions should support and campaign for this position too. Where does the Government stand on that issue and, crucially, where does it stand on the rights of workers in a company so heavily subsidised by this State?

**The Tánaiste:** As we all know, aviation is one of the sectors worst affected by the pandemic. Many airlines have experienced a severe drop in revenue and are facing degrees of financial challenge. The aviation recovery in Ireland has been much slower than in other states. We are back to about 50% of where we were. As the Deputy outlined, Ryanair, which operates all across Europe, points out that the rest of Europe is about 70% back to where it was. Aer Lingus in particular has been affected to a larger extent than other airlines due to its reliance on

the slow-recovering Irish market and the transatlantic market. Data show that the Irish aviation market is experiencing a slower recovery than the majority of its European counterparts. In addition, Aer Lingus's transatlantic network has yet to recover to any great extent due to the travel restrictions that remain in place in the United States.

The announcement made by the US Government that it is going to lift travel restrictions for fully vaccinated travellers from Ireland, the UK and the rest of Europe in November is therefore a very welcome development and should help us to begin the recovery in transatlantic services. It will be very welcome for families, many of whom have not seen friends and relations in the United States for a long time, and for business too because there is so much trade between the United States and Ireland and so many people have not been able to visit their businesses or co-workers.

On the industrial relations matters the Deputy raises, he will be aware that these are matters for the company, Aer Lingus, and its respective trade unions. Both the Workplace Relations Commission, WRC, and the Labour Court, which are Government offices under the aegis of my Department, are available to assist if called upon. We want to make clear to the company and to the unions that the WRC and the Labour Court are available should their services be needed and should Government intervention be warranted.

In terms of the Deputy's question on connectivity, nobody can give him any guarantees on that. It is quite simple: connectivity happens when a route is viable, when the cost of running the aeroplane is matched by the fares that passengers pay. What we need to do now is to make flights viable in order that we can have connectivity. The Government will help with this. We are working on a package of financial support for airlines and airports to encourage them to restore those routes. We need to do what other governments across Europe are doing to make sure that the aeroplanes that are flying again are flying in and out of Ireland and that we restore that connectivity. Fundamentally, a route is only viable if the cost of running it is matched by the fares that come in. One needs to have fares coming in and one needs to keep costs under control.

**Deputy Mick Barry:** "There's class warfare, all right, but it's my class...that's making war, and we're winning." They are not the words of a socialist or trade union militant but those of American billionaire, Warren Buffet. They are words that are very relevant in this case. In 2019, IAG made an operating profit of more than €2.5 billion, more than four times the temporary Aer Lingus losses. Meanwhile, workers with families have to fork out rents greater than their pandemic wage and rely on parents to help finance their weekly food shop. Workers need to get organised to protect their interests. Any worker who wants help in getting organised in this instance can contact my office and we will do our best. The revival of air traffic gives workers increased leverage and some potential power. So too does the fact that the Taoiseach and the Ministers – Deputies Coveney, Michael McGrath and Darragh O'Brien – represent airport constituencies. It is time for workers to pile the pressure on these politicians who are subsidising a company while it wages a war on its own workforce.

**The Tánaiste:** I thank the Deputy. The only person who is interested in class warfare in this House is probably him and maybe some of the colleagues around him, and he is interested in it because he hopes to benefit from it politically and electorally, and that is his choice. What we are interested in on this side of the House is saving businesses and saving jobs and that includes Aer Lingus. That is why we have done what we have done. The subsidy the Deputy referred to, the employment wage subsidy scheme, is helping to keep people in their jobs. There are people

in the Deputy's constituency in Cork who would have been laid off for the last couple of weeks were it not for the Government's wage subsidy scheme ensuring they could be kept on the payroll. That is why we are providing funding to airports like Shannon, Cork and Dublin to help them get through this period. That is why we brought in things like the digital Covid certificate to enable people to travel again. We are absolutely committed to getting aviation going again. It can be done but it needs people working together; it does not need warfare.

**Deputy Mattie McGrath:** We are truly in an energy crisis. Families face paying €400 more for their electricity and heat this winter, according to analysis carried out by Charlie Weston of the *Irish Independent*. It is quite obvious, and Deputy Kelly raised it earlier. The crisis deepened last week when Energia announced a third rise for 200,000 residential customers. The crisis must be addressed in the forthcoming budget, not only for households but for everybody who travels to work or school or for business and industry.

I am mainly concerned today about the cost of living for people trying to heat and light their homes. The budget must take cognisance of this. Last year's budget included a carbon increase for the next nine years, until 2030, that we cannot even discuss, debate or vote on here. Something has to happen to help these hard-pressed people. It is crucial to introduce measures that will ease the burden on families because of rising energy costs. Across Europe, governments are implementing energy tax cuts and subsidies to support their citizens. Thus far in Ireland, however, the Government has buried its head in the sand. Globally, gas prices are rising to record levels due to higher demand caused by the economic recovery and the Covid epidemic. Some 60% of the energy used in this country still comes from fossil fuels. Thus far this year, there have been 25 different electricity price hikes across a number of companies. Different electricity and gas prices increases have been announced by 14 different providers yet there has been absolutely no response. Where is the energy regulator and where are the Government and the Minister with responsibility for energy?

The impact will only become truly apparent with the cold weather, the long evenings and the lack of sunshine. We are lucky at the moment with the pleasant weather. Last week, Energia announced that electricity prices are to go up by almost 16% next month, with a rise of 18.5% in gas prices. The company's three electricity price increases this year will add an extra €450 to a household's costs. Energia has blamed surging costs in global energy markets. A number of energy providers in this market have announced four price increases this year, with larger providers expected to raise prices again. This means some families will face up to €500 extra just for energy alone, to keep the lights on and keep warm. Daragh Cassidy of price comparison website Bonkers.ie said that various price announcements would mean an average increase of €400 in energy bills this winter.

It is truly shocking. The Tánaiste acknowledged this and said some time ago that the Government knew inflation was coming, but how is it going to deal with it? Efforts must be made in the budget for people on social welfare, old-age pensioners, carers and all households that are suffering from fuel poverty, which they will be as they are pushed into this. The Government must take swift action. Price increases of this magnitude and frequency are totally unsustainable. It is creeping up. We can see it when we pass by the pumps and we see the price of energy. Something has to happen. The regulator must be asked or someone should prod him to wake up. This cannot be allowed.

**The Tánaiste:** I thank the Deputy. He is absolutely right. We have all seen it in the past couple of weeks, with the prices ticking up at the forecourts and going up every other day. We

21 September 2021

see it in the cost of home heating oil. As I mentioned earlier, it was €450 to fill a tank this time last year and it is closer to €700 now. We see it, of course, in the rising price of electricity.

We also all understand in this House that when it comes to fuel prices, we, as a nation, are price takers. It is governed by the international price of a barrel of oil, gas or coal, and we are price-takers in that regard. What we can do is provide a welfare package in the budget helping those on fixed incomes, take action on the fuel allowance, provide for pay increases where they can be afforded - it is important that they happen - and also provide a tax package to make sure people retain those pay increases and do not lose most of them in USC, income tax and PRSI.

In terms of regulation, of course the regulator has a role to play but it cannot reduce the price of oil on the international markets or the price of gas coming from Russia. If those prices go up, prices go up here. That shows the long-term challenge we face in moving away from oil and gas to renewable fuels, the price of which can be much more steady, or at least we expect it will be.

As I mentioned, gas prices have now been rising steadily since March 2021 for a variety of international and geopolitical reasons and are currently unreasonably high, putting upward pressure on wholesale electricity prices. This is not only affecting Ireland; it is affecting other EU member states. It will be discussed at this week's meeting of European energy ministers in Slovenia. The Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, is there at present.

It should be emphasised, however, that international wholesale energy prices are not expected to stay at this high level indefinitely. Mindful of this, the Government provides extensive supports for households in terms of energy costs via welfare schemes. For example, there are specific schemes aimed at those at risk of energy poverty, including the household benefits package and the fuel allowance. A review of the implementation of the strategy to combat energy poverty will be completed this year. Alleviating energy poverty will be a key consideration for the national retrofit framework, which will also be published later this year.

The living alone allowance was increased in budget 2021. This is a very important allowance helping people who are living alone who often have to bear, on their own, the cost of heating an entire house. Ministers are considering the possibility of a further increase in the budget. When it comes to the carbon tax, it is important to bear in mind that the proceeds of any increase in the carbon tax will be ring-fenced for climate action, to protect those most exposed to higher fuel and energy costs, to support a just transition for displaced workers and to invest in climate action.

**Deputy Mattie McGrath:** Someone needs to expose the farce that is going on with the ring-fencing of carbon tax money. It is not happening. The Sustainable Energy Authority of Ireland, SEAI, has a waiting list of two and a half years.

In Spain, electricity taxes are being cut temporarily and windfall grants for energy are being supported. Italy has injected €1.2 billion into its energy system to reduce bills. In Greece, the government is planning to offer energy subsidies to the majority of households and the French Government is considering extending energy grants to households. Astonishingly, in Ireland, the Department for the Environment, Climate and Communications has failed to outline any plans. This is shocking. The VAT rate must be cut in the budget, as it was for hospitality, from 13.5% to 5% at most. We must deal with this now. There is no point in saying what might hap-

pen or live, horse, and you will get grass. Hauliers, agricultural contractors, those using public transport, ordinary people going to work and people who propose to work from home and must heat their houses for longer and use energy are in the crisis now. We have time to deal with it in advance of the budget.

The Rural Independent Group has put forward proposals for a budget package. We must deal with this crisis. The Tánaiste said it will not last. It has lasted long enough and is happening now. There are incremental increases in prices and elderly people, widows and people who are ill are frozen in their homes. It is not good enough. We must deal with this now.

**The Tánaiste:** I thank the Deputy. We would be genuinely happy to consider any proposals the Rural Independent Group has for the forthcoming budget. To be clear, these high energy prices will last, unfortunately. We do not know for how long but it could be six months or longer and that is during the winter period when energy demand is at its highest.

In relation to energy efficiency, which the Deputy mentioned, the budget for the SEAI's residential and community retrofit programmes was increased to more than €109 million in 2021 from only €47 million the year before. I acknowledge there is a waiting list but the budget has more than doubled. That will help us get a lot more done.

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

**An Ceann Comhairle:** As Deputies are aware, we have agreed that for the period of the emergency, the report of the Business Committee will be taken as read. Are the proposed arrangements for this week's business agreed to?

**Deputy Paul Murphy:** Not agreed. It is almost three weeks since the Government launched its Housing for All plan. The Dáil did not debate it last week and we will not debate it this week. It is inappropriate that the Government gets to launch its plan with great fanfare and talk of 300,000 homes by the end of 2030, the majority of which are simply estimates of what private developers will build, without it being debated here. There is a danger that all the flaws in the plan will be exposed before there is even a debate in the House. Consider the selling off of public land to private developers in South Dublin County Council's area last week. Consider the absence of measures for renters, exposing the fact that people will continue to face soaring rents-----

**An Ceann Comhairle:** We cannot get into a debate on the matter now.

**Deputy Paul Murphy:** -----in the context of inflation. We need to have a debate in the House.

**Deputy Cian O'Callaghan:** The Minister for Housing, Local Government and Heritage needs to attend the House and we should debate Housing for All. On the Order of Business last week, I raised the comments made by the Minister on 24 June in which he incorrectly stated that the Central Bank had given approval to the shared equity scheme as part of what was then the Affordable Housing Bill. I asked that those comments be corrected, but they have not been. The remarks made by the Minister last week and in the letter sent to the Ceann Comhairle did not even reference the comments he made on 24 June last. We cannot have a situation where

21 September 2021

Ministers state incorrectly in the House that they have received regulatory approval for schemes when that has not happened. It cannot be accepted. The Tánaiste referenced the importance of the truth being told. It is important that the truth in this matter be told and that the position be corrected. It is also the case that the Minister spent more time meeting representatives of the construction industry before publishing the Affordable Housing Bill-----

**An Ceann Comhairle:** We do not need to get into those matters, Deputy, please.

**Deputy Cian O’Callaghan:** -----than he spent on Committee Stage in the Dáil. We need him to come to the House, explain why he made that statement and gave incorrect information, and update the record.

**An Ceann Comhairle:** In fairness, that matter was discussed at some length at the Business Committee. The Chief Whip undertook to engage with the Minister on the matter. I am sure we will come back to it.

**Deputy Mattie McGrath:** Last week, I raised the issue of felling licences. There should be no such thing as a felling licence for 50 ha. When someone plants any other crop, be it miscanthus, barley, wheat or potatoes, it can be harvested. This situation is farcical. I will keep raising it. We have an energy crisis. We also have heaps of timber, but we are not allowed to cut it. This would not happen in a kindergarten. The Minister of State introduced legislation almost a year ago, but it was useless, toothless and fruitless. We must allow timber to be cut. The cost of timber for use in construction has doubled. Timber cannot be got in Ireland; we are importing it. This makes no sense. We need a proper debate in the Dáil. We need legislation to be introduced by the major parties to give people the right to harvest the crops they sow.

**The Tánaiste:** The Government would welcome a debate on Housing for All, giving the Minister an opportunity to present it to the House and to hear views on it. Perhaps time could be found next week or thereafter for us to give it the airing it deserves and to hear Members’ views. I imagine that is something that the Business Committee can discuss. Our programme for this week is already busy. We talked about aviation - there are aviation agreements to be ratified. We talked about crime - there is the Prüm DNA profiles motion. There is important legislation from my Department on white-collar crime. There is sea fisheries legislation, which is important to our maritime communities. There are Garda Síochána orders. There is a debate on child poverty and child homelessness. There are also important Private Members’ Bills from the Opposition. I am not sure which of these important debates we would cut. I would not like to see us cutting any of them in order to discuss Housing for All this week, but perhaps we could discuss it next week or the week after.

**An Ceann Comhairle:** Are the proposals for the week’s business agreed to?

**Deputy Mattie McGrath:** The Tánaiste ignored my question. It is a major issue and we need it resolved.

**The Tánaiste:** I acknowledge that. I know the enormous difficulties that people are facing in getting licences to fell trees. It has been discussed a great deal in the House in recent weeks.

**Deputy Mattie McGrath:** We need legislation.

**The Tánaiste:** The Minister of State, Senator Hackett, is on the case. I am sure that we can find time for a debate, but the Government would like to stick to the order before us. I have not

yet heard anyone say which of the other debates should be cut or deprioritised.

*(Interruptions).*

**Deputy Danny Healy-Rae:** The Government is doing nothing about forestry.

**An Ceann Comhairle:** Wait, please. I call Deputy Cian O’Callaghan.

**Deputy Cian O’Callaghan:** I would be happy for us to extend our time to facilitate our request. The Tánaiste has not responded to the points I made about the record of 24 June when the Minister for Housing, Local Government and Heritage incorrectly stated that his shared equity scheme had received approval from the Central Bank. We cannot allow that statement to go uncorrected.

**An Ceann Comhairle:** The Deputy has made his point.

**Deputy Cian O’Callaghan:** It is completely incorrect.

**The Tánaiste:** My understanding is that the Minister has clarified that.

**An Ceann Comhairle:** The Minister made a statement which the Deputy is not accepting. Are the arrangements now agreed? Agreed.

**Deputy Louise O’Reilly:** Workers and families are being hammered by hikes in electricity and gas prices. There have been more than 25 increases from the 14 providers in the past year alone. Many thousands face a price hike of more than €400 this winter. That is even before the budget. People are paying through their noses to light and heat their homes. There are thousands of families who fall outside the criteria for social protection. They are under massive pressure right now. Anyone who listened yesterday to the Minister, Deputy Ryan, on the radio would have been panicking because he could not tell people what the Government is going to do, or if it is going to do anything. While there are global factors - the Tánaiste alluded to them - there are things the Government can do. Has this crisis been discussed at Cabinet? Has the Minister, Deputy Ryan, engaged directly with the regulator and called in the providers to address these off-the-wall price hikes?

**The Tánaiste:** It has been discussed. On the other questions, I will have to ask the Minister, Deputy Ryan, to confirm his actions in that regard. I would imagine the answer is “Yes”, but I do not want to speak for him.

**Deputy Alan Kelly:** The Tánaiste was Taoiseach when I raised the issue of a €1,000 bonus for front-line workers last year. He will be aware that the Irish Nurses and Midwives Organisation, INMO, has also looked for a bonus or annual leave. We do not need to rehearse why the people who worked on the front line deserve this bonus. The Workplace Relations Commission, WRC, could not be engaged by the HSE last year because the Government refused to sign off on anything. We all know that other European countries, including the UK and France, have acted in various ways, be that through changes in tax, provision of direct bonuses or other means. In yesterday’s *Irish Examiner*, there was some form of leak or statement to the effect that something is being considered in the budget for front-line workers. While not giving us the details given that this is a budgetary issue, will the Tánaiste confirm that something will be done in the budget to acknowledge front-line workers and their contribution throughout the

Covid pandemic?

**The Tánaiste:** I have no detail on this because it is not agreed yet, but the Minister for Public Expenditure and Reform, Deputy Michael McGrath, is working on the issue. All of us in this House acknowledge that front-line workers who put in an extra effort and made extra sacrifices during the pandemic, and continue to do so, should be rewarded in some way. Whether that is a financial bonus or additional annual leave needs to be discussed but I would have a strong view as well that it should not be limited to front-line workers in our health service. I have seen the enormous work done by civil servants in the Department of Social Protection making sure people got their pandemic unemployment payment, PUP, quickly. I know of the work staff in Revenue did making sure businesses got their employment wage subsidy scheme, EWSS, payments and staff in my Department did making sure businesses got the assistance they needed. Too often, we make this distinction between front-line workers and non-front-line workers, which does not fully appreciate that there is nothing you can do as a front-line worker if it were not for all of the people behind you.

**Deputy Cian O’Callaghan:** More than 40 years ago, 48 young people went for a night out to the Stardust and they never came home. The families and loved ones have been waiting more than 40 years for the truth and justice for their loved ones. The latest delay in the Stardust inquest, because the Legal Aid Board has refused to release funding to the legal team for the families, is completely unacceptable. Funding has been released for all of the other parties in the inquest so they can prepare properly for it. The families need to be treated fairly and equally. After 40 years, they should not be left waiting any longer. Will the Government ask the Legal Aid Board to release funding to the families of the 48 people who never came home from the Stardust?

**The Tánaiste:** I am afraid I do not have an up-to-date briefing on that. I will let the Minister for Justice know the matter was raised and get back to the Deputy later in the week.

**Deputy Paul Murphy:** Earlier, my colleague, Deputy Barry, raised the horrific treatment by Aer Lingus of its workers. Unfortunately, they are not the only group of workers within aviation facing severe attacks on their terms and conditions. The management of Dublin Airport Authority took advantage of the pandemic to ram through a series of attacks on workers’ terms and conditions and to undermine them. The consequences of the so-called new ways of working were clearly evident a couple of weeks ago when there were massive queues at security in Dublin Airport. Now, the only group of workers who rejected the new ways of working document, namely, the craft workers, are facing the prospect of all their jobs being outsourced. All of their jobs have been advertised as being outsourced. This is an incredible attack on workers in a semi-State company. They voted overwhelmingly, and correctly, for industrial action and are prepared to take action to defend their jobs and their terms and conditions. The question is will the Government will intervene to defend these jobs.

**The Tánaiste:** The mechanism by which the Government can intervene in an industrial relations dispute is through the Workplace Relations Commission or the Labour Court. Both are offices of my Department and both are available to the workers and the company involved if there is a willingness to engage.

**Deputy Seán Canney:** I wish to refer to the context of the Northern and Western Regional Assembly area, which the European Union has recognised and categorised as a region in transition, as an industrial region that is lagging behind and as a moderate innovator. There must be

a seismic shift in focus to ensure this region develops to its full potential. In light of the fact the Government is now carrying out a review of the national development plan, under the title Review to Renew, in what way will the Government positively discriminate in the context of providing funding for the area? Take the example of Intel, which is looking at the possibility of locating a significant facility in Oranmore. How do we get the infrastructure in the eight-county region to support such a major investment?

**The Tánaiste:** One of the advantages of the regions designation is that we can positively discriminate in a region's favour. Thus, when it comes to employment grants from my Department for new industry, we can offer grants in the west and north west that cannot be offered in Dublin and Cork. We are absolutely prepared to do that in order to secure jobs and investment for the region. Then there is what we might call the broader, more traditional part of the national development plan, that is, investing in roads, railways and broadband. The new plan will see an increase in capital investment in the coming years. We are going to ensure that the regions which need it most get that investment.

**Deputy Mattie McGrath:** There is a crisis in the pig industry because of a lack of exports of pigs to Northern Ireland. A company called Karro is the main importer there. In July and August, 12,000 fewer pigs were exported to the North. There is an animal welfare issue because producers cannot get staff. Their eastern European staff left during the lockdown, and now they do not have the staff. This is a crisis, but the Taoiseach, who was in south County Tipperary last week, and the Minister for Agriculture, Food and the Marine, who was in Fermoy, refused to meet the Ryan family, who are massive employers. Will the Tánaiste, as the Minister with responsibility for enterprise, look into this and try to get it sorted out? Pigs are going to be sent back to farms and animal welfare issues are going to arise, despite the best efforts of the pig farmers. This a huge industry. As I said, 12,000 fewer pigs were sent up to the North over eight weeks this year. A disproportionate cut is being inflicted on Irish pig producers. This matter must be sorted out. There is a national crisis with employees for every industry, but this is particularly acute because of the animal welfare aspect.

**The Tánaiste:** I very much hear the Deputy's concerns. One of the many things the pandemic has taught us is the extent to which we are dependent on people coming from central and eastern Europe who are willing to work here. They are often willing to work in jobs Irish people do not want to do. Britain, which has left the Single Market, is really learning that because it will not see these people return. Thankfully, we will see people from eastern Europe come back to Ireland to take up those jobs. I anticipate that return of migrants will happen now that travel bans are being lifted and flights restored. If the Deputy wishes to pass on anything in relation to the particular business he mentioned, I will be happy to take a look at it.

**Deputy Marian Harkin:** I have four times raised the issue of funding for completed safety and compliance works that were mandated by the Irish Aviation Authority, IAA, at Sligo Airport. I emphasise again that the busiest Coast Guard service in the country operates out of Sligo Airport. Yet, for the past ten years, Sligo Airport has not received a single euro of public money. While it has no commercial flights, the same situation pertains elsewhere and yet those airports receive public funds. At a meeting last Christmas that was attended by the Department, the Coast Guard, public representatives etc., it was agreed that funds could be channelled to the airport. To date, however, we have no guarantees and no timeline and we urgently need both. I ask for the Tánaiste's help on this issue.

**The Tánaiste:** I thank Deputy Harkin for raising this issue again. I know that she has raised

it before. The Minister of State, Deputy Feighan, has raised with me as well. Sligo Airport is a licensed European Union Aviation Safety Agency, EASA, aerodrome. It was directed in 2019 by the Irish Aviation Authority to upgrade the aerodrome. This would allow it to update to air and navigation safety standards. The mandatory works required include groundworks in the runway and safety areas, moving of runway thresholds, extensive runway lighting works and the completion of a new set of runway markings, together with all associated works and regulatory paperwork. I emphasise that the search and rescue service in Sligo is protected and is not under threat in any way. Discussions are now under way with CHC Ireland on project costs that relate specifically to the continued operation of the search and rescue base there. It should be said that this is a matter for CHC Ireland and Sligo Airport, under their own commercial arrangements, with regard to any additional costs involved. However, for its part, the Coast Guard, which of course is under the aegis of Department of Transport, is in contact with CHC Ireland to determine whether and what element of the costs can be charged under its contractual arrangements, with the view to ensuring a continued service and delivering optimal value for money. The Department of Transport has urged both sides to bring the matter to a conclusion. I am told that it is envisaged that the matter will be resolved shortly.

**Deputy Kieran O'Donnell:** I wish to raise an issue with the Tánaiste on foot of the pending announcement that President Biden will allow transatlantic flights to resume from November. The Tánaiste will be aware that Shannon Airport has key transatlantic destinations to the likes of Boston and New York. The Heathrow Airport route is now back up and running, which is positive. We want to see that continue. The Tánaiste mentioned earlier about looking at funding for strategic routes. Shannon Airport has three current strategic routes, namely, Heathrow into Europe and worldwide and two transatlantic routes to Boston and New York. All three routes involve Aer Lingus. There are also other airlines flying transatlantic. Can the Tánaiste advise if there are discussions ongoing with Aer Lingus?

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

**Deputy Kieran O'Donnell:** What supports are to be provided to airlines and to the likes of Shannon Airport for those three strategic routes?

**The Tánaiste:** First, I join the Deputy in welcoming the fact that the Shannon to London Heathrow route is operating again. That route opens Shannon and the midwest to the world. It is important that that is happening again. I welcome President Biden's announcement that fully vaccinated people from Europe will be able to travel to the United States again. That allows us to get routes from Dublin and from Shannon to the United States up and running again. While I cannot go into any details around discussions with individual airlines, I can say the Government will be willing to put money on the table to incentivise airlines to restore routes that were lost during the pandemic. Of course, we have in our mind a hierarchy of routes that are most important. I do not think that the Deputy is too far off the mark in that regard.

**Deputy Paul McAuliffe:** I am going to put the Tánaiste in a difficult position by asking him to comment on or dismiss unconfirmed reports about a Government plan that has not yet been announced. Communities across north Dublin are concerned about reports that MetroLink may be delayed. I do not have to convince the Tánaiste of the benefits of MetroLink. It is a project that helps our climate, our city and the communities across north Dublin. These communities have engaged with Transport Infrastructure Ireland, TII, as late as in recent months, about the locations of stations and the details involved. I ask the Tánaiste to use this opportunity to restate the Government's commitment to the MetroLink project, as well as to state there will be

no financial reasons for this project to be delayed.

*3 o'clock*

**The Tánaiste:** I am happy to use this opportunity to restate the Government's commitment both to MetroLink and DART west. They are really important transport projects for Dublin. I read the story to which the Deputy referred and while I do not know if it is true, I can say that no Government decision has been taken to delay these projects, nor am I aware of any proposal to delay them. However, they will take time. They require railway orders and An Bord Pleanála hearings if and when there is a railway order. The project then has to go to tender and there have to be compulsory purchase orders and only then does construction start and construction will take some time. These projects will not happen quickly and we have to be honest with people about that. I am not aware of any Government proposal to take a decision to delay or defer them.

**Deputy Claire Kerrane:** Last week, it was reported that families face paying €400 more for electricity and heating this winter. The Tánaiste has said the Government will look at increasing the fuel allowance but that allowance is very limited. People who lose their jobs must wait 15 months before they qualify for the fuel allowance. This is particularly important given the thousands of people who have lost their jobs due to Covid. There is also an issue when people get sick, and this will affect people who have long Covid, and go on to illness benefit as they cannot qualify for the fuel allowance. We need to widen the net in respect of the fuel allowance. I also ask that the Government, in its budget considerations, look at establishing a €5 million discretionary fund to help people who fall outside the scope of the fuel allowance with utility bill debt, which will rise. I ask that the Government consider these proposals as part of the budget negotiations.

**The Tánaiste:** We will look at those matters in the context of the budget. We are all very aware of the increasing cost of fuel and how it is impacting on families, consumers and businesses. The fuel allowance kicks in again from next week. In the context of the budget, we will look at the rate and the issue of widening eligibility to cover more people. We did that in relation to the pandemic unemployment payment last year so it would not be unprecedented to do so. I have not heard of the suggestion before of a discretionary fund. It sounds like a very good idea. I am not sure that €5 million would be enough but I know that if it was more than €5 million, the Deputy would not object. We will certainly have regard to this in the context of the budget. The Government is not under any illusions about how serious this issue is and how worried people are about the rising cost of fuel. They are much more worried about it than about some of the issues that take up too much time in this House.

**Deputy Willie O'Dea:** The Tánaiste will be aware of the extent to which inflation is eroding people's purchasing power. I am sure he will agree that this bears down hardest on those at the very bottom, namely, people who have to rely on social welfare. Does the Government intend to take steps in the forthcoming budget to restore the purchasing power of those people? Not to do so would deepen and perpetuate inequality. I include in that group people who are in receipt of the State pension, despite the views of a group of officials in the Department of Finance who reported recently and who will never have to exist on the State old-age pension in their declining years.

**The Tánaiste:** I agree with the Deputy's initial comment that those who are hit hardest by inflation are those on the lowest incomes, namely, people on social welfare and pensioners.

They do not have much discretionary spend. They are rarely able to save money and they know where every euro goes. They will be most effected by the rising cost of living. The Deputy and I worked together some years ago in a previous Government to make sure there was a welfare package and that it was for everyone, not just pensioners. The Government will put together a welfare package for the next budget. I cannot say at this stage exactly who it will apply to or what the increases in rates will be. That has to be worked out between now and budget day but we all appreciate that we are in a different context from the last two years. Owing to inflation and the rising cost of living, there will need to be increases for people so that they do not fall backwards.

**Deputy Dessie Ellis:** Under the programme for Government, major infrastructure projects such as metro north and DART+ form a central part of the transport element of the national development plan. The Tánaiste just said he did not know where we are with this and whether there would be delays. The *Mail on Sunday* said that this was brought to Cabinet in July. If so, I wonder how the Tánaiste came up with the idea that he did not hear about it? Can he confirm that the project is going to be extended out from 2027 to 2032? This is a kick in the teeth to an awful lot of people. I have been involved in a great deal of consultation on this project. If the reports are true, it is going to be kicked down the road again. This will be a major disaster, not just for the people on the ground but also for businesses and house-building projects. It will have a hugely detrimental effect on house building in these areas.

**The Tánaiste:** I thank the Deputy. As I indicated to Deputy McAuliffe earlier, if there was a Government decision to defer or postpone the MetroLink project I would know about it. There has not been. We will have a new national development plan agreed in early October and that will answer the question in respect of major infrastructural projects. I do want to say, however, that we need to take these things one step at a time. There is not yet even a railway order for this project.

**Deputy Dessie Ellis:** I understand that.

**The Tánaiste:** We do not know the route and we do not know the stations. It has not gone to tender.

**Deputy Dessie Ellis:** The consultations have finished.

**The Tánaiste:** This is going to take years to get started let alone complete.

**Deputy Jennifer Carroll MacNeill:** Today, 35 female Members of the Oireachtas are signing a letter to Paul Reid and the Minister for Health, Deputy Donnelly, in respect of restoring the access to all maternity units and maternity services that existed pre pandemic. We will keep the Tánaiste up to date on progress because it is something he has supported. Linked to that are the recommendations of the Citizens' Assembly on gender equality, which were agreed, after a year's work, on 24 April. I am very pleased that the Ceann Comhairle and the Business Committee supported a proposal by me to establish a special, dedicated and fully resourced committee to advance those recommendations. Will the Tánaiste please outline what are the Government's plans are to support and advanced that, particularly given that the work is still very pressing?

**The Tánaiste:** When we have used citizens' assemblies to their best effect, we have done exactly what the Deputy proposes, which is to take the report, ask a time-limited special committee to examine it, refine it and then put proposals to the Government to which it can respond.

That is how we intend to approach the report of this Citizen's Assembly. I have spoken about it with some of my people today and we will be working with a view to establishing that special committee in the next couple of weeks. There are some logistical issues about how many special committees there are and about staffing, members and so on. I do not believe it is beyond the wit of man or woman to have this committee up and running well before the end of this session, but certainly during this session.

**Deputy Réada Cronin:** I wish to raise the matter of section 47 assessments in the context of the proposed reform of family law referred to in the programme for Government. In the case of one court-appointed assessor, several women in north Kildare have come to me extremely distressed at the removal of their children in questionable circumstances. They have also outlined how this court-appointed assessor inserted himself into their family lives for a period far beyond the production of a report. These women feel doubly distressed because they are gagged by the *in camera* rule on their experience and, more crucially, the experience of their children. Since the assessor system is largely unstructured, it leaves these mothers with no safety net and no recourse. What is the Government proposing in the context of reforming the system of section 47 assessments?

**The Tánaiste:** I am sorry to hear of those experiences. I cannot give a comprehensive answer at the moment. I am not fully up to date or briefed on the matter, but I will let the Minister, Deputy O'Gorman, know that it was raised here and ask him to reply to the Deputy directly.

**Deputy Michael Healy-Rae:** I thank the Ceann Comhairle for allowing me the opportunity. The oral health of many thousands of people in the State is under threat because medical cards are not accepted by many of those working in the dental profession. This is not an attack or a slight on our great dentists, who provide an invaluable service, not least in County Kerry. It is the exact opposite: it is to support them. Quite simply, dentists are finding it extremely difficult to run their businesses because of ever-increasing costs on them and because the money that being reimbursed to them by the HSE is not adequate when it comes to dealing with services for medical card holders. A medical card holder is every bit as entitled to receive a proper service as a person who has private health insurance or has enough money in his or her pocket to pay for taking care of his or her teeth.

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

**Deputy Michael Healy-Rae:** This is very important. I am inundated on this matter. This is not just a Kerry problem, it is a problem throughout the country.

**The Tánaiste:** The dental treatment services scheme, DTSS, was cut back significantly during the financial crisis and has not been restored. While we have agreed a restoration schedule for funding for general practice, we have not done so for dental practice. We will need to do that. It is a matter for the budget and the HSE service plan. I understand and share the Deputy's sentiments. In the context of the health budget, it is not an enormous amount of money, so I hope we can get the matter resolved in the next couple months.

**Deputy Jennifer Murnane O'Connor:** I wish to speak about the people of Carlow who have to endure long delays in accessing ambulances because the ambulance system has changed. This is unacceptable. There was only one ambulance in the base on Sunday. It seems the new system is managed through the central national emergency operations centre, which is supposed to ensure the most urgent calls get the highest priority response, regardless of the location of

21 September 2021

ambulance vehicles or base. We have a great hospital in Kilkenny but we do not have a hospital in Carlow. We do not even have an emergency response, ER, support, which is unacceptable.

I will give the Tánaiste the example of a man who fell in his garden and spent hours waiting for an ambulance to come. Another very old man also had to wait for hours. I compliment the ambulance paramedics who do an excellent job. We need a new base for the town centre because there are serious issues with the current base. I brought the Minister of State, Deputy Chambers, who was in Carlow yesterday, to the base because it is not fit for purpose.

**The Tánaiste:** I thank the Deputy. We have a programme of improvements for the National Ambulance Service, including new vehicles and bases. I am not sure where Carlow fits into that but I will certainly inform the Minister for Health, Deputy Stephen Donnelly, that the issue was raised in the House. Hopefully, we will be able to make some progress on it in the not-too-distant future.

**An Ceann Comhairle:** I thank the Tánaiste and Deputies.

### **Education (Voluntary Contributions) Bill 2021: First Stage**

**Deputy Donnchadh Ó Laoghaire:** I move:

That leave be granted to introduce a Bill entitled an Act to make provision whereby the Minister for Education shall make regulations governing the collection by schools of voluntary contributions from parents/guardians; to provide for the publication of the total monies collected annually and a detailed expenditure of those monies by schools; and for those purposes to amend the Education Act 1998.

Tá mé ag roinnt mo chuid ama, le trí nóiméad a bheith agam agus dhá nóiméad leis an Teachta Carthy. Every year, my office and every other Deputy's office are contacted by families who have received a letter from a school asking for €200, €300 or €400. These letters are sent because we have an education system that is underfunded. While we have, ostensibly, free primary and secondary education in this State, the reality is that our schools are underfunded to such an extent that they have no choice but to fundraise extensively throughout the year. Unfortunately, management in many schools believe they have no option but to seek voluntary contributions. These voluntary contributions are anything but voluntary and parents are often put under significant pressure.

The Bill seeks to ensure that no child is placed at a disadvantage because his or her parents or family cannot afford the voluntary contribution. There are examples of children being denied a locker or access to extracurricular activity, stigmatised and disadvantaged in other ways. That is unacceptable because we decided decades ago, as a society and a State, that every child should have the opportunity to access education at primary and secondary level for free. This practice profoundly undermines that principle.

The myth of free education in this State is made very clear, not only in this way but in the costs of schoolbooks, uniforms, transport, iPads in some cases and many other costs. A survey carried out by the Irish League of Credit Unions found that two thirds of families find covering the costs of returning to school to be a very significant burden, with just under one quarter of

families going into debt to pay back-to-school costs and 21% having debts of over €500. One of the most significant of these costs is the voluntary contribution. Families are asked to pay €200, €300 or even €400 per child and there are probably instances of amounts even higher than that being sought. These contributions can create significant pressures. Schools mainly seek this payment in September when parents have already expended a significant amount of money on books, uniforms and many other costs.

To eliminate voluntary contributions we need to eliminate the need for them. We have outlined in the Bill a roadmap. We first identify what the gap is. This involves ensuring schools account for all of the voluntary contributions they ask for and receive and what they spend them on, and this account is lodged with the Department.

We have also proposed that the Comptroller and Auditor General be responsible for identifying the unmet need. This unmet need is significant. According to a survey carried out about two years ago by the Catholic Primary Schools Management Association, CPSMA, the unmet need met by parents amounts to approximately €40 million. This unmet need is, therefore, significant. We need to identify what the gap is and fill it. Once that has been done, we need to ban voluntary contributions and bring the practice to an end. We cannot do that until the gap is filled. We recognise and accept that. Schools often do not want to ask for these contributions but believe they have to because they are so profoundly underfunded. However, when we reach that point, the practice should be brought to an end. There should be no place for it. If we are talking about having free at the point of access primary and secondary education, schools should be properly funded and should not have to go cap in hand to parents.

This simple Bill is a genuine attempt to address an issue that is of fundamental concern to parents and families. I hope my colleagues from all parties and none will support it and bring an end to the pressure voluntary contributions place on families.

**Deputy Matt Carthy:** This is the first legislation to which I have had the honour of putting my name. I commend it to the House. This is the time of year when many families, particularly those with school-going children, find themselves under financial stress, with many traditionally receiving home and motor tax insurance renewal documents at this time. People are already planning for the Christmas period. Many of these families are floored when they receive a letter from their local school requesting, as Deputy Ó Laoghaire noted, hundreds of euro in so-called voluntary contributions. These contributions are requested because schools believe they need to fundraise in such a manner to simply keep the lights on. We heard over the Covid period that some schools were unable to provide hot water for children to wash their hands.

The Bill seeks to address the undue stress parents are being put under. It will oblige schools to make apparent that these contributions are indeed voluntary and make them truly voluntary by ceasing the practice of children being excluded from some activities as a result of a parent's inability to pay, as unfortunately happens. It will prevent schools from contacting parents more than once a year seeking such contributions and ensure voluntary contributions are truly voluntary in the interim, while setting out - this is crucially important - a pathway to end the practice once and for all by ensuring

the Government adequately and appropriately funds our schools.

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

**Minister of State at the Department of Transport (Deputy Hildegard Naughton):** No.

21 September 2021

Question put and agreed to.

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

**Deputy Donnchadh Ó Laoghaire:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **European Union Aviation Agreements: Motion**

**Minister of State at the Department of Transport (Deputy Hildegard Naughton):** I move:

That Dáil Éireann approves, under Article 29.5.2° of the Constitution, the terms of:

(i) the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and the Republic of Armenia, of the other part;

(ii) the Agreement on air transport between the European Union and its Member States, of the one part, and the State of Qatar, of the other part;

(iii) the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Republic of Tunisia, of the other part; and

(iv) the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part;

copies of which were laid before Dáil Éireann on 20th August, 2021."

Question put and agreed to.

### **Housing (Housing Assistance Payment Waiting Times) (Miscellaneous Provisions) (Amendment) Bill 2021: First Stage**

**Deputy Jennifer Murnane O'Connor:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Housing (Miscellaneous Provisions) Act 2009, Housing (Miscellaneous Provisions) Act 2014 and subsequent regulations to reduce social housing and housing assistance payment scheme assessment times.

This Bill proposes to amend section 20(4) of the Housing (Miscellaneous Provisions) Act 2009 by setting a new three-week timeframe for processing social housing assessments. I thank the Ceann Comhairle for giving me this opportunity. It is my first Bill. It is a simple and straightforward one that tackles an important issue. It is a technical Bill which would help ad-

dress paperwork issued in housing applications that many of my constituents have complained about for a number of years. I am sure all Members are aware of these kind of issues in their own constituencies. The purpose of this Bill is to set out new statutory deadlines for processing housing assistance payment and social housing assessment applications. It would halve the current social housing assessment times and set a three-week deadline for housing assistance payment processing times.

There is currently no such timeframe and the waiting period varies from one local authority to another. I have found out in the past few months that there is a huge difference between local authorities. The aim of my Bill is to give applicants certainty to ensure all applicants are dealt with quickly and effectively. I know the staff in local authorities are doing their best and my Bill would assist them to ensure those people seeking their assistance payments are only waiting on a three-week turnaround, which would alleviate the calls the staff receive. People are ringing for applications and looking for correspondence. I also believe it will work and help the local authority staff. That is another huge issue.

My Bill is in line with the Housing for All strategy. This Government has a vision of a vibrant, inclusive and thriving Ireland in which no one is left behind. This Bill aims to ensure we do just that. It serves to give those in need of housing the ability to know if they can qualify for housing supports in a timely manner, rather than leaving them waiting to know if they qualify for the housing list. That was another issue and why this Bill is so important; it is even worse if they are waiting for weeks, without knowing. We need to get this on a statutory footing.

In my local authority, it can take up to ten or 12 weeks for a decision and that leads to delays for those getting their housing assistance payment, HAP. If you are not on the housing list, you do not qualify for the HAP, which is a housing payment for people on that list. It can make the difference between families becoming homeless and helping them to qualify, if they meet the criteria or caps - which differ in every local authority - to go on the local authority housing list. This is a small amendment but will totally change people's lives in terms of getting on the housing list quickly. I am looking for support from everyone. This is about all parties and it is important that all of us work together. I spoke to the Minister about it and am getting his support but I ask that all of us in this House support this measure. It is critical we give this support to the people who need it.

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

**Minister of State at the Department of Justice (Deputy Hildegarde Naughton):** No.

Question put and agreed to.

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

**Deputy Jennifer Murnane O'Connor:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

21 September 2021

### **Ninth Report of the Committee of Selection: Motion**

**Minister of State at the Department of Justice (Deputy Hildegarde Naughton):** I move:

That Dáil Éireann approves the Ninth Report of the Standing Committee of Selection in accordance with Standing Order 34, copies of which were laid before Dáil Éireann on 20th September, 2021, and discharges and appoints members to Committees accordingly.

Question put and agreed to.

### **EU-UK Trade and Cooperation Agreement: Motion**

**Minister of State at the Department of Justice (Deputy Hildegarde Naughton):** I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Specialised Committee on Law Enforcement and Judicial Cooperation established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, regarding the extension of the period referred to in Article 540(3) of the EU UK Trade and Cooperation Agreement (Prüm) during which DNA-profiles and fingerprints can be exchanged with the United Kingdom,

a copy of which was laid before Dáil Éireann on 13th September, 2021.

I am speaking on behalf of the Minister for Justice on a motion referring to a draft proposal by the Council of the European Union on the extension of the period defined in the EU-UK Trade and Cooperation Agreement, to allow the continued sharing of DNA profiles, fingerprints and vehicle registration data, also known as “Prüm” data, with the United Kingdom. This is an essential tool for law enforcement across the EU and, of course, is of particular value to law enforcement co-operation between Ireland the UK. Deputies will be aware that if Ireland wishes to take part in an EU measure with a legal basis that falls under Title V of the Treaty on the Functioning of the European Union, TFEU, Oireachtas approval under Article 29.4.7° of the Constitution is required.

The Council intends to adopt this measure on 24 September 2021. Therefore, it is necessary to secure Oireachtas approval, as a matter of urgency. In light of this, I ask Deputies to pass this motion without a vote. It is worth noting that this measure provides for the continuation of existing arrangements for a period of nine months, from 1 October 2021, until 30 June 2022, of the time period set out in the trade and co-operation agreement, TCA, to share Prüm data. I trust that Deputies understand the urgency and necessity of this motion passing today.

It is anticipated that the European Commission will have completed an evaluation of the UK by 30 June 2022 and a mechanism will be the subject of a separate decision, which will come before the Houses in advance of that date. My Department has provided a short note for the attention of the Business Committee, which Deputies will have seen and it provides some background information on this draft Council proposal. I will now give some additional information, which underpins why it is necessary for Ireland to opt into this measure. The EU-UK Trade and Cooperation Agreement stipulates that member states may continue to supply Prüm data to the United Kingdom, pending the outcome of evaluations required by the TCA, until 30 September 2021. This interim period can be extended once, until 30 June 2022, by the specialised committee on law enforcement and judicial co-operation.

An evaluation of the UK by the European Commission, to permit ongoing sharing of Prüm data will not be concluded by the end of September. Consequently, the Commission has published this proposal, in order to facilitate the extension of the period to ensure the continued exchange of Prüm-related data. Without the extension to the interim period, as set out in the TCA, Prüm data will cease to be shared between the EU and the UK from midnight, 30 September 2021. As Deputies will understand, if this were to happen, it could potentially have serious repercussions in the investigation and prosecution of criminal cases. The views of the Office of the Attorney General were sought and the legal advice received has confirmed that Oireachtas approval, under Article 29.4.7° of the Constitution, is required.

I emphasise that the effective implementation of the EU-UK Trade and Cooperation Agreement is an EU priority and Ireland will play its full part in that. I have previously mentioned that this is a necessary measure to ensure there is no break in the sharing of Prüm data between Ireland and the UK, which is vital for law enforcement. Ireland's role in the EU has changed in recent times and will continue to evolve in the coming years. Full implementation of the TCA is necessary for us, not only to play our part as an EU member state but to ensure that our post-Brexit relationship with the UK continues to grow and develop. Part of this relationship is ensuring that the safety and security of our citizens is protected and this measure is necessary to do that.

I trust that the House can support the exercise of Ireland's opt-in in respect of this measure.

**Deputy Martin Kenny:** We will be supporting this opt-in. We understand where it is coming from and the necessity around all of that. It is one of the more unforeseen impacts of Brexit. Last week, we had the Bill on mutual recognition of sentences, which is further Brexit-related legislation. Many of these legislative reforms on which we now have to embark are due to what happened with Brexit and it shines a light on the huge body of work across Europe and the huge co-operation across so many jurisdictions across the Continent on criminal justice and how all of that had been evolved and developed over a number of decades. Now we find, with our nearest neighbour pulling out, that it puts us in a very difficult position.

We all understand we have to try to get these arrangements in place as quickly as possible but I am disappointed we are coming to this one at such a late hour. This legislation has to be enacted before 30 September and it is disappointing it has not been moved on faster. The Irish Human Rights and Equality Commission pointed out in its 2019 paper, *Evolving Justice Arrangements Post-Brexit*, that this was an issue that needed to be dealt with back then so it is remiss of the Department not to have spotted this and done something about it an awful lot sooner. That said, there is a lot of work going on dealing with various jurisdictions across Europe with regard to criminal justice. It is quite ironic that the UK was the largest user of some of the crime

21 September 2021

databases administered by the EU and now finds itself outside of that. I hope it is time for pause and reflection on the part of the people in the British Administration who have brought us to this unfortunate situation. Brexit has torn up so many good and worthy pieces of legislation which were about trying to ensure we protected our citizens and keeping people safe across very fluid borders. Those very fluid borders will still be there, or we hope they will, particularly the one on this island. We hope we will not return to anything like border posts or checkpoints because of the situation that the Tories in Britain have brought us to.

That said, there are still issues regarding co-operation across European states with various police and criminal justice authorities. I have come across situations where families of loved ones who had incidents abroad have found it very difficult to get information from the other authorities, particularly in Spain, Portugal and other countries like that where incidents occur. They have found it very difficult to get information across. They have been working with the Garda, which does its best as well, but the anecdotal reports coming back indicate that the Garda also finds it difficult in some situations. Some jurisdictions in Europe are magnificent and others are not. That is something that needs to be dealt with. Perhaps it cannot be dealt with in this arena but it must be dealt with somewhere to ensure that citizens of Europe who are victims of crime and who may have experienced a tragedy can have access to information from the countries where those crime investigations are being undertaken. So far, that is not happening to the extent that it needs to. It would be very disappointing if we had a situation in which DNA profiles, fingerprints or any of that kind of basic data that is required were somehow refused to be shared or were not put in the domain of criminal justice investigations trying to link things together. I am thinking, in particular, of the huge drug gangs that now operate across Europe and the world, how they have continued to operate, the work they continue to do and how difficult it is to track them because of the various borders, jurisdictions and laws that are in place. We need to make sure we can keep on top of all of that.

This legislation is very worthy and must be brought forward as quickly as possible, as the Minister of State has said. However, I suggest that in her closing remarks she indicate why we are coming to it so late in the day. Why has this not been dealt with sooner? It is quite alarming that we are trying to deal with this in the 59th minute of the eleventh hour. That should not be the case. It should be dealt with. This should have been brought before the House last spring and dealt with and got out of the way, rather than coming here in September and having to deal with this on such a short deadline.

**Deputy Brendan Howlin:** As has been said already, this is part of the continued outworking of Brexit. It was supposed to be a very simple extraction of a country from an economic union but after 40 years of integration at every level of activity, we can see how fundamentally difficult that extraction of one country has been. The resolution before us, that the Minister of State has proposed, is to opt in to a Council decision to extend the time period for exchanging important issues, DNA profiles, fingerprints and vehicle registration data, and to continue to allow for the European Union to do that with the UK. It is extremely important that this happens, and the facility to continue that is extraordinarily important. That is why we in this House will support the extension of the deadline.

The deadline is there because there is an evaluation ongoing of the trade and co-operation agreement we signed at the end of last year. I am not quite clear on what evaluation needs to be done in order for us to copper-fasten, in legal terms, the continued sharing of this vital data. The Minister of State might explain that. What in the TCA is required to copper-fasten this? One would imagine that would be upfront and clear. It is a cause of concern that this deadline

can only be extended once. Once this resolution is passed in all the member states and the committee resolves to make the extension, we have until 30 June next to finalise matters because it will not be possible to roll over again. Whatever evaluation needs to be done and whatever conclusions there are from that evaluation must be very clear. The Minister of State has said she will bring such proposals back to the House.

As we said in respect of the Criminal Justice (Mutual Recognition of Custodial Sentences) Bill 2021 last week, it took ten years for a 2009 directive to be transposed into Irish law. The alacrity with which these matters, that is, the transposition of EU regulations and directives, are dealt with, particularly in the Department of Justice, would not fill one with complete confidence. Of course, of much greater importance than the roll-over of an interim arrangement is knowing that a permanent arrangement will be in place, because above all member states Ireland needs an assurance that this level of judicial and police co-operation between the United Kingdom and our jurisdiction will continue. It would undermine proper policing and the detection of crime if there was any impediment to the sharing of profiles, fingerprints and vehicle data with the United Kingdom. I hope the Minister of State will be able to give us those very clear assurances.

The Minister of State will recall that last year we dealt with two omnibus Bills dealing with bilateral issues between Ireland and the United Kingdom across the board. Again, that was the outworking of Brexit. One would have thought that issues like this would have emerged during those debates. Of course, this Bill deals with the sharing of data with the United Kingdom across the European Union, not simply Ireland, but in the event of there being any delay in finalising the evaluation, as the Minister of State has called it, of the TCA between now and June and the agreement of a permanent measure to ensure that this level of co-operation we have enjoyed for some time continues into the future, that should be our priority. I would like to hear in very clear and unambiguous terms from the Minister of State that her proposals will be presented to this House well in advance of that deadline next June.

**Deputy Neale Richmond:** I appreciate the opportunity to speak on this important motion and to commend it to the House. I thank the Minister of State for her introductory remarks and the work that is being done by her and her ministerial colleagues in the Department of Justice on this vitally important area. As has been alluded to by other speakers, despite the assertions of some politicians, Brexit is very much not done. We are going to be constantly seeing over the next decade, and possibly for an entire generation, little bits and pieces of how things were done previously having to be updated to recognise the fact that the United Kingdom, sadly, has made the decision to leave the European Union. It comes with great consequences in every aspect of life, particularly for those of us on this island, but this particular motion and the decision of the European Council show the importance it has in terms of our crime prevention, crime detection and the protection of our society. Crime does not know any borders. It certainly does not recognise the border on this island, let alone anywhere across the European Union.

In recent years, we have seen countless examples, be it in dealing with the most violent and vicious organised crime gangs or dissident terrorists, of the vital co-operation between An Garda Síochána, the PSNI and police authorities across the UK and the Europe Union. Those efforts have seen people brought to justice and convicted. There are people currently serving lengthy sentences in prisons in Portlaoise, England and across the Continent for crimes that were committed in this jurisdiction and in the European Union and that had serious impact on every single person in the Union. It is very disappointing that we have lost the UK's involvement in European arrest warrants, a process which saw 11,000 criminals extradited from the

21 September 2021

UK to the rest of the EU between 2000 and 2019. That is why it is important this motion is accepted by the House, that we send out a message to the rest of our European partners and that we provide the resources to State agencies and An Garda Síochána to maintain that level of co-operation. We talk about cracking encrypted telephone networks and the vital need for increased funding for the ICT systems of An Garda Síochána. This all has to be done on an EU-wide basis and with the greatest levels of co-operation with partners in the United Kingdom.

In the context of the rising threat of dissident terrorism in this State, there have been a number of arrests in recent days relating to a violent dissident terrorist group based across our island. We have seen significant work done by An Garda Síochána with the PSNI to breakdown the army council of the New IRA over the past 12 months. This is all excellent work but it needs a continued level of co-operation. In the context of this motion and the work achieved at European level in sharing vital data - fingerprints, palm prints and vehicle licence plates - there is an opportunity for Ireland to take a leading role within the EU. How can this be extended beyond the sphere of the EU? What agreements can the EU enter into with other jurisdictions across the world, such as the United States or the United Arab Emirates, where a number of known Irish criminals are languishing, on the run and hiding out from the justice they must face in this State?

I encourage the Minister of State, while ensuring that the motion before the House goes through in the appropriate and timely manner, to be expansive and perhaps look at the wider options in this field that can be taken by the State, with its European partners and those around the globe, in order to make the citizens of this country safer and to bring the criminals who prey on the vulnerable here to absolute justice.

**Deputy Ruairí Ó Murchú:** Everybody is in agreement about the necessity of ensuring we deal with these issues, particularly in regard to the sharing of vital information - fingerprints, DNA and vehicle registration data. In the world we live in, there is an absolute necessity to ensure we have not only the legislation but also the technological capacity, etc., required to allow us to share information when dealing with crime. We all know how connected criminality is in this day and age. To some degree, criminals are miles ahead of those of us in this House. As a result, we need to be up to the task. A significant amount of legislation has been passed in recent times, particularly in respect of IT and cyber witnesses. As stated, we need to ensure that we have both the legislation and the technological capacity required. Much of this involves the transposition of European laws and directives. In some instances, we are late to the game.

I welcome the fact that this is happening. I add my voice in support of Deputy Martin Kenny in that this should have happened sooner. I ask that we be given some detail to allow us to ensure that we have our i's dotted and t's crossed and that all the necessary due diligence is done.

I accept that what we are discussing is due to the outworkings of the madness that is Brexit, the madness which we will be dealing with on this island for some time. It goes without saying that everyone in this House is of the opinion that we need to ensure there is no rowing back from the political point at which we are and that there will be no chance of making the Border in Ireland any harder than it already is. We hope there will be a point in the near future when it no longer exists. Until then, we do not need to add to the difficulties. We know conversations are ongoing in relation to dealing with some issues relating to the Irish protocol. I welcome what Commissioner Gentiloni and others have said recently, including Maroš Šefčovič. I refer to the idea that the Irish protocol is here to stay. We need to solve the problems that exist for

businesses, farmers and others throughout this island, and particularly for those in the North. When people have conversations away from politics in respect of that matter, most of them are just interested in getting it done.

On this motion, Sinn Féin supports the extension. It is necessary. We just need to ensure that a complete audit is carried out in the context of our ability to fight organised crime and drug gangs, that we have the technical capacity required, that whatever relationships are needed are built up and that information is shared. I reiterate what Deputy Martin Kenny said. We also need to ensure that our approach is victim-centred and that we allow a scenario in which the information necessary to assist people who find themselves in terrible situations and who are the victims of crime is, insofar as is possible, facilitated in crossing borders.

**An Ceann Comhairle:** Iarraim ar an gcéad Ó Murchú eile, Deputy Catherine Murphy.

**Deputy Catherine Murphy:** It is Ní Mhurchú, probably.

The deadline relating to this is this Friday, 24 September. We have been informed that there should not be vote in this House because of that deadline. I do not believe anyone will disagree with the passing of this motion. I do not anticipate that people will call for a vote. As a number of previous speakers indicated, however, this is not the way to do things.

There is no doubt the exchange of this data is critically important to the UK, Ireland and the wider EU law enforcement communities. Thus far, the exchange of data has been largely unaffected by Brexit, which is a significant win for the UK. While the latter has lost access to major live data exchanges, such as the Schengen information system, British security experts have identified Prüm data of near equal importance. This database provides quick access to DNA data from 11 countries. The UK National Crime Agency credits the data set with more than 89,000 DNA matches between July 2019 and September 2020, which is significant. With this database, UK police can obtain DNA or fingerprint information from other EU states within 15 minutes. It used to take the Metropolitan Police up to four months to receive the same information. It is, therefore, a significant exchange of information.

On data exchange with the EU, the UK has the most favourable terms of any third country, although those terms are subject to an evaluation of the UK's data-handling procedures. This evaluation is still in the early stages and must be allowed to reach a conclusion. The draft proposal provided makes a point of noting that the UK passed a previous EU Commission evaluation in 2018. Simply because the UK passed a previous evaluation, we should not assume it will do so again or take it for granted. Hopefully, it will pass that evaluation. As a third country, the UK must be held to higher standards than it was previously. There have been problems in the past with data protection. No one wants the UK's national security to be at risk. As our nearest neighbour and a country that shares our island, it is all the more important for us in that context. If the UK is incapable of reaching the standards to be met in that evaluation, we cannot simply throw our hands up and assume that the data of millions of EU citizens should be provided in the context of national security. A higher standard is required because the UK is now a third country.

Having said that, it is really important that we have a good relationship between police forces across jurisdictions. That is nowhere more important than with our nearest neighbour. Last year, a leaked 2018 EU report showed that the UK had deliberately and repeatedly abused access to the Schengen Information System, SIS. This is something I expect will come up as

part of the evaluation. It is important that there be a two-way process given that the UK is no longer part of the EU. It was shown that British border authorities were acting on alerts the UK deemed to be important to itself but not giving the same weight to requests from other member states. There was a frequent pattern of the UK not taking action when a country wanted an arrest warrant for a person leaving the UK for another EU country. There will be significant issues in terms of making sure this is very much a two-way process and that there is equality in it even though the UK is no longer a member of the EU.

Will the Minister of State confirm whether the data protection evaluation will also go in front of the European Parliament, as it had to do on the previous occasion?

**Deputy Pa Daly:** This interim measure to approve the sharing of data is a topic on which many people will have mixed feelings. The withdrawal of the UK from the European Union has been chaotic and is now proving to be a mess across a range of areas. The Government and the EU have got many things right. The sharing of data as part of the Prüm Convention may not be as high profile as other issues but it is nonetheless important. This is for the simple reason that criminal gangs are becoming increasingly organised. They are getting larger and they are starting to collaborate. The model is changing for these groups. They are subject to the same business or capitalist forces as everybody else and an oligopoly is now emerging among gangs in Europe. A transnational response is necessary and requires data sharing to continue. For this reason, I support, with reservations, the extension of these measures.

Ironically, the UK was one of the most frequent users of the measures and other databases. However, as in many other areas, the UK Government talked tough on Brexit and crime but then cut itself off from the resources to tackle it. As ever, there is a danger of overreach in the use of newer technologies in fighting crime. We must be vigilant in that regard. The EU is creating a database called Eurodac that will store details of migrants, including children, coming into Europe. In the aftermath of the Snowden revelations about National Security Agency, NSA, surveillance in the US, we need to be increasingly careful about the retention of data. In this instance, the data are distinguished by the fact they are stored by police only after individuals come into contact with the force as part of criminal law processes, rather than their being maintained for all persons as part of the normal course of events. However, not everyone who comes into contact with police is guilty of any offence.

These databases should be strictly supervised. We can all agree that the Garda PULSE system was not strictly supervised for a long time. It should have had regular audits and been accessed only in accordance with the law. We also need to remain conscious of developments within other EU member states as the law is frequently used in ways with which we may not agree. In the case of Catalan political activists or LGBTQ activists arrested in Poland, for example, will their details be on this database and, if so, is that in line with the European values that underpin the Union? We must not be afraid to be critical and vigilant with regard to national and transnational co-operation on crime, even as we accept the necessity for its existence.

**Deputy Cathal Berry:** I thank the Minister of State for coming to the Chamber to propose this motion on extending the interim period of co-operation between the EU and UK on the exchange of data of an evidential nature. I have no difficulty with the motion. It is very prudent and sensible and I look forward to supporting its passage through the Dáil.

I support it for three reasons primarily. First, we all acknowledge the transnational nature of crime at this time, particularly when it comes to the movement of drugs, weapons and vulner-

able people. Unfortunately, while freedom of movement applies to European citizens, it also applies to European criminals. It is very important that responsible, mature nation states like ours have the structures in place to clamp down on this type of illegal activity. The bad guys are talking and co-operating, so it is important that the good guys do the same. Exchanging information, particularly the three metrics of DNA profiling, fingerprint data and vehicle registrations, is very prudent, sensible and proportionate.

The second point I want to raise relates to Brexit. I do not think there is a single Deputy in the House who is in favour of Brexit. We are totally against it but, notwithstanding that, we recognise and respect the sovereign right of the British people to have voted, by a very slim majority, to leave the EU. That was, of course, their prerogative. At the same time, we must have the structures and measures in place to limit disruption and mitigate any difficulties that may be caused downstream. The continued exchange of Prüm data makes perfect sense in that context.

The third reason I am supporting the motion is that it is merely a technical arrangement for continuing an existing practice. It is an existing practice for a reason, namely, that it is really important. To break that continuity of exchange of data from an evidential point of view would be a very dangerous thing to do. That is why it is very important that the motion should go through.

I have just one concern, which was alluded to by a number of other speakers, namely, that we can only extend this arrangement once. We have decided to do so now. It can only be extended for a nine-month period up to 30 June next year. I am reassured by what the Minister of State said in her opening remarks about trying to negotiate a mechanism after 30 June for how this arrangement can continue. Do we have a plan B to fall back on if we cannot negotiate an arrangement with the UK and EU for continuing this exchange after 30 June 2022? I would not like to see the arrangement coming to a close.

I very much look forward to supporting this motion. I have no difficulty with it at all but I would be grateful for the clarification requested.

**Deputy Carol Nolan:** I welcome the opportunity to speak on this important issue of international co-operation between law enforcement agencies. The so-called Prüm decisions and various other European Council decisions establish a framework for cross-border police co-operation to support the prevention and investigation of crime. As the EU, among others, has noted, one of the main benefits of the Prüm Convention for law enforcement is the ability to compare DNA and fingerprints found at a crime scene in one member state with data held in other member states to see whether there is a match. Information revealing the identity of a possible suspect can only be exchanged once a match has been confirmed. That is to be welcomed.

On a related matter, we saw only last week how the Garda was able to apprehend a person wanted in France for financing Islamic terrorism who has been living in Ireland undetected for almost a decade. That person's arrest only happened as a direct result of Ireland having joined the EU's Schengen Information System last March. This is the kind of data-sharing exercise that brings about real results in terms of public safety, once the usual caveats around data protection and verifiability are in place.

There are issues that still need addressing nationally in terms of data sharing. We saw, for instance, the terrible failures in the Shane O'Farrell case, where information was not shared

21 September 2021

about the warrants out for the man who would go on to kill Shane.

*4 o'clock*

If we had more effective data sharing, Shane's death might have been avoided, as his killer would have been locked up and his mother's broken heart might still be in one piece. Crime has no respect for borders. It is only just and right then that we utilise all the resources of country-by-country co-operation to do all that we can to bring those guilty of crimes to justice.

**Minister of State at the Department of Justice (Deputy Hildegard Naughton):** I thank the Deputies for their contributions on this motion. A number of specific questions were raised, which I want to address. First, regarding the timing of this proposal, the Commission published its proposal on 27 August, so detailed discussions took place in recent weeks on technical aspects of the proposal. The Department moved as soon as the proposal was published to obtain legal advice and then sought to obtain Government approval.

Regarding the evaluation process, the Commission carries out an evaluation of the arrangements the UK has put in place to connect to the Prüm system and that involves an evaluation by the Commission of technical connection, training, security and data protection steps that the UK has put in place. The Commission carries out the evaluation, not the Department. As the UK has already participated in Prüm before Brexit, it is expected that the evaluation will be positive and on time for next June.

In relation to our technical capacity, no further preparations are required in Ireland for us to participate, so once the extension is granted, we can continue to exchange and, equally, once the permanent evaluation is completed and agreed, we can take part.

Regarding data protection, the Prüm measures include specific and bespoke data protections and in addition, the Commission has adopted an adequacy decision, including strong safeguards for law enforcement data exchange with the UK. This has been subject to consultation with the Parliament. This includes a sunset clause of four years. Prüm is limited to fingerprints, DNA and vehicles.

As I mentioned in my opening remarks, these measures are essential to ensure the continued close law enforcement co-operation that Ireland shares with the United Kingdom and it is vital that we meet the highest standards possible when it comes to the investigation and the prosecution of crimes and the ongoing transfer of Prüm data, which will help to ensure that we can do that.

This extension allows until 30 June 2022 for the European Commission to complete its evaluation and any further measures will come before the House in advance of that date. On behalf of the Minister for Justice, I thank all Members for attending today.

Question put and agreed to.

**Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Patrick Costello – the need to discuss the ongoing drug dealing in the Oliver Bond flats and the need for regeneration of the complex; (2) Deputies Dara Calleary and Rose Conway-Walsh – the need to discuss the re-naming of Ballycroy National Park to Wild Nephin National Park and the lack of consultation with local communities; (3) Deputies Barry Cowen and Brian Stanley - the need to discuss strengthening and resourcing the National Ambulance Service; (4) Deputies Duncan Smith, Dessie Ellis, Alan Farrell and Louise O'Reilly – the need to discuss reported changes in the national development plan with regard to Metro North and DART+; (5) Deputies Claire Kerrane and Martin Kenny – the need to discuss the establishment of a commission of investigation into a death (details supplied); (6) Deputies Paul Kehoe, Johnny Mythen and Verona Murphy – the need to discuss the recent contamination of water supply at Creagh water treatment plant in Gorey, County Wexford; (7) Deputies Jennifer Whitmore and John Brady – the need to discuss action to address closures of outdoor recreational businesses due to increasing insurance costs; (8) Deputy Marc Ó Cathasaigh - the need to discuss an update on the realignment of hospital services in the south east and provision of 24-7 cardiac care; (9) Deputy Cian O'Callaghan - the need to discuss conditions in Gaelcholáiste Reachrann secondary school in Donaghmede, Dublin; (10) Deputy James O'Connor – the need to discuss the provision of resources for residential mental health facilities in the east Cork area; (11) Deputies Niamh Smyth and Holly Cairns – the need to discuss when the current restrictions will be lifted so partners can accompany women to maternity care appointments; (12) Deputy John Lahart – the need to discuss delays being experienced by customers of An Post of international parcels, as a result of Brexit and new EU customs rules; (13) Deputy Sean Sherlock – the need to discuss funding of the N73 upgrade between Mallow and Mitchelstown on road safety grounds; (14) Deputy Mark Ward – the need to discuss the illegal use of fireworks in the run-up to Hallowe'en; (15) Deputy Christopher O'Sullivan – the need to review the reopening of the Kinsale South Doc facility; (16) Deputies Neale Richmond and Jennifer Carroll MacNeill – the need to discuss ongoing issues with Carmona School, Dublin, and Progressing Disability Services with the Minister for Health; (17) Deputy Pauline Tully – the need to discuss solutions to the lack of home care assistants for in-home care; (18) Deputy Chris Andrews – the need to discuss pest control policy for local authority flat complexes; (19) Deputies Donnchadh Ó Laoghaire and Thomas Gould – the need to discuss staff and resource shortages at Cork Coroner's Court; (20) Deputy Maurice Quinlivan – the need to discuss the progress being made in reducing the number of patients being treated on hospital trolleys at University Hospital Limerick; (21) Deputy Kieran O'Donnell – the need to discuss Government proposals for air route support schemes in respect of Shannon Airport; (22) Deputy Jennifer Murnane O'Connor – the need to discuss when primary care services and a new primary care facility will be established in Tullow, County Carlow; (23) Deputy Michael Creed – the need to discuss steps being taken by the Government to ensure continuity of electricity supply; (24) Deputy Peadar Tóibín – the need to discuss the water outages and disruptions to water supply in County Meath; (25) Deputy Pat Buckley – the need to discuss the ongoing proposed closure of the Owenacurra mental health centre, Midleton; and (26) Deputy Pearse Doherty – the need to discuss a State apology to the families of the Ballymanus Mine disaster in County Donegal.

The matters raised by Deputies Patrick Costello; Niamh Smyth and Holly Cairns; Neale Richmond and Jennifer Carroll MacNeill; Duncan Smith, Dessie Ellis, Alan Farrell and Louise

O'Reilly, have been selected for discussion.

*Sitting suspended at 4.06 p.m. and resumed at 4.11 p.m.*

### **Companies (Corporate Enforcement Authority) Bill 2021: Second Stage (Resumed)**

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

**Deputy Louise O'Reilly:** I welcome the opportunity to speak on what is a fairly significant piece of legislation. The establishment of a corporate enforcement authority as a stand-alone entity replacing the Office of the Director of Corporate Enforcement, ODCE, is an extremely welcome step, and we are on the record as having welcomed this on more than one occasion. The ODCE has worked hard within the remit that it has had in recent times. Unfortunately, in the course of its work, the ODCE has often suffered from a lack of funding and resources, on the one hand, and a lack of adequate powers, on the other. It is ultimately these shortcomings which precipitated the proposal for the establishment of a stand-alone corporate enforcement authority as far back as 2017. This move was proposed by the then Government in November as part of a series of measures intended to address white-collar crime.

The establishment of this new agency is in part a response to severe criticism by Judge John Aylmer of the conduct of the ODCE in the prosecution of Seán FitzPatrick, the former chairman of Anglo Irish Bank. In May 2017, Judge Aylmer described the acquittal of Mr. FitzPatrick following evidence of severe deficiencies in the ODCE's handling of evidence and preparation of the prosecution's case. Therefore, if this new agency is to be able to investigate and respond to complex breaches of company law, then, unlike the ODCE, it must have the necessary funding, resources, powers and suitably qualified experts in accountancy, information technology and corporate enforcement in order to do that job effectively.

The need for such resources and funding came to the fore when pre-legislative scrutiny of this Bill was conducted earlier in the year. There was unanimity among the members of the Joint Committee on Enterprise, Trade and Employment on the need for a stand-alone corporate enforcement authority which is funded and resourced to tackle white-collar crime head-on. There is a perception among the public, some of it fairly well founded, that corruption and so-called white-collar crime are not adequately detected and punished. The lack of legislation to tackle corporate and economic crime and the under-funding and under-resourcing of the agencies investigating white-collar crime has been *de facto* Government policy for decades. Over a decade and three successive Governments later, the lack of appetite to legislate for, regulate and properly tackle corporate and economic crime is simply shocking. The historic under-funding of the ODCE is a political decision. The office gets its funding directly from Government and if that funding is insufficient, then that represents a political failure. In 2007, the accounting firm RSM Robson Rhodes estimated that Ireland was losing €2.5 billion a year from economic crime. Economic cheats cheat us all, as they might say. If that figure is applied to the past 14 years, that is a potential loss of €35 billion to the Irish economy. The economic and social costs of corruption and white-collar crime far outweigh other forms of crime, yet it has consistently received far less funding resources and political attention from successive Governments. It is time the State takes this crime seriously and as the ODCE transitions to a stand-alone corporate enforcement authority, it is imperative that it is not only given additional funding and resources,

but additional powers to help keep pace with technological advancements, such as seizing data and information that are stored in the cloud.

The collapse of the retrial of Seán FitzPatrick and the ensuing criticism of the investigation highlighted the need for additional resources and structural changes for the ODCE. Indeed, the ODCE has some crucial work ongoing currently, such as the investigation into the Football Association of Ireland, FAI. It is imperative, given what happened at the trial and the implications of the recent 2017 Supreme Court decision on data and privacy rights, that every single necessary resource requested by the ODCE in its investigation into the FAI is provided so that can be conducted in a timely manner. This is a huge investigation with significant public interest, especially among football fans across the island, and there can be no excuse for the ODCE not receiving additional funding and resources.

This legislation and the establishment of a new corporate enforcement authority must severely crack down on economic and white-collar crime. Not only that, but it must do so with such severity that the public are convinced that the State is finally taking these crimes seriously. There are many positives to this legislation beyond the establishment of the authority, such as granting the authority autonomy over the deployment of its resources, which is important, and I know my colleague, Teachta Quinlivan, will go into this in more detail.

I must come to a point of concern, however. Speaking with my colleagues about this legislation, it was a point that we all have concerns about and I am sure many will speak about it here today. One such area is section 944AE(3), subparagraphs (b) and (c). I would like to ask the Minister why a director who is sanctioned by the authority should be able to escape having his or her name publicised if such a publication would “jeopardise the stability of financial markets”. Furthermore, subparagraph (c) of the section states that a director who is sanctioned shall not have his or her name published if it “would cause disproportionate damage to the relevant director”. These sections seem to offer an almost unlimited get-out for relevant directors who commit offences. I did not come in here with a crystal ball but I would be willing to guess that if it goes through without amendment, we will not see many names in the public domain, which would be regrettable. I do not think that is the intention but having this “get out of jail” card is not a good idea. There is no reason these points should be included to allow directors get away from having their names made public. There is no mechanism for a young working class man or woman to escape their name being splashed in the local paper if a court finds them guilty of being in possession of a joint or some other crime. It seems to be a case of the Government looking after its own and I hope that the Minister will be able to address that concern. It is an area we will be seeking to amend on Committee Stage.

Second, some of the insightful suggestions raised during the pre-legislative scrutiny by Professor Deirdre Ahern in her submission are absent from the Bill that we have in front of us. The suggestion that the authority will consist of at least one member and not more than three members has entered the Bill at section 944F. In her written submission during pre-legislative scrutiny, Professor Ahern stated that to have one member, with an upper threshold of three, is surprising, and she recommended that this be revised upwards to a minimum of two and up to five. The reason for this is that a single member decision-making authority is not a good position to be in, and cost savings should not outweigh important substantive and procedural considerations that help to ensure the integrity of decision-making regarding the compliance and enforcement limbs that are the backbone of the corporate law system. It is an area that we will strongly consider for amendment of the Bill on Committee Stage.

We are supporting this Bill on Second Stage. We are committed to working with the Minister and his Department on this legislation. The Department, to its credit, has been extremely helpful to date through the many pre-legislative scrutiny hearings that have taken place, going back to earlier this year and in the last Dáil term. We intend to work constructively as the Bill goes through Committee and Report Stages and we hope that, through this process, we can pass a very important piece of legislation that is fit for purpose and will ensure a corporate enforcement agency with teeth that can go after crimes and criminals who have evaded the law in this State for far too long.

**Deputy Maurice Quinlivan:** I am pleased to speak on this important Bill. We have been looking for this for many years in the previous committee and in the committee I chair at the moment. The establishment of a corporate enforcement authority as a stand-alone entity is a very positive and welcome step, and I want to put that on the record. For too long, white-collar crime has not been pursued as vigorously as it should be. These crimes are not victimless. They damage the international reputation of the State and impact on the price that consumers pay for goods. The establishment of the corporate enforcement authority is something that I and my colleagues in Sinn Féin welcome very much. Its establishment to replace the Office of the Director of Corporate Enforcement is a positive step. It should allow for increased resources and powers that can be used in the battle against white-collar crime. If we do not take this opportunity to reform, fund and resource this organisation properly, then we are failing everybody.

As a State, we have a poor record of dealing with so-called white-collar crime. Our failure to deal with this type of criminality means there has been little to deter others from engaging in it. With the establishment of a corporate enforcement authority, this record needs to be improved, as I hope it will be. People can no longer feel there is one rule for them and other rules for the rest of us. We must give confidence to citizens and introduce a deterrent to those who would commit such crimes. They have got away with it for far too long. Going after white-collar crime has never been treated with the same degree of urgency as going after ordinary working-class people.

The Joint Committee on Enterprise, Trade and Employment, which I chair, has examined the issue. We welcomed Mr. Ian Drennan, Director of Corporate Enforcement, to the committee and discussed the merits and demerits of establishing a corporate enforcement agency. I thank all my committee colleagues from all parties of this House for their vigorous analysis of this topic, on which we had long discussions.

One of the recommendations the committee made, which merits further consideration, is the suggestion that non-Garda staff who have expert skills be allowed to attend interviews. This would, in certain circumstances, allow additional knowledge and skills to be available during an interview. I appreciate this would require an alteration to custody regulations and I suggest that a feasibility study of such an adjustment be conducted as soon as possible.

There is broad support for this legislation, bar some issues of concern raised during pre-legislative scrutiny. I look forward to its enactment.

Granting the authority autonomy over the deployment of its resources is necessary. As I said, we must ensure it gets the resources it needs. The power to recruit its own staff with the skills it considers necessary will be a key component of ensuring the independence of the proposed corporate enforcement agency. Such independence is important, but oversight and accountability are also necessary. I welcome the provision requiring the agency to submit an

annual report to the Houses. The requirement to submit strategy statements is another important element in ensuring the authority remains focused on its objectives and the strategies it has committed to using to obtain such objectives.

Granting the authority power to pursue and investigate suspected breaches of the Act, which is the fundamental objective of the authority, is important but it is also important to note that the Bill will grant discretion to the authority with regard to how it wishes to pursue individual cases.

Autonomy allowing the authority to resolve suspected cases by agreement has been included in the Bill at section 944AD. This section correctly allows the authority “absolute discretion” to “enter into an agreement ... to resolve” these matters. This is an important element that may save the authority time and resources that would otherwise be used to pursue a matter.

I welcome the inclusion of section 944R allowing the authority to carry out its functions by restricting the use of Articles 14 and 15 of the GDPR. This is an important carryover from previous Bills and will ensure the authority can investigate thoroughly any suspected breaches of company law.

I will raise some issues of concern, which my colleague, Deputy O’Reilly, mentioned. I refer to a concern raised at the pre-legislative hearings by Professor Deirdre Ahern. Professor Ahern was concerned about the number of members of the authority. The minimum number of one is too low and should be increased to between two and five. We will submit amendments on that matter.

A second concern is the failure to mention names, which Deputy O’Reilly also raised. This needs to be clarified or we will table amendments on that matter also. It is not fair that the name of a person convicted of a minor crime, such as possession of drugs for personal use, may end up in the local or national media, whereas the name of someone involved in white-collar crime will not be mentioned. It is important that we send out a signal that all people will be treated the same regardless of the crime they commit.

I reiterate my party’s broad support for the Bill. There are elements that we will seek to amend. I look forward to the launch of the authority in 2022 and the message this will send to all those involved in criminality, no matter the type, and that white-collar crime will be pursued with all necessary resources. The Government has an opportunity to make sure the new authority, when established, has the resources it needs, whether funding or staff. I welcome the Bill.

**An Leas-Cheann Comhairle:** Before moving to the Labour Party, I point out to Members that the debate is moving quickly. I have a list of speakers and the debate may conclude quicker than Members anticipate.

**Deputy Aodhán Ó Ríordáin:** Nobody should be in any doubt that the reason we are debating this legislation is the catastrophic failure of the Irish financial system due to reckless property speculation and the appalling mismanagement of some of our financial institutions.

It is the business of Deputies in Dáil Éireann, as legislators, to create the law, it is the business of the Executive to govern and it is the business of the Judiciary to interpret the law. It is not our job as Deputies to interpret the law or administer justice and it is extremely important that we preserve the independence of the Judiciary. To that end, it is not normal that we discuss an individual judgment or trial as part of the normal business of this House. The fact is,

however, that it is impossible to properly explain this Bill without referencing that its primary purpose is to address criticisms by a member of the Judiciary of some of the failures of the Office of Corporate Enforcement following one of the most high-profile failed prosecutions on record, one which was undertaken following the collapse of a financial institution which had been recklessly and foolhardily guaranteed by the State.

There is a perception among ordinary people that, collectively, the Legislature, Executive and Judiciary have failed in their duty to ensure that so-called white-collar crime is legislated for, investigated and prosecuted and sentenced passed in a way that is appropriate for the seriousness of the damage caused. To be honest, it is difficult to disagree when we see the many repeated failures of our system to detect, investigate, prosecute and convict those who abuse our financial, corporate and business laws with complete disregard for their victims. Let us be clear who those victims are. When financial crime results in the collapse of a bank or an insurance company, workers are thrown out of their jobs, customers are left high and dry and the State ends up picking up the pieces, we are all the victims. When financial misdeeds force the State to step in and bail out whole industries on the brink of collapse, we are all victims. When people cook the books, cheat taxes and siphon off profits, we are all victims.

During the implosion of the property bubble, ordinary workers saw themselves again and again thrown under the bus by the actions of a small few directors and CEOs who saw themselves as above the law.

Let us be under no illusions. Corporate crime at the highest level is often difficult to detect, complicated to understand and expensive to properly investigate. Too often, the perpetrators convince themselves that they are bending rather than breaking the rules and their crimes are mere minor misdemeanours - the kind of trifling technicality that still allows one to sit in the Dáil, despite a clear criminal conviction on financial matters, and have a direct phone line to Ministers.

We, the people, need a proper agency to tackle this crime and protect us from the social and financial damage to our people. We also need a system which will lead to outcomes and consequences, sentences and punishments which show the people of this Republic that we are serious about tackling corporate crime.

The Office of the Director of Corporate Enforcement was established following the Ansbacher scandal of the 1990s and the repeated findings of corruption, bribery and wrongdoing by tribunals which previously led to seemingly minimal consequences for those implicated. While the ODCE had some successes, it has become abundantly clear that it is only scratching the surface of what is required and was unable to deploy and exercise powers and resources to protect our society from the highest levels of business and financial fraud and crime.

In 2016, the Office of the Director of Corporate Enforcement returned more than half of its budget unspent. Under this Government, the ODCE had to wait almost a year for the allocation of six detectives it had asked the Garda Commissioner and the Government for in order to do its job.

It is no exaggeration to say the collapse of the Celtic tiger case at the heart of the Bill has been held up to almost every Deputy as an example of how the rich and powerful always get away with it. We should not seek to scapegoat individuals or single organisations. As legislators, we need to take responsibility and ensure we do what we can to tackle corporate fraud and

do so in a way whereby people are dealt with fairly but the ordinary person in the street has confidence that white-collar criminals who steal, cheat or manipulate people or entities to the tune of millions of euro are subject to consequences appropriate to the scale of their crimes.

The main component of the Bill amends the Companies Act to establish a corporate enforcement agency to replace the Office of the Director of Corporate Enforcement, ODCE. The Labour Party supports the establishment of this new agency and making it a commission independent of the Department of Enterprise, Trade and Employment. However, we cannot stop there. My fear is that we will set up this under the misapprehension that our work is done only for the next scandal to result in more shaking of heads, an inevitable review and another fruitless exercise in shutting the stable door after the horse has bolted. The problem of corporate crime is not just a problem that can be solved by setting up a new agency and walking away. What we need is a complete change in cultural, political and social attitudes. Corporate crime is born of the right-wing attitude that greed is good. Corporate crime is born of the attitude that regulations apply to only ordinary people, that profit for the shareholders is all that matters and that rules are there to be bent. Corporate crime is born of the attitude that company law is there to be exploited rather than obeyed and that paying tax is an imposition to be avoided rather than a valuable contribution to running a better society. I remind Deputies that tax exiles are not heroes. We need a society where business ethics are taken seriously and not just paid lip service.

I urge the House to remember that the corporate enforcement agency can be only as effective as the laws we give it to enforce. Unfortunately, the constant refrain of “too much red tape” or “too many regulations” led by some in the private sector and backed by industry lobbyists and some of our politicians is all too pervasive in Irish life and undermines the robust framework of legislation needed to prosecute and punish so-called white-collar crime. Too often we see campaigns to have regulations watered down, undermined or abolished. Unfortunately, there is a culture, particularly on the right, of paying lip service to corporate social responsibility while trying to undermine the proper regulation necessary to protect workers, consumers and honest business people. We see the failure of adequate legislation to deal with the failures relating to mica, pyrite and fire safety in construction and many of the business entities responsible for such scandals disappearing and re-emerging, the principals hiding behind the shelter of corporate laws.

As we debate this Bill, we must look at the provisions and ask ourselves whether we are doing enough and whether there is any way we can strengthen the agency and its powers to make sure it has what it needs. As the Bill proceeds through Committee Stage and beyond, we must examine every clause and ask ourselves whether it will help deliver justice. For example, I note that the proposed section 944AF provides that the authority may not impose on a director a monetary sanction that would make him or her bankrupt. It provides that only one monetary sanction may be imposed where more than two breaches of the same conduct have occurred and it re-enacts section 957G of the Companies Act 2014. We might reasonably ask whether in the eyes of the ordinary person such provisions are consistent with how ordinary people are treated. If someone breaks any one of our country’s by-laws on parking, road tolls and so on, he or she must pay a fine for each instance. People do not get to say they want to pay only one fine for all the times they break parking rules. I am also concerned that the threat of bankruptcy should not be abused as a mechanism for refusing financial penalties for serious breaches of corporate law, particularly in view of the reform of the bankruptcy laws and procedures.

As well as the main section establishing the authority, the Bill provides for the implementation of several recommendations of the Company Law Review Group, CLRG, relating to

corporate governance, shares and share capital, which hopefully we will be able to welcome as strengthening the protections for citizens.

The Bill brings back memories of some of the most painful and appalling travesties in Irish political and financial history. It is ironic that we are here to discuss a Bill of a Fine Gael Minister for Enterprise, Employment and Trade under a Fianna Fáil Taoiseach. I remind the Minister of State that what we are speaking of now is fundamental to the future of our Republic. I taught for a time in the north inner city of Dublin. There used to be media reports of the community in which I served. It was just beside the IFSC. In the 1990s, media reports used to say it should have been the aspiration of young people in the north inner city to get employment in the IFSC. They used to pretend that crime was all in the north inner city, that the paragons of virtue were those wearing suits in the IFSC and that, if those young people could turn away from the parallel economy and the temptation of cheap money and criminal activity and turn their eyes to the IFSC, they might have a better future. All the while, the criminality that almost brought down the Republic was taking place in the IFSC. That is the crux of the matter when speaking to a young person about the choices he or she has - are we equal or are there different laws for people who wear different suits?

**Deputy Willie O’Dea:** I have only a few minutes, so I will be brief. I welcome the Bill. When an organisation that has been operating on an *ad hoc* basis is put on a statutory basis, the power, authority and status of that organisation are much improved. However, even the most unbiased observer would have to admit that the record of the ODCE has been a mixed one. People have referenced the FitzPatrick case. I believe the Minister of State mentioned in his opening statement when introducing the legislation that there had been procedural changes in the organisation as a result of that case. Having studied the case closely, I would like him to give the House an indication of exactly what procedural changes he was referencing.

Putting the ODCE on a statutory basis is the primary purpose of the legislation. The secondary purpose is to improve the law, as recommended by the CLRG, and correct some anomalies in the Companies Act 2014 that have emerged through practice. Most of the Bill’s measures are technical and relate to share ownership, share consolidation, mergers, etc. I welcome them, as there have been problems in practice. Some of the measures are fairly obvious ones relating to corporate enforcement. For example, the power to restrict directors is being extended, which is welcome. The qualifications of directors and liquidators are being addressed in this Bill. I am surprised this issue was not dealt with long ago, but it is nevertheless welcome even if it is late. There are some basic provisions, such as the requirement in certain circumstances for directors and liquidators to produce their PPS numbers. I should have thought that was fairly obvious.

I welcome the proposal to put the authority on a statutory basis and I welcome the legal changes, which are necessary. I am concerned about some of the wording in those legal changes, particularly surrounding directors, and I hope this matter will be thrashed out comprehensively on Committee Stage. It will be a while before we return to this topic again, so it is important we get it right. The Minister of State referred in his initial statement to a 20%, or €1 million, increase in the budget, bringing the current budget to €6 million, and to 14 additional civil servants and nine additional gardaí, giving a total personnel improvement to the agency of 50%. While I welcome all that, I have to reflect nevertheless that €6 million seems an extraordinarily small sum to deal with such an important matter. I realise that this is not the sole agency dealing with white-collar crime, in that it is also dealt with by the Garda fraud squad etc. but corporate crime is a multibillion euro international business. It is one of the biggest growth areas of crime in this country. While the budget for this year would appear to be €6 million,

if a number of cases come on board and the people running the agency feel constrained by the fact that their budget is limited, will investigations be delayed unnecessarily? Sometimes these investigations of necessity have to take place pretty quickly. I would like to see a more open-ended arrangement whereby the agency can access funding as it needs it. I would also like the Minister to give a breakdown of how the €6 million will be spent. I presume the extra gardaí will be paid from the Garda budget. Is a specific amount set out for bringing in outside experts, as will often be necessary in cases like this? I say that because white-collar corporate crime has a number of very significant consequences for this country. First, there is an obvious loss of revenue to the Exchequer, which could be spent on social projects. Second, as the pandemic comes to an end the economy of this country will, it is hoped, rebound. That will depend to a large extent on foreign direct investment, the importance of which will not reduce in the years to come or in the immediate future anyway. To attract foreign direct investment, we cannot afford the reputation of the country to be damaged by the notion or perception that we are soft on corporate crime.

Most importantly, I have seen nothing that undermines respect for the law more than the notion that if you are rich or a corporate entity, you can get away with it, that is, there is one law for one section of society and a different set of rules for the other. As I said, that has undermined respect for the rule of law in this country and that is very unhealthy. We have to be ruthless in regard to white-collar corporate crime. To be ruthless, we need not only the laws and the structure, we need proper financing. We can have lots of law and very little order. You can have all the laws in the world and all the structures in the world but without adequate financing they will not work.

I compliment the Minister of State on bringing forward the legislation. There are some amendments that I feel will be necessary but they will be, I am sure, dealt with as the legislation goes through Committee Stage. I would like to think that the budget is not fixed such that if it appears that the agency will exceed its budget in any particular year, there will be extra money available rather than the agency having to go cap-in-hand to the Minister for Finance year in and year out. That is the least the country deserves.

**Deputy Patricia Ryan:** I welcome the establishment of the Office of the Director of Corporate Enforcement as a statutory stand-alone agency to be known as the corporate enforcement authority, CEA, with increased autonomy and resources to respond to white-collar crime in Ireland.

I thank my colleague, Teachta Quinlivan, Chairman of the Joint Committee on Enterprise, Trade and Employment for his work on the committee. For too long, white-collar crime has not been pursued as vigorously as it should be. Corruption, so-called white-collar crime and the perception that they are not adequately detected and punished are damaging to our economy and threaten our international reputation as a reliable place to do business. There is a widespread view that crimes like these are not as much of a priority because of the wealth of some of the participants. This needs to be addressed. It is important that ordinary members of the public have confidence that white-collar crime is treated with the seriousness it deserves. Our approach to such crime must be evident in the structures that we put in place to deter it and in the resources that we apply in dealing firmly with such crime where it occurs. We need appropriate legislative powers and funding to ensure that the agency delivers what it will be tasked to do.

The ODCE is being reconstituted as the CEA in a commission structure with a larger specialised staff and an increased budget. One of the key elements of this new structure will be the

increased number of specialist gardaí seconded to the CEA. The availability of their knowledge should ensure that a more functional structure can properly investigate suspected breaches of company law in a more timely manner than previously seen. Addressing economic and white-collar crime is vital in demonstrating that nobody, regardless of their resources, is above the law. We need to see more effort made to implement the recommendations of the Hamilton report. There must be wider investigative powers to help the CEA to achieve its aims. The promised investment must be delivered, including the assignment of 14 additional staff and an increase in the permanent complement of members of An Garda Síochána from seven to 16.

Everyone acknowledges that the ODCE was understaffed and underfunded. There can be no more excuses. This agency must be delivered. We must not forget the other recommendations of the Hamilton report, including that the CEA must prepare a strategy statement as soon as possible after its establishment detailing its key objectives and output for the following three years. We must also ensure that it is regularly reviewed and updated.

**Deputy Catherine Murphy:** I welcome this debate. Simply put, we do not currently have an effective means of preventing, investigating and prosecuting corruption. There is no overarching or consolidated approach to combating corruption in the private sector or the public sector. A look at the State's anti-corruption website gives us a clear picture of the fragmented approach, with 16 bodies listed as responsible for tackling corruption. Our anti-corruption response is incredibly fragmented by international standards. A 2020 survey conducted by the French Anti-Corruption Agency in partnership with the Group of States Against Corruption, GRECO, the OECD, and the Network of Corruption Prevention Authorities, NCPA, found that 84 of 114 countries surveyed had a single-agency approach, one which the Social Democrats has been championing since it was founded.

It is difficult and rare to see successful prosecutions of corrupt practices in business life in Ireland. Even after costly and lengthy tribunals of inquiry, there have been few consequences for those against whom negative findings have been made. There is a strong public perception of a golden circle in Irish society, the members of which are accountable to no one and who regard themselves as untouchable. The EU Commission's 2017 Eurobarometer on corruption found that 68% of Irish people believe that corruption is widespread across society, with a particular lack of confidence in the banking and financial sector and An Garda Síochána.

The creation of an independent statutory agency to oversee white-collar crime without doubt is welcome. The ODCE has remained in the purview of the Department of Enterprise, Trade and Employment for far too long and its effectiveness has been constrained as a result, with a lack of independence over its budget and the hiring of staff. Globally, anti-corruption agencies have only ever been effective where there is a significant and consistent political commitment to tackle anti-corruption and where those agencies are allowed to operate free from political influence and, by extension, free from the type of lobbying that Deputy O'Dea talked about in terms of watering down sanctions.

The effectiveness of the anti-corruption agency is heavily dependent on the support and institutional co-operation between other agencies that address the broader issues of corruption, integrity and ethics. In this instance it is very clear this co-operation has been lacking between the ODCE and An Garda Síochána. The ODCE had to wait nearly a year to be allocated six detectives from An Garda Síochána and there were successive delays and a lack of communications from the Garda. Emails released under freedom of information to Ken Foxe of Right To Know show the frustration within the ODCE, with its director, Ian Drennan, stating the Garda

clearly had no intention of transferring the officers in the foreseeable future. He contacted the Department of Enterprise, Trade and Employment and was told the Tánaiste had been in touch with the Minister for Justice and that the first allocation of two detectives to the ODCE had taken place in April, to be followed by two more in June, with the final two arriving later in the year. In response, Mr. Drennan said the appointments were temporary and did not address the need for a permanent additional investigative staff. Mr. Drennan told the justice committee he wants a memorandum of understanding between the new corporate enforcement authority and the Garda Commissioner, Mr. Harris, over the allocation of Garda resources to that agency. I had a priority question with the Minister of State last week on this very topic and it is very clear from what he has told us that there will not be a memorandum of understanding but what is in place is a letter from each to the other. That is not good enough. It is better than what we had but it is not anywhere near good enough. It is a bare minimum to have that memorandum of understanding between the corporate enforcement authority and the Garda Commissioner prior to the agency getting up and running. The proposed corporate enforcement authority retains a reliance on secondment of gardaí at the discretion of the commissioner and we simply cannot assume this process will go smoothly. The delay in the provision of investigative staff to the ODCE in the past year is unacceptable and hampers its ability to conduct a vital public service. Protections must be put in place to prevent the same from occurring within the corporate enforcement authority. We cannot criticise an agency for not doing its job if it has not got the resources to do it.

Looking at the proposed make-up of the corporate enforcement authority, the level of independence is questionable. While the authority will be removed from the Department of Enterprise, Trade and Employment, the Minister will appoint three full-time members based on recommendations from the Public Appointments Service, PAS, choose which member will act as chairperson and can fire them at any point due to ill health, stated misbehaviour or where the removal of a member appears to the Minister to be necessary for the effective performance by the authority of its functions. The Minister also has the sole authority on picking acting members to fill vacancies as they arise. The appointment of the chairperson by the Minister in this particular instance is completely unacceptable. This is supposed to be an independent anti-corruption agency and must be free from political influence. The Minister - that could be any Minister in the future - potentially could be able to guide the authority in a certain ideological direction by hand-picking the chairperson. That is over-reach. The proposed number of full-time members for the corporate enforcement agency is also too low. The justice committee recommended the minimum number of members on the authority should be increased to two, with the maximum number being increased to five. If this Government aims to be serious about tackling corruption in the private sector it must be serious about it from the very beginning. We must build up this authority in the way we mean it to continue rather than creating a system we know will be under-resourced in a few short years.

Another example of this is not providing the corporate enforcement authority with investigative powers, something for which the ODCE has been calling for some time now. I cannot understand why it would not be awarded those powers. The current system of leaving expert civilian staff outside the room while gardaí conduct interviews is completely ineffective. This must be all one piece. I am trying to imagine a scenario where you have temporary secondments of people who have the knowledge and they cannot be brought in. They are instead in and out trying to figure out just exactly how the interview should be conducted. When an individual is arrested there is, as we know, very limited time to conduct interviews. These interviews often contain a vast amount of intricate detail, particularly in this area, which requires

expert knowledge. Valuable time is wasted by gardaí having to ferry information and questioning back and forth between the suspect and ODCE staff. As such, a big mistake is being made here on that. This is an absolutely essential power the CEA needs to work effectively, a power which has been called for by the ODCE and Transparency International Ireland. We have an historical tendency to be reluctant to grant State agencies further powers after they have been established. The Minister of State might outline what exactly his plans are on the provision of this power and why it is not intended to include it in this Bill.

According to global studies by Transparency International, budget allocations and independence over budget decisions have been proven to be a good indicator of a Government's willingness to tackle corruption. In the past few years there has been an increased move towards multi-annual funding as a budget method, allowing organisations to plan ahead, secure in the knowledge they will have sufficient funds in the next budget round. It is also essential for this agency to reduce the political involvement by reducing the Minister's ability to cut funding. I am not talking just about the current Minister or Government. This is a piece of legislation that will have a lifespan, so it is really important that is done. Multi-annual funding would provide the security and confidence needed to tackle big corruption cases within the private sector.

International research has shown it is large-scale public corruption cases which impact most strongly on the public's confidence. They are very visible and they send out a message so it is really important there is the confidence to take them on. In other jurisdictions the inability to prosecute some corrupt individuals with political and financial clout has led to declining public confidence and a lack of trust that anti-corruption agencies can perform their role diligently and objectively without fear or prejudice. The corporate enforcement authority must be ready and able to take on the most high-profile cases of anti-corruption in this country. The ODCE has experienced an increase in funding in the past few years, with €6.1 million allocated last year. However, the agency is currently underspending its budget allocation by €1.8 million. This underspend was largely due to vacancies, delays in recruitment and a failure to complete procurement processes by the year end, all of which speak to a critical lack of human resources within the office which cannot be solved by money alone. To properly measure the effectiveness of the corporate enforcement authority we must have the data to do so. The Director of Public Prosecutions and An Garda Síochána should publish disaggregated data under a new category which allows for analysis of enforcement of corruption-related offences. Prosecutions are currently categorised under fraud offences.

The formation of the corporate enforcement authority, though I would argue it is imperfect, is a welcome step forward to address white-collar crime but corruption in the public sector must be also tackled. Comprehensive and intelligence-led policing is essential if warning signs and suspicious activities are to be identified. That really protects the public service, just as a good corporate enforcement authority protects the private sector and gives confidence to the people of integrity we want to be working in both the private and public sector. The sharing of data among many existing agencies is unlikely to be enough to expose the complex and politically-sensitive cases.

*5 o'clock*

It was stated earlier that this whole world is well resourced and that people are well connected. I had an experience where somebody came in here and asked to interview me. As it happened, I understand that he wore a camera. When the matter was followed up on later by a journalist, Peter Murtagh of *The Irish Times*, who wrote an extensive article, having been to

London. Mr. Murtagh discovered that there were many agencies or companies located near MI5. This was a whole world that I did not know existed. These were companies that involved themselves in the world of business. From reading the articles to which I refer, I discovered just exactly what we are up against. When one starts looking at the tiny amounts of money available here, at how gardaí have to be seconded in - you might get them and you might not - and the fact that one might not or might not have multi-annual budgeting, it all shows that we are creating a David-and-Goliath scenario when we do not have to.

An independent anti-corruption agency with jurisdiction over the public sector is also necessary. The Social Democrats have argued that one large agency with real power and resources would be more likely to be effective. We should start to look at matters like reputational damage. This was something we were always told about after the financial crash. We should look at this matter from the point of view of reputational damage. However, we should also look at it from the point of view of inculcating good practices. Having an effective agency to facilitate that would build public confidence. There are things in this in this agency, as it has been set up, that are deficient. There needs to be a re-examination in the context of embedding the law enforcement element into it and a reconsideration of the resourcing and budgeting involved. We must examine the possibility of having a bigger agency, as opposed to having many fragmented agencies that do bits and pieces, rather than the totality of the work that is required.

**An Leas-Cheann Comhairle:** Anois, bogfaimid ar adhaigh. There are a number of speakers listed, but I do not see any of them. If I am missing any of them, they can give me a gentle shout. I am moving down the list and have come to the Rural Independent Group. There are a number of speakers. I call Deputy Michael Collins.

**Deputy Michael Collins:** The Tánaiste and Minister for Enterprise, Trade and Employment published the general scheme of what has become the Companies (Corporate Enforcement Authority) Bill on 4 December 2018. This measure was proposed by the Government in November 2017, as part of a series of measures intended to address white collar crime. The principle measure to be addressed in the Bill is the establishment of a new corporate enforcement authority as an independent company law compliance and enforcement agency. This body will replace the ODCE, which currently supervises, regulates and enforces compliance with company law. The intention behind the new agency is to ensure that suitably qualified experts in accountancy, information technology and corporate enforcement will be available to investigate and respond to complex breaches of company law.

This whole affair adds to public scepticism about how the fallout from the banking collapse was handled. Only three bankers went to jail for fraudulently moving funds between Anglo Irish Bank and Irish Life & Permanent in order to make the former's books look better. Ironically, their crime was in trying to cover over cracks in the financial system as the house of cards started to tumble. Nobody has been held to account for the massive orgy of bank lending which sowed the seeds of the crisis in the first place and led to huge enrichment for senior bankers along the way. Most of the senior bankers, regulators and politicians of the time have retired and are on big pensions. There was no big gap in Irish law which allowed the banking crisis to happen. The Central Bank of Ireland's powers have since been beefed up, for sure. However, even back when the bubble inflated, it had the legal firepower to at least limit the damage. Also, as a 2016 report of the Law Reform Commission into the regulation and corporate law pointed out, since 1992, it has been an offence for a bank or building society to fail to manage its business in accordance with sound administrative and accounting principles.

21 September 2021

The question I would ask is: who paid for this mess? It was we, the taxpayers, who paid. Nobody, but nobody, was held accountable. Will this legislation make people accountable? It is hard to think that it will, because it seems that in this country, the bigger you are, the better the cover-up and the better the pet on the back for doing wrong. Banks in this country are closing their doors to people. These are the very people who bailed out the banks when they had a lot of corrupt goings-on in their businesses. They were found out in this regard but little or nothing was done about it. That did not stop the banks from punishing the people once they got over that bit of a hump and a blind eye was turned to what they were doing.

Banks in my own part of west Cork have been closed, such as AIB in Schull. The Bank of Ireland branches in Dunmanway and Bantry are up for closure in the next number of weeks and no one in government has batted an eyelid. The Minister's colleagues are shouting foul, but they are in government. If ye cannot turn this around, I do not know who in the name of God can. The banks were in a position to dictate the way they ran their businesses in the past. They could dictate how easy it was for them to get away with running their shoddy businesses. They continue to do the latter in different ways and are still unaccountable.

Deputies Mattie McGrath, Carol Nolan and myself took part in a sit-in at KBC Bank in December 2018. Our intention was not to leave the premises until the bank started talking to its customers and stopped treating them like they were some kind of wild animals. They were human beings who had maybe got into a little of debt. I would always support someone who is in a bit of debt and trying their best to come out of it. Instead, the bank rammed the vulture funds down on top of their backs, swept them out, got their bodyguards down from all over Northern Ireland, ran into their farms and ran them out of their houses. Good God almighty; that type of behaviour dates back a couple of hundred years. Again, there is little or nothing in this legislation to make sure that something like that can never happen again. People fought hard to purchase a bit of land. They do fall on difficult times. There is probably no one in the country who can avoid that situation. However, a bank like KBC was unscrupulous in its business and was found out to be doing that. Unfortunately, it is now walking away from the Irish market and it could not care less. Nobody cares. Nobody has power over the banks. They are a law unto themselves. Of course, they will come back to us if they need a bailout. If they are doing something wrong - whether it is one bank or another - we can see how they all can get away with it. People find themselves in desperate, sad and difficult situations as a result.

The saddest thing of all - I know that this is slightly away from the issue - is that we are not supporting the credit unions in the way we should be, particularly as they are not the ones who causing difficulties with our laws or in various situations. The Government will not assist credit unions to loan out money to farmers and businesspeople, or to give a small mortgages to people who want to start off in their lives. They are being refused by regulation in this State. I met with the credit unions in West Cork. They have great branches in Dunmanway and Bantry, places from which Bank of Ireland is walking away, Schull, from which AIB walked away, Clonakilty, Skibbereen, Bandon, Castletownbere and elsewhere. They have great branches. The people who run them know everybody and they respect everybody. Thanks be to God, we do not see them involved in any of the kinds of scandals to which I refer.

We have to bring forward legislation to stop the corruption and the carry-on that went on from happening again. The sad thing is that credit unions are not getting assistance from the State. The legislation being looked at that moment needs to be dealt with immediately in order to free up the credit unions to do a bit of business for people, because we are running out of banks and the banks are running away from us. They have had it with the Irish market. They

have cleaned us out fairly well. The State backed them up to the hilt. It is now time for us to put our foot down and support the Irish businessman and the Irish farmer.

The laws and regulatory powers were all there before. The problem was that by the time anyone realised that the banks were in a mess, it was way too late. Just as the system failed to stop the crash, its response afterwards has been found wanting. A key mistake was made early on by not applying to send a High Court inspector into Anglo Irish Bank and Irish Nationwide. This would have at least provided some clarity on what happened. Instead, we have an interminable legal process based on specific charges with decidedly mixed conclusions. In turn, that has put other investigations on hold, for example, an inquiry by the chartered accountants' regulatory body into specific issues relating to EY's audit of Anglo has been on hold for some years on the request of the Director of Public Prosecutions, DPP, who did not want it to affect other legal proceedings. Other inquiries into the crisis, such as the one undertaken by an Oireachtas special committee, have had to tip over issues around issues which crossed over legal cases under way or planned. Our legal process is slow at the best of times but the huge legal teams employed by all sides seem to delay the cases relating to the banking collapse interminably. There is something still in the investigation and prosecution of alleged white-collar crime that is not working. The Law Reform Commission suggested some ways to improve regulation and the legal structure and the penalties for offending have been increased, notably in 2014 legislation, but the key issues seem to lie in the investigation into the allegations of white-collar crime, and when evidence is gathered and the legal process used thereafter. There are endless hurdles, even before a jury gets to hear a case. Rightly or wrongly, this gives the impression that alleged white-collar offences are simply not treated the same as what might be called more traditional offences. That is the fact. That, unfortunately, is the situation that Irish people find themselves in. The good people of west Cork, my constituents, tell me that, sadly, corruption is applauded and has been applauded in this country many times. People who have been found to do wrong have never been made fully accountable. They have been patted on the back all along by the political system, as well as the banking system. They have been given plenty beautiful pensions and they can play golf while those people whose businesses have been ruined from trying to pay off debts caused by the bankers' carry-on have been left high and dry. They do not believe in the legal system there at present. I hope this Bill will do something to turn this around but when ordinary people on the ground talk to me, they are not at all impressed by what they have seen down the years. Now, as I said, we have seen the walk away of banks again. Not alone did they run away with money before but now they are walking away and leaving people under further stress and pressure and sadly, are aided and abetted by the political system. When the banks go under, we, the people of Ireland, must be there to make sure that they are propped up and that the State will back them. When they walk away, the State has no say in the matter. It is a decision made by the bank and the people are left there hanging.

**Deputy Danny Healy-Rae:** While I do not think that changing the name of the Office of the Director of Corporate Enforcement will help, if more staff are employed, properly trained in the role they are supposed to carry out, I believe that will help. We all know what the banks did, including Anglo Irish Bank. I know fellows who cried, grown men, and the fellows in charge of it got away. We all know what Bank of Ireland and AIB did going back to when they advised their customers to put their money into overseas accounts. I know one man who never did a day's good after that. It should have been easy enough for someone to follow the pattern. It was not that men from the wilds of Blackwater, Sneem or, indeed, Kilgarvan, all had the idea to do the same thing; they got the advice to do that and they all suffered. They paid high penalties and their names were in the newspaper and the bank got away with it because they gave the names.

Anglo Irish Bank got away with it. Bank of Ireland was no angel either. It is closing its outlets in different towns in Kerry and we do not applaud that.

The Government has a percentage stake in both banks. It should use it to ensure that a service is given to the people and especially the people in rural Ireland. Farms are being sold by vulture funds without farmers knowing. I contend that the vulture funds are all wrong. The customer had a deal with the bank, not the vulture funds, or they were never made aware that these vulture funds would come along with henchmen and sticks, who wore masks to hide who they were, threatening them to get out of their houses and off their land. These vulture funds have no right, even though they purchased something from a bank or finance company at a cheap price. There should be a follow-up there to see what is going on. These funds do not operate according to the deal done between the person who might have bought their house and ran into health problems or maybe the person who was trying to improve his lot as a farmer, buying a piece of land to try to increase his income to try to stay on the land. They did a deal with a financial company in Ireland, usually, Bank of Ireland, AIB or whoever, and the accounts were sold to the vulture funds. They should be followed up.

**Deputy Michael Healy-Rae:** I think we are sharing time.

**Deputy Danny Healy-Rae:** All right. I should also mention that corporate enforcement did not always help people when someone got into trouble and went bankrupt. They did not help the people on the ground who lost their money, maybe sums of €20,000, €60,000, €70,000, €80,000 or €90,000. Instead, it went on the side of the developer or businessman who went broke and helped them more than the ordinary people who lost all the money they were owed. I have no problem in the world in backing that statement up anywhere.

**Deputy Michael Healy-Rae:** I acknowledge Deputy Mattie McGrath for allowing me his time on this very important matter. When taking about corporate enforcement, something that strikes me, as it must strike all Deputies in the House as they do their clinics, go around meeting people and dealing with people who have had roughshod treatment from the banking and lending institutions, is that there is a lot of enforcement on those people. The Minister of State ably represents his constituents and is 100% on the side of young couples whose mortgages have been taken over, although I will not mention the names of these crowds that come along. I have nothing against people who want to go out in business and make a profit - more good luck to them - but when people want to make a profit and to profiteer on the misery of others, that is where we have a big problem. When people enforce their will on, say, a young couple who are paying for their mortgage and are paying their debts, that couple might ask themselves a question. Where is corporate enforcement when it comes to helping us? Where is the law of the land when it comes to helping what I would call the “smaller” people? We had bailouts for the banks and big millionaires who owed millions of euro, and we heard of debt being reduced again and again. Where was the bailout for ordinary people who owed an ordinary amount of money and now find themselves being evicted from their homes?

Banking institutions in general are our banks. AIB and Bank of Ireland are our banks. The last remaining credible lending institution, which is a good and credible group of people, that maintained its reputation through all the crises, is the post office. I should also include the credit unions, which are not-for-profit organisations. All they want to do is take care of their customers, which they do in an excellent way. I acknowledge that many of the cataract patients I send up to the North avail of credit union loans to help pay for their operations. I thank the Irish League of Credit Unions for the great work the credit unions do, working in conjunction with

these people and serving them by providing money at a nominal fee so they can have their operations done, for which they are reimbursed afterwards by the HSE. That is terribly important.

When we are talking about white-collar crime and the big shenanigans that go on, where is the enforcement and help for the smaller people? These are the boys and girls with mortgages, young children and families as well as small business owners who are doing important work creating one or two jobs for themselves, neighbours or friends. They may have run into a little bit of financial bother. Every organisation and damnation from hell can come down upon them if they run into little bit of trouble. There is no assistance from them.

What we and every other Deputy in the House, from all parties and none, want is fair play for everybody, particularly the people who are really struggling. They are the backbone of Ireland who send us in here to speak up for them. We respect big business. There has to be big business and we want more of it but we also want fairness and equity for the people who are struggling and who we deal with every day of the week. As late as last night, I had a good few meetings with people. To be honest, it gets inside your head when a young couple tells you they have to be out of their house in a month's time and the nearest place they can find in their locality costs €1,500 or €2,000 to rent per month. Where in the name of God are people supposed to get that type of money? They are being told to get out of their house. I mean no disrespect to our local authorities. They cannot pull houses out of a hat. What are we supposed to do for these people? Where is the enforcement by agencies of the State to help them? That is the point I want to make.

**An Leas-Cheann Comhairle:** As there are no further speakers offering, I invite the Minister of State to respond.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy):** I thank all Members of Dáil Éireann who contributed to this important debate. We are in unison on the need to enact this legislation to establish the new corporate enforcement authority without further delay. As many Deputies stated, white-collar crime is a menace to society. It has huge consequences, not only economically for citizens but also in terms of the reputational damage it can do internationally.

I do not differentiate between people who break the law. Whether someone wears a suit or a tracksuit, the law is there to protect the common good. If the rich can get away with breaking the law, it undermines the rule of law, as Deputy O'Dea has said. That is not something we can support. We need to be ruthless in how we deal with white-collar crime. For this reason, one of the first actions I took in my area of delegated responsibilities when I took office was to meet the person who will be the director of the new corporate enforcement authority to discuss how we could make this legislation a priority. I am, therefore, glad to be introducing this legislation in the House today. As previous speakers said, it has been promised for some years. We are now discussing it on the floor of the Dáil. This engagement is welcome, as was the pre-legislative scrutiny process in which members of the joint committee fully engaged.

The underlying rationale for establishing the office as an independent statutory agency is to ensure it has the legal and organisational wherewithal to provide for effective corporate enforcement in Ireland. The independence and autonomy that will be afforded the new office will ensure it can hire and recruit the necessary expertise as it sees fit. This process has already started.

21 September 2021

I will make two main points on the resources and powers of the new authority, a topic that was raised a couple of times. Resources are key to the success of this transformation. As I said, the director has assessed what he believes will be the requirements of the new authority based on the functions and number and complexity of cases it will handle. The resources now being applied to the new authority are in line with that assessment. As Deputy O’Dea said, while they may be in line with that assessment now, it is important that we keep this matter under review and ensure resources keep pace with developments or any increase in workload the new body may have.

The budget has already been increased by 20% and the Department has approved 14 additional staff to be assigned to the authority. The authority will also require the secondment of additional Garda resources to enable it to deliver its new statutory remit. I am pleased to report that the Garda Commissioner has written to the director very positively in this regard. This will see the complement of seconded Garda resources increase from seven to 16. As I stated in a reply to Deputy Catherine Murphy during oral questions last week, the Garda is in the process of formalising arrangements for the secondment of gardaí to the new body. This is very important. We do not want a repeat of the circumstances where the authority was left waiting for a number of months for the staff it required.

It is important to point out that placing the authority on a statutory footing is a first step. It is not the end of the process but the beginning. The Department will continue to work closely with the new authority to ensure it has the appropriate legislative tools necessary to enhance Ireland’s company law framework and undertake modern, complex corporate law enforcement.

The Government continues to work on new measures to tackle economic crime and corruption, in particular through the cross-government implementation plan arising from the report of the Hamilton review group led by the Minister for Justice. The new powers and other enhancements for the new authority are matters that are continuously under review and will be actively considered.

A couple of specific questions were asked of me, one of which was on the publication of names. These sections simply re-enact existing sections of the company law legislation. They are not new and were introduced into the Companies Act 2014 by the Companies (Statutory Audits) Act 2018 in order to transpose the EU statutory audits directive and regulations 2014. It is required by EU rules to have these exemptions to the publication of details. Non-Garda staff are to be asked to attend interviews. As it stands, pending an amendment to the custody regulations, non-Garda staff from the new agency may not attend interviews of a detained suspect. The implementation plan arising from the Hamilton review group, however, proposes to address this in the context of the forthcoming Garda Síochána powers Bill. We believe this is the most appropriate way to address this issue and it is something we are determined will be addressed. This concurs with, I believe, the point raised by Deputy Catherine Murphy.

The number of members of the authority has been assessed and is deemed proportionate and appropriate in the medium term. However, the scope is there to raise the level up to three. That is comparable to other agencies such as the Competition and Consumer Protection Commission.

Deputy O’Dea asked about procedural changes since 2012. The new director was put in place in 2012. On arrival he carried out a comprehensive review and further professionalised the ODCE in the area of in-house forensic accountancy expertise, in particular, specialised in-

vestigation training and an enhanced culture of risk management.

I have already answered on the number of gardaí and I also commented on the detailed arrangements regarding the secondment of members of the Garda.

If there are any other points to which I failed to reply today, we will be bringing this Bill onto Committee Stage and I look forward to engaging with all Members of the Oireachtas at that Stage. From my own personal perspective, I am happy to look at any potential amendments that may arise to ensure that we can strengthen this legislation as far as practically possible. Some of the proposals that emanated from pre-legislative scrutiny, such as the issue of non-Garda staff attending interviews, will be dealt with by way of the Garda Síochána powers Bill. The Hamilton review group proposals also are being implemented but if there are any constructive suggestions that can be made that will enhance this legislation, we will certainly look at them with an open mind.

I do not think that anybody holds a candle to people who commit fraud or white-collar crime. It is wrong and has a huge impact on society from a reputational and economic perspective. It is important that we equip one of the bodies that is charged with the responsibility to tackle this. This legislation is a first step in that process and I look forward to working with all Members of this House, as well as Members of the Seanad, to ensure that we establish a body that is fit for purpose so that individuals who commit white-collar crime and who have managed to escape sanction in the past will not be able to escape such sanction in the future.

Question put and agreed to.

### **Sea-Fisheries (Miscellaneous Provisions) Bill 2021: Order for Second Stage**

Bill entitled an Act to amend the Sea-Fisheries and Maritime Jurisdiction Act 2006 to give effect to Article 92 of Council Regulation (EC) No. 1224/2009 of 20 November 2009 and Title VII of Commission Implementing Regulation (EU) No. 404/2011 of 8 April 2011 and in that regard to provide for a system of registration and assignment of points to masters of sea-fishing boats who are Irish citizens; to make provision for certain other amendments to the Sea-Fisheries and Maritime Jurisdiction Act 2006; to amend the Fisheries (Amendment) Act 2003; to amend the European Union (Common Fisheries Policy) (Point System) Regulations 2020 (S.I. No. 318 of 2020); and to provide for related matters.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon):** I move: “That Second Stage be taken now.”

**An Ceann Comhairle:** While it is good to have another Kildare Deputy present, we have Deputies Michael Collins and O’Sullivan to keep us in line on the fish issues.

Question put and agreed to.

21 September 2021

## Sea-Fisheries (Miscellaneous Provisions) Bill 2021: Second Stage

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon):** I move:

“That the Bill be now read a Second Time.”

I am pleased to introduce the Sea-Fisheries (Miscellaneous Provisions) Bill 2021 to the House. By way of background I should advise that EU Council Regulation No. 1224/2009, known as the control regulation, establishes a community control system for ensuring compliance with rules of the Common Fisheries Policy, CFP, and establishing a level playing field across the EU on fisheries control. The control regulation requires, *inter alia*, that member states implement a points system for serious infringements of the rules of the CFP committed by the master skipper of a sea fishing vessel. The points system is intended to promote compliance with the rules of the CFP and seeks to deliver on the CFP objective of ensuring proportionate, effective and dissuasive penalty points for serious infringements and must contribute to a level playing field in fisheries control across member states.

Serious infringements include the following: not fulfilling obligations to record and report catch or catch-related data; concealing, tampering or disposal of evidence relating to an investigation; and fishing without a valid licence, authorisation or permit. The system was due to be in place by 1 January 2012 and the delay in implementing it is subject to EU infringement proceedings at present. A negative judgement from the Court of Justice of the European Union in any such proceedings could cost the State significantly in lump sum and ongoing fines.

I should also inform Deputies that serious financial implications arise from the non-implementation of the points system because, as a condition of the EU contribution to Ireland’s European Maritime and Fisheries Fund, EMFF, programme, certain conditions must be fulfilled, including the requirements of the control regulation to legislate for and implement points systems for sea-fishing boat licenceholders and, separately, masters of sea-fishing vessels.

The EU Commission has suspended approximately €24 million to date. This means that the investigation undertaken and paid for by the Exchequer is not being refunded by the EU Commission. Investment is ongoing and thus the EU funds suspended will continue to increase. Ultimately, this will reach €37 million in 2022 unless this non-compliance is resolved. Once Ireland has enacted the necessary legislation and has put in place the related administrative procedures and resources, the Commission is then required to lift the suspension of payments.

In December 2019, the then Government approved the general scheme that provided where a serious infringement was alleged to have been committed by a master, he or she will have been given an option to accept a lesser number of points than would apply as a consequence of a successful prosecution. If the points were accepted, they would have remained assigned to the master irrespective of the outcome of the prosecution.

My Department reviewed the approach in consultation with the Attorney General in light of the subsequent developments. These included, in particular, infringement proceedings which are in progress and the importance of being in a position to assure the Commission that any schemes meets the test of being proportionate, effective and dissuasive. In that regard, Ireland is under significant scrutiny from the EU Commission from the ongoing EU administrative inquiry into Ireland’s fishery control system. Having considered all aspects, the Minister, Deputy

McConalogue, was not satisfied that the EU Commission would accept the system which permits a master in serious breach of obligations to achieve a 50% reduction of the points set for that infringement by accepting the breach, as had been provided for under the 2019 scheme.

The Minister, Deputy McConalogue, examined all options in consultation with the Attorney General and came to the conclusion that the only scheme for masters that will assure the Commission of our commitment to an effective regime is to replicate the main provisions of the separate required EU points system for sea-fishing boat licenceholders, the arrangements for which are set down in the governing EU regulations. The licenceholder system has been implemented by means of an administrative system under secondary legislation, namely, the European Union (Common Fisheries Policy) (Point System) Regulations 2020, SI 318/2020.

The scheme for masters' points now being proposed in the Bill follows, as far as is possible, the provisions of the existing separate licenceholders' system with regard to, *inter alia*, the list of infringements, the number of points assigned and the suspension thresholds as provided for under the EU regulations.

The period of the suspension is determined by the number of points accumulated. The higher the number of points accumulated, the longer the suspension. The accumulation of 18, 36, 54 and 72 points will trigger suspensions of two, four, eight and 12 months, respectively.

A master who has accumulated 90 points or more or has received five suspensions shall effectively be permanently disqualified from taking control of an Irish or foreign sea-fishing boat, wherever it may be.

The masters' points system proposed in the Bill also mirrors the provisions of SI 318/2020 as regards the licenceholders' points system in other respects, including that the same independent determination panel and independent appeals officer will determine on the balance of probabilities whether a serious infringement has occurred. The procedures and timelines laid down in the Bill for the determination panel and appeals officer to make their determinations are similar to those provided for under SI 318/2020. The master can request an oral hearing before both the determination panel and appeals officer. A decision of the appeals officer to assign points can be appealed to the High Court, on a point of law. Points assigned to a master remained assigned, regardless of any criminal proceedings in respect of the serious infringements concerned. Points assigned to a foreign master will be notified to the relevant authorities of the relevant member state.

The Bill also provides that the Minister of the day shall establish and maintain a register of masters who are Irish citizens. A person cannot take charge of a sea-fishing vessel, unless he or she is registered and to do otherwise is an offence. The Minister may revoke registration or refuse to register a person, where incomplete, inaccurate, false or misleading information, in any material respect, is provided by that person. The person is entitled to make representations to the Minister, however, before any such decision is taken. Upon notification, the Minister shall record, on the register, the points assigned to the holder of an Irish fishing licence that relates to the master concerned. Where the master is a foreign master, the notification of the assignment of points will be made to the competent authority of the member state of which the master is a national.

The criteria for entry onto the Irish register will be relatively limited. A person does not need to have attained a level of expertise or have a clean criminal record, etc. The only condi-

tions are that the master is an Irish citizen; is not, at the time of registration, assigned 90 or more points and has not furnished the Minister with inaccurate, incomplete, false or misleading information. Other than on consideration of those simple criteria, the Minister should not refuse a person entry onto the register.

The Bill also contains a section to facilitate the sharing of certain data between the sea fisheries protection authority and the Revenue Commissioners. Such data sharing already occurs in respect of other public bodies, such as between Revenue and the Department of Social Protection. It is proposed a framework be put in place that would allow for joint sharing of information for alleged fisheries and tax offences in the fisheries section. There are also various technical and miscellaneous amendments, most of which were identified during the period immediately after the enactment of the principal Act, the Sea-Fisheries and Maritime Jurisdiction Act 2006. They are primarily technical in nature and correct typographic and reference errors in the Act and would improve its overall operation.

I also draw the attention of Deputies to key matters provided for in the Bill, which were not provided for the general scheme of the Bill, as published. The opportunity is being taken to close a lacuna in primary legislation, to expressly preclude the possibility of a minor applying for a sea-fishing boat licence. The Bill makes provision for this lacuna to be remedied by stipulating that an applicant for a sea-fishing boat licence must be aged over 18, at the time of the application. The Bill amends the European Union (Common Fisheries Policy) (Point System) Regulations 2020, SI No. 318/2020, to provide that the Sea-Fisheries Protection Authority, SFPA, has an express power to assign points to the sea-fishing boat licence holder concerned, once it has been determined that a serious infringement of the rules of the Common Fisheries Policy has occurred. Another amendment proposed in the Bill, which was not provided for in the general scheme, is designed to correct a drafting ambiguity in section 28(5)(b) of the 2006 Act. Section 28(5)(b) provides for the forfeiture of fish and fishing gear, where a person is convicted, on indictment, of certain offences under the 2006 Act.

Deputies should be also aware that the general scheme of the Bill was subject to thorough pre-legislative scrutiny by the Oireachtas Joint Committee on Agriculture, Food and the Marine, in April and May 2021. The committee heard from key industry representatives and the Minister, Deputy McConalogue, also appeared before it, twice. The Minister acknowledged and thanked members of the committee for their time and a constructive discussion on the contents of the general scheme.

I will turn to an overview of the detailed provisions of the Bill. Section 1 clarifies the Act of 2006 means the Sea-Fisheries and Maritime Jurisdiction Act 2006. Section 2 amends section 2 of the 2006 Act, insofar as certain definitions provided for thereunder are concerned. Section 3 amends section 12 of the 2006 Act, to provide clarity around the publication of a notification in *Iris Oifigiúil*, as provided for thereunder. Sections 4 and 5 amend sections 13 and 15 of the 2006 Act, respectively, to provide for certain miscellaneous and technical amendments. Section 6 inserts into Part 2 of the 2006 Act, a new chapter, 2A, on the regulation of the Irish fishing masters, and provides for the establishment of a points system for masters of fishing vessels, as required by EU fisheries control regulation (EC) No. 1224/2009 and its implementing Commission Regulation (EU) No. 404/2011.

The Minister shall establish and maintain a register of Irish citizens who are masters of sea-fishing boats - the Irish fishing master register - and the points assigned each such master. The register shall contain certain details such as the master's name and address, contact details,

number of points assigned, if any, and the date on which any such points were assigned. The control authorities, the Sea-Fisheries Protection Authority and naval service shall have access to, and may examine, the register for control purposes only. The Minister may refuse to register a person if his or her application for registration is incomplete, inaccurate, false or misleading. However, the person concerned may make representations to the Minister before any such decision is taken. It shall be an offence for a person to knowingly furnish the Minister with false or misleading information, when applying for registration.

A certificate of master registration shall be issued by the Minister, in respect of each person entered on the register. Data entered in the register shall be stored only for as long as is necessary for the operation of the register. It shall be an offence for an Irish citizen to take charge or attempt to take charge of an Irish or foreign sea-fishing boat, unless he or she is registered. As I have already outlined, the procedures around detection and notification of alleged serious infringements of the rules of the Common Fisheries Policy committed by masters and subsequent assignment of points by the Sea-Fisheries Protection Authority, closely resemble those provided for in the separate points system already in place under SI 318/2020, for the holder of a sea-fishing boat licence, established in response to the same EU legislation.

The accumulation of points will result in the suspension of a master from the register, that is, he or she will be prohibited from taking control of an Irish or foreign sea-fishing boat, wherever it may be. The period of the suspension is determined by the number of points accumulated. The higher the number of points accumulated, the longer the suspension. When the points are assigned to a master on the register, the Minister shall notify him or her of certain matters. A master who has been suspended or removed from the register is required to immediately inform the sea-fishing boat licence holder who engages, or proposes to engage, him or her as a master, of such a suspension or removal. It shall be an offence for a sea-fishing boat licence holder to employ a person, knowing that he or she has been suspended or removed from the register.

Sections 7 and 8 amend sections 16 and 17 of the Act of 2006, respectively, to provide for certain miscellaneous and technical amendments. Section 9 provides for the transfer of certain data between the SFPA and the Revenue Commissioners. Such data sharing already occurs in respect of other public bodies, such as between Revenue and the Department of Social Protection. Section 10 amends section 28 of the Act of 2006, to provide clarity in certain drafting matters identified therein. Sections 11 and 12 amend sections 37 and 54 of the Act of 2006, respectively, to provide for certain miscellaneous and technical amendments. Section 13 amends the Fisheries (Amendment) Act 2003 to, *inter alia*, rectify a lacuna to the effect that there is, at present, no legal impediment to a minor applying for a sea-fishing boat licence. Section 14 provides for certain amendments to regulation 7 of the European Union (Common Fisheries Policy) (Point System) Regulations 2020, SI No. 318/2020. Section 15 provides standard provisions for the title, citation and commencement of the Bill.

An efficient and effective master points system is necessary to protect law-abiding masters, who make up the majority of those in the industry, and to preserve this precious and valuable industry for all Irish fishermen and for future generations. The master points system proposed in the Bill will play a vital role in delivering on the Common Fisheries Policy objective of ensuring proportionate, effective and dissuasive penalties for serious infringements and contributing to a level playing field in fisheries control, across member states. Implementation of the points system is urgent, given the long delays since 2012, the ongoing EU infringement proceedings and the suspension of EMFF funding. Ireland is the only member state without a functioning master points system, a system over which the Government cannot stand. I commend the Bill

to the House.

**Deputy Pádraig Mac Lochlainn:** I will be sharing time with my colleague, Deputy Carthy. Where do I start with all of this? The Minister of State knows that this has been a deeply controversial saga. It has gone to the Supreme Court and the previous Ministers and the Department were found to have wronged fishermen on a number of occasions. They repeatedly did not listen to the industry. If they had listened, what the industry has been saying is that it of course supports the implementation of a penalty points scheme but it has to be fair, just and equitable. That is what they have said right throughout. I am going to go through some of their main concerns.

As the Minister of State knows, the previous Minister, Deputy Creed, attempted to bring in a statutory instrument which, for the first time in the history of the State, was voted down in this House. It was the then Fianna Fáil spokesperson on the marine, Pat the Cope Gallagher, who brought in that annulment motion. It won the support of the House and the statutory instrument was annulled. That was the right thing to do. Those of us who supported that annulment motion were all shocked to see the Taoiseach, who was then the acting Minister for Agriculture, Food and the Marine, introduce a statutory instrument identical to the one that was voted out by this House. He went against his own previous spokesperson on the marine, Pat the Cope Gallagher, who I believe listened to the industry, worked with it and defined solid solutions. He actually presented a solution to the Department officials and the Minister but he was ignored. It was shocking that his own Taoiseach ignored him and then the Minister, Deputy McConalogue, brought that statutory instrument forward again. We then brought an annulment motion that, unfortunately, was not successful to try to stop it.

Did the Government learn any lessons from that whole episode? Absolutely not. It has now brought in this legislation, which has the same serious flaws in it as the statutory instrument that is now operational. It brought this legislation, which is fundamentally flawed, to the Oireachtas committee and that all-party committee corresponded with the Minister and pointed out two issues in particular. The first is the issue of the balance of probabilities. What person or citizen in this State would accept a conviction that could have such a detrimental impact on their livelihood on the balance of probabilities, rather than on the threshold that we all understand, which is that of beyond a reasonable doubt? It is extraordinary that the Government would allow that threshold. That says it all about the attitude of some people in officialdom in Ireland, who I believe have a view that fishermen are guilty until proven innocent. It is a criminalisation of a whole industry when there is a threshold of the balance of probabilities rather than beyond a reasonable doubt.

If that was not good enough, there is also the fact that people can only appeal to the High Court on a point of law. This issue has been through the Supreme Court and the Supreme Court found that a person has the right to appeal when it impacts on their livelihood. That would be the vessel owner in the case of the statutory instrument and the master of the vessel in this case. However, they can only appeal to the High Court on a point of law. That is bad enough but it gets worse. If a person did go to the High Court on that point of law and was successful, that would not mean the points would be removed. It is absolutely extraordinary. I have said this at the committee. Imagine if we told our citizens that if a speed van or a garda allegedly caught them speeding while driving along in their car and they decided to take it to court and won their case, the points would still stay on their licence. If we had a law like that people would be in uproar throughout the land and it would not see the light of day but that is how we treat our fishermen.

I assume the Minister of State and the officials have read the submissions from the various fishing organisations to the Oireachtas committee. All these points were put forward again in those submissions, but did the Government listen to the fishing organisations, or the all-party committee that corresponded with it and expressed profound concern about these aspects of this legislation? The answer is “No”. It did not listen. Here we are now with flawed legislation that is offensive to fishermen up and down the coast. Sinn Féin will oppose it at every Stage and will seek to put in amendments to get the Government to see sense, to treat the fishermen with respect and to bring in a points system that is fair, just and equitable.

**Deputy Matt Carthy:** I want to put on the record of the House my commendation to Deputy Mac Lochlainn on the work he has done in this area. I am the Sinn Féin spokesperson on agriculture, food and the marine but we recognised early on that the challenges facing our fishing and coastal communities were so great that we needed to have a dedicated person of ability to address and deal with these issues specifically. One of the difficulties the Government faces is the fact that it has not done the same. It has been quite a number of years since we have had a senior Minister with responsibility for the marine and for many years following that there was a junior Minister with specific responsibility for the marine. We do not have that now and that is reflected in the free rein that a small number of officials have in respect of issues pertaining to the marine. It is also reflected in the fact that a statutory instrument that was, uniquely in the history of this State, rejected by this House was brought back verbatim by the exact same party that proposed the annulment in the first place. Now, despite the united voices of every single fishing organisation in this State, the Government is proceeding with legislation that does not make one bit of sense. That has already been outlined but it is important that we restate it.

This legislation allows penalty points to be applied to masters of fishing vessels based on the legal threshold of the balance of probabilities. It is actually worse than the scenario outlined by Deputy Mac Lochlainn because it is not simply like somebody being caught speeding. It is more like somebody being issued with a speeding ticket because a garda believed they were speeding. That is the principle that now applies to our fishermen. Then the points remain on a licence even when the accused has successfully appealed the decision in the court. There is no other set of workers, sector, industry or group of individuals that is treated in this manner. I commend Deputy Mac Lochlainn and I endorse his proposition that Sinn Féin will fight this legislation every step of the way because this is bad legislation and is indicative of how our fishing communities have been treated in this State for too long.

Debate adjourned.

*6 o'clock*

### **Planning and Development (Amendment) (20 per cent Provision of Social and Affordable Housing) Bill 2021: Second Stage [Private Members]**

**Deputy Eoin Ó Broin:** I move: “That the Bill be now read a Second Time.”

The Minister, Deputy Darragh O’Brien, has done it again. Once more, he promised one thing very loudly, brashly and publicly, but unfortunately delivered something very different. He promised he would increase the provision in Part V of the Planning and Development Act

to ensure all new housing developments would deliver not only the 10% social housing that is currently required to be provided under law, but also another 10% for much needed affordable housing, be that rental or purchase. That was an important commitment particularly given the rising rents and house prices we hear about every day. However, when one reads the fine print of what the Minister has actually done, he has done nothing of the sort. During the last-minute of proceedings of the Affordable Housing Bill before the recess, in a session where only 90 minutes were allocated for Committee, Report and Remaining Stages, final Seanad Stage amendments were introduced without adequate time for consideration and with no explanation, no debate and no vote. Despite the fact that other Opposition Members and I expressed concern about the technical importance and consequences of these amendments and asked for a detailed briefing from officials, no such briefing was subsequently provided. The full significance of those amendments only became clear when they were explained in plain English in the detail of the Government's new housing plan. What is that detail? Landowners who bought their land between 2015 and 2021 will not have to provide any affordable housing on their site if they apply for planning permission between 2021 and 2026. That means the vast majority of live development projects that seek planning permission this year, next year and the year after will be under the old rule of 10% provision. If that is not a sweetheart deal for large landowners, I do not know what is.

What makes this even worse is the embarrassingly low levels of genuine affordable homes that are to be delivered under the Government's new housing plan: some 2,200 homes next year, although I do not believe those targets will be met; possibly 3,500 in the following year; and then possibly 4,000 in 2024 and 2025. The Minister of State, Deputy Noonan, knows as well as I do, because he lives in the real world, that this is nowhere close to the current level of affordable homes to rent or buy that is required. It gives me no pleasure to say that this does not come as any surprise. Let us look at what the Minister has done since taking office. When industry asks, the Minister, Deputy Darragh O'Brien, delivers. Industry asked for a shared equity loan scheme. What did the Minister deliver? Against all the advice of economists and even Government officials, he provided a shared equity loan scheme. When he was lobbied by industry to give an exemption for the increase in stamp duty for the block purchasing of houses and duplexes to be leased to local authorities, he went running to the Minister, Deputy Donohoe, and secured an exemption which was exactly what industry asked him for. It was then confirmed by the late release of documents by the Department on Friday evening. Thankfully, due to diligent journalists, *The Business Post* captured and published on Sunday that developers asked for this sweetheart land deal and the Minister delivered. The consequence of this is that thousands of affordable homes that would have otherwise been delivered will now not be. I heard the Tánaiste say today that this was what the Housing Agency recommended. That is not true and I hope nobody says that today. My understanding is that the Housing Agency was asked to produce a report in which it provided a list of options. It did not recommend one option over another. It provided a list of options. That is not the same as the Housing Agency recommending this course of action. I understand the Housing Agency would have liked to have seen the same kind of transitional arrangements that existed when Part V was originally introduced in 2005, namely, 20% introduced straight away but where landowners bought the land before the introduction of the Bill, they would be fully compensated for the land value rather than existing use value. That would have been fair, constitutional and would have delivered the genuinely affordable homes that people need.

Once again, the Minister, Deputy Darragh O'Brien, had to make a choice. Does he stand with large landowners, big developers and institutional investors or does he stand with working

people who are desperate to put an affordable roof over their heads? He made his choice clear. He is not on the side of working people; Sinn Féin is. That is why we have tabled this simple legislation to scrap that exemption to ensure that all new planning applications from here on in would be subject to the 20% requirement. If the Minister wants to table an amendment to the Bill on Committee Stage to reintroduce the original transitional arrangements from the Planning and Development Act 2000, we would have no difficulty supporting that. On that basis, I commend the Bill to the House.

**Deputy Sorca Clarke:** I commend my colleague, Deputy Ó Broin, on bringing this Bill forward this evening. It cuts through the layers of red tape and bureaucracy that get to the very core of the torment facing workers and families across this State. It is the provision of affordable housing. Without a shadow of a doubt and by a country mile, it is the main issue about which people come into my constituency offices. On the issue of housing, affordable housing is the dominant feature in each of them.

A quick search on *daft.ie* today indicates that the average rent in Longford-Westmeath is €1,256 a month and that there are 21 properties available across two counties. The impact of the lack of available properties and their high cost is profound. One family in permanent employment, who this time last year would have been able to secure a family home, is today deciding which of their teenaged children will share their bedroom because there are no three-bedroom properties available in their town. There are exactly zero. The nearest option would add thousands of euro on to their commuting bill every year and would remove any hope they have of doing anything but surviving, never mind how they would get their children to school. This poses the question as to how would we make that decision? We are here, after all, as the representatives of these people who are living an absolute nightmare. We as a society cannot wait until 2026 for the half-hearted changes the Minister is proposing. We cannot let the thousands of potentially affordable homes slip through our fingers in that time. This amendment is the only way to ensure those thousands of potential home buyers and renters can have that affordable roof over their heads.

While I welcome the Government not opposing this Bill, there is a vast difference between not opposing it and actually implementing real and meaningful policies. We cannot continue down this road to disaster. It was reported that from March to June of this year, average property prices increased in my constituency by more than 7%. That completely takes away working families' potential to buy their own homes. That same report outlined the lowest supply rates and the shortest time taken to sell a property in recent history. How many more experts, reports or agencies need to tell the Government that there must be a substantially increased investment in affordable and social homes? How many more parents must make the decision as to which of their teenaged children will share their bedroom before the Government will listen to reason?

**Deputy Réada Cronin:** The people's interest must trump the interest of lobbyists. It is perfectly clear that the Part V developer exemption must go. If it remains, we will lose thousands of affordable homes. We see rocketing house prices rocketing even further. They have gone through the roof in north Kildare. Crazy house prices is not just an information support group for distracted and disgusted potential buyers. It is the hard reality for people trying to get a home today. We have been here before, in the grip of a property fever that saw Monopoly money being charged for shoebox semi-detached homes. Some people said there would be a soft landing and we should ignore Morgan Kelly. Professor Kelly was right, however, and many are still living with the effects of what happened in that crisis. Others are not living at all.

21 September 2021

Today we have a different kind of housing crisis. The exemption on the provision of affordable and social housing must go. The Government cannot go on indulging the whims of developers and the markets to the detriment of society. We need public and affordable housing. The Government had a choice of whether to look after developers or look after workers. We know whom it chose. If this exemption is not removed, developers with thousands of houses in the pipeline will not have to produce affordable homes during a deep and growing housing crisis. We need to end the Part V exemption for large landowners and ensure the full 20% provision is delivered. We need public and social housing. In the end, we are the public and we are a society. As legislators, we have a duty to put the people, not profit, first. I commend Deputy Ó Broin on bringing forward this Bill. I urge the Minister of State not just to say he will support it but to implement its provisions.

**Deputy Thomas Gould:** I thank my colleague, Deputy Ó Broin, for bringing forward this Bill. It shows once again that we in Sinn Féin are here to introduce positive solutions that will make a difference in delivering housing for individuals and families. The Government claims to know the impact of the housing crisis. If that is the case, why is it not doing everything in its power to deliver housing for people who are desperate for it? The *Business Post* reported that the Minister was extensively lobbied by developers and that is why this exemption appeared, seemingly out of nowhere. It also reported that an estimated 10,000 homes have not been built because of the exemption. Why did the Minister grant it? The only reason ordinary people can see that is that he and the Government have, once again, prioritised developers, investment funds and the major landowners over the people of this country.

The Government has failed to act. In Cork city, the local authority plans to build numerous affordable housing developments but it still does not have the criteria from the Government to enable it to proceed. Those projects are all on hold. Once again, the Government is not delivering.

This Bill is about housing and priorities. I have no faith in the ability of the Government or the Minister to deliver housing. They are looking at developers more than ordinary people. That is the difference between the Government and Sinn Féin. This is another broken promise. The Minister does not understand how bad things are for most people. There is much I want to say about the crisis in housing but time constraints mean I cannot do so. What I can say to the Minister of State, Deputy Noonan, is that the Government must act now. Will it, for once, put ordinary people and families first? If it does not, they will suffer.

**Deputy Mark Ward:** The Government announced with great fanfare that it was increasing the requirement on developers to provide social and affordable housing under Part V of the Planning and Development Act 2000, as amended, from 10% to 20%. This would see the provision of affordable homes double for those desperately waiting for them. Taking it at face value, one would be right in thinking this was a good deal for ordinary workers and families. However, like many announcements from the Government, it is very difficult to take it at face value. When we get into the finer details of the plan, we see there is a clause in place exempting large developers from providing additional social and affordable homes until 2026. The people in my area who are locked out of the housing market by sky-high rents simply cannot wait until 2026. The workers and families living in insecure rental accommodation cannot wait until then.

I commend my constituency and party colleague, Deputy Ó Broin, on bringing this Bill to the House. It will, in effect, remove the developer exemption and put ordinary workers and families in Lucan, Clondalkin and across Dublin Mid-West before the big developers. The

Government had a chance to put ordinary workers and families looking to secure affordable homes first. It failed to do so, once again, at the behest of lobbying landowners and developers. There is no constitutional requirement for this exemption. Why then did the Minister feel it was needed? The exemption could potentially result in the loss of thousands of additional affordable homes. We simply cannot afford to lose any such homes in the current market.

The failed housing policies of Fine Gael, and now Fianna Fáil, are the reason we have a housing crisis. Their tired old measures, which put private interests before public need, are simply no longer washing with people. I do not expect the Government will have to wait until 2026 to get that message.

**Deputy Maurice Quinlivan:** I want to make some brief comments in the short time available to me. This amending legislation is necessary to remove the sweetheart deal offered to developers and investors by way of the exemption to Part V of the Planning and Development Act 2000, as amended. It is necessary at a time when the residential property price index figures show an annual average increase of 8.6% in property prices and when people are struggling to gain mortgage approval while paying higher rents. A June 2021 *daft.ie* sales report indicated that Limerick city has seen the largest rise in prices of any city, with an average increase of 15.5%. To have a waiver in place at this time of the requirement for a provision of 20% social and affordable housing is fundamentally wrong and must be stopped. There is no thought in this exemption of what is best for the people. The only thought seems to be of profit.

The *Business Post* reported last Sunday that the Government has been lobbied extensively by its developer friends. There is no surprise in that for any of us. The long-suffering investors and developers can lobby the Minister of State and his colleagues and be helped by them. The people I speak for are not offered exemption clauses. I would rather speak for the thousands of people in Limerick who are on waiting lists. I speak for those in overcrowded conditions, with three generations of the same family living in the same home. My constituency office, like those of other Deputies, is inundated with queries on housing. Almost every single call we are getting is from people who are in distress about housing. When I leave this debate and switch my telephone back on, I know there will be messages from people. Looking at *daft.ie* today, I see there are 13 properties for rent in my city. Four of those properties cost more than €3,000 per month and only two of them, both one-bedroom properties, are renting for less than €1,000. That is ridiculous.

We have a situation where working families cannot get any housing support or be put on a housing list because they earn a little too much, but they earn too little to get a mortgage. That is a massive problem. As I said, there are only 13 houses or apartments available for rent in Limerick city today, but we have ten or even 20 times that number of voids. The Minister of State may stand up and say that X, Y and Z is being done about voids but, in fact, nothing is being done. The red tape is too difficult for councils to get through. That must be dealt with if the Government is serious about tackling the issue. If the Minister of State were dealing with the number of people we have coming through our constituency offices, he would realise the extent of the crisis we are facing in the here and now. As my colleague, Deputy Ward, said, people cannot wait for a number of years. They need action now and solutions that will deliver houses for them. I do not believe the Government is up to the game at all.

**Deputy Dessie Ellis:** Ba mhaith liom tacaíocht a thabhairt don Bhille seo ó mo chomrádaí, an Teachta Ó Broin. I thank the Deputy for bringing forward this important Bill. It is vital that every means be utilised to build social and affordable housing. This Bill ensures, first, that

developers are not exempted from providing social and affordable housing under the Part V provisions and, in addition, that 20% of any housing development must be social and affordable housing. The sunset clause that was put in place to allow developers who secure planning permission before 2026 to provide only 10% social housing in a new development is greatly flawed. We said that at the time. The removal of the exemption will bring thousands of additional homes onto the market that otherwise would not be available.

The Dublin City Council housing waiting list for Dublin North-West, particularly for areas such as Ballymun and Finglas, remains a very serious issue. It has resulted in many families and individuals falling into homelessness. With increasing numbers on the housing waiting lists and many waiting a decade or more for a house, it is even more important that priority be given to increasing the number of social and affordable housing builds. Affordable housing has been delivered by the Ó Cualann housing organisation at a cost of approximately €200,000 for a three-bedroom home. This serves as a good model of real, affordable housing. However, the Government's idea of what is affordable will cost between €350,000 and €400,000, and that is not realistic. In addition, rents in the private sector have gone sky-high. A great proportion of an individual's income goes on rent, which is an average of €2,000 per month for accommodation in the Dublin North-West constituency. The Bill would go a long way to giving those who are looking to get onto the property ladder or who are in need of social housing some hope for the future.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** The Government welcomes the opportunity to highlight the recent amendments to Part V it has brought forward, which are a very important part of accelerating the supply of affordable and cost-rental homes. It also welcomes the opportunity the Bill presents to continue working on ensuring that our Part V provisions are appropriately calibrated and the Government will not be opposing it. We welcomed the support of Sinn Féin and other parties for the Affordable Housing Act 2021, which originally brought in these changes. It is important that they are kept under review and deliver homes. Any further analysis of this is welcome and future changes must be considered in this light.

The programme for Government includes a commitment to review the provisions of Part V of the Planning and Development Act 2000, to introduce requirements for affordable homes and to explore expanding it to encompass social, affordable and cost-rental housing. The Minister for Housing, Local Government and Heritage requested the Housing Agency to review Part V in light of the programme for Government commitments and, following receipt of that review at the end of December 2020, he acted on the advice of the agency and of the Department to bring forward very significant changes to Part V. These changes were made through the Affordable Housing Act 2021, which was passed by the Dáil in July with cross-party support. We are happy to share the review report to help inform the pre-legislative debate on this Bill.

The Government has reversed the reduction introduced by the then Minister, Deputy Kelly, in 2015 and has strengthened Part V, moving it to a flat 20% nationwide rather than just “up to 20%”. At the same time, we reduced the exempted development size back to less than five units, from the previous nine, and we made provision for cost rental as well as affordable housing. The provision is stronger now than it has ever been. We made the change immediate for land bought before September 2015, when the percentage had previously been at 20%. We also made the change immediate for land purchased after the Bill was enacted in July, as developers clearly knew that the requirement would be at 20%. However, the question of how to deal with land bought while the obligation was at 10% was a more difficult prospect and the Housing

Agency and the Department strongly advised the Minister that there was a need to have transition provisions for those lands. This issue can be considered further during pre-legislative scrutiny, as it is challenging. Let us look at the concerns. As part of its review, the Housing Agency examined the implications, including implications for overall housing supply, of increasing the current 10% social housing requirement related to all new housing developments to 20%, or above, and made recommendations on the use of the Part V requirement to generate a supply of affordable housing. The agency's review of Part V put forward options for consideration, including that the Part V requirement be amended to a mandatory 20% for social and affordable housing.

One aspect of the advice of the Housing Agency was that if an increased Part V requirement was to be introduced, provisions should be made for landowners who purchased land before the increase was announced, in line with the approach previously taken when the Part V requirement was originally introduced in 1999, and the agency advised as to potential transitional arrangements that might be considered. It recommended that an increase in the percentage contribution should include a provision to cater for land that was purchased when the expectation was of a 10% Part V contribution, and suggested various options for a transitional provision, including a sunset clause, which could apply to such transitional provisions in order to encourage developers to commence construction on existing sites.

The Department agreed with the advice of the agency. In recommending a transition provision with a sunset clause, the intention was to accelerate developments from those lands at a time when supply of homes is urgently needed. Having considered the advice, apart altogether from the need to be fair and proportionate to those who bought land when the provisions were at 10%, we did not want to enact a measure that could potentially result in planned developments being stalled because they were at the margins of viability and the policy change would make them unfeasible. We know that rising costs in the sector are causing serious problems and the effects of both Brexit and Covid have been keenly felt. Neither did we want to risk those developers moving to up their prices to recoup their losses from house buyers. The rising inflation in house prices is of serious concern to all and we wanted to mitigate any potential that the new Part V measures might contribute to that.

What we did want was for developers to stop sitting on lands and to encourage them to move faster. As clearly set out in *Housing for All*, the Government is acting now to reach an average of 33,000 new homes per year. To manage the risks to supply and to achieve our aims, we provided that lands bought when the provisions were at 10% would continue to be at 10% for a period of five years, after which the 20% would apply.

The transition provisions that were included provide that lands transacted between those two dates will have a period of time to develop at the 10% obligation, but where planning permission is granted after 31 July 2026 the obligation will be 20% in those cases also. This allows time for these developments to come forward, based on the existing financial appraisal that applied at the time of purchase of the land. It also allows time for the viability of developments to improve through the measures being taken in *Housing for All*, which is designed to move us to a sustainable housing market. The transition measures were an effort to strike a proportionate approach, ensuring that near-term supply would be unaffected by any knock-on effect of policy changes that could potentially affect the viability of developments that were based on financial appraisals at the 10% obligation.

It is important to note that instead of, as has been claimed, exempting land purchased when

the percentage contribution was 10%, we have used the sunset clause to encourage development which provides for the application of the 20% requirement to such lands where the planning permission is being granted after 31 July 2026. This will encourage developers who purchased land in the September 2015 to July 2021 period to proceed with their developments within the next few years or else face a reduced planning gain. As a result, we hope to see an increase in the level of applications for planning permission to build residential developments on land purchased in the past six years.

It is also important to note that existing planning permissions for more than 70,000 units are not impacted by this Bill. The legislation as passed is what the Government believes to be the best balance of increasing the contribution that Part V can make to meeting the need for affordable and cost-rental housing, while maintaining its contribution to social housing supply and without jeopardising planned housing developments or being overly vulnerable to legal challenges, which whether successful or not, would have a chilling effect on all development while developers awaited the outcome. These are the key issues to be considered and discussed with stakeholders in any pre-legislative scrutiny sessions. The Government is willing to keep this under review.

We welcomed the support of Sinn Féin and others for the Affordable Housing Act 2021, which brought in these provisions in July. In that spirit, we are not opposing this Bill, as it will keep the provisions under review and the Government has no issue with them being subject to further economic analysis and scrutiny. Any changes must deliver more units and pre-legislative scrutiny will offer an opportunity to see whether further changes may be appropriate.

In the intervening period we hope that developers will be encouraged to act on planning permissions already granted and bring forward applications for permission in respect of lands they purchased in the past six years. The 70,000 planning permissions are live and will not be impacted by this legislation or the changes brought in last July. They need to be activated. Ultimately, the objective is to get homes built and the Government is open to any further changes that need to be made to get that done.

**Deputy Chris Andrews:** I commend my colleague, Deputy Ó Broin, on bringing forward the Bill. The purpose of the Bill is simple, but its impact will have far-reaching benefits for thousands of workers amid the housing crisis. The Bill will remove the Part V affordable housing exemption for developers who purchased land in the past five years and who seek planning permission before the end of July 2026. This exemption represents yet another sweetheart deal by this Government for developers and investors. We have seen concession after concession for developers and investors while we have workers and their families being forced to pay very high rents and move far from their families and communities to find accommodation. When will we start to see meaningful breaks for ordinary working families?

We are fortunate in Dublin Bay South to have many strong communities who believe in standing up for one another and their communities. I look at the Irish Glass Bottle Housing Action Group in particular. It has been a constant source of community in organising for the delivery of affordable homes for Ringsend and Irishtown. For too long, locals have been getting priced out of their community, with investors swooping in to buy up whatever homes are available. To add to this, we have high-tech firms coming in and pushing up the prices of homes and rentals for working families who lived and invested in the area long before the shiny, hugely profitable companies like Facebook, Google and now TikTok. We urgently need affordable public housing in this city and when we say affordable, we mean affordable to the community,

not to the investment funds. An affordable price of upwards of €600,000 per unit is laughable. We need the delivery of affordable homes at the price of €250,000, like Ó Cualann, as the previous Deputy mentioned. In terms of public housing, we need to see a commitment from the Government that these units remain onsite within the community, not relocated far outside the original area. We cannot let what happened with the development of Capital Dock happen again, given the Part V units were not provided onsite or even locally, but instead miles up the road from the local community. Public housing needs to be delivered locally.

**Deputy Rose Conway-Walsh:** I welcome that the Government is not opposing the Bill and I commend my colleague, Deputy Eoin Ó Broin, on bringing it forward. Exemptions for developers is the hallmark of successive Governments' approach to housing. We have seen it when it comes to delays in banning co-living and the stamp duty exemption for long-term leases and apartments. Most recently, we have seen purpose-built student accommodation being given planning permission to be converted into tourist accommodation in the midst of a student housing crisis. Large student accommodation complexes have been given permission to operate as tourist accommodation on the bogus claim that there is not enough demand for them, yet we see that thousands of students all over the country cannot get fit-for-purpose affordable accommodation. The reality is most students cannot afford to live in high-end, purpose-built student accommodation and these landlords are unwilling to lower the rent.

Exemptions for developers and large-scale landlords have led to a situation where they have been allowed to take hundreds, if not thousands, of student beds out of the system. It is completely wrong. It seems to be beyond Fianna Fáil and Fine Gael to even imagine a situation where a landlord or developer should lower the rent if they can get tenants at the extortionate rates they are charging. Now, we have students staying in hotels, hostels and student accommodation that is not fit for purpose.

The profit margins of developers and institutional landlords could be protected. We need a new strategy for student accommodation that has affordability and public ownership at its heart, and we need to increase the recurrent and capital funding for institutes of higher education to allow them to build on-campus accommodation. We need to end the conversion of purpose-built student accommodation to tourist accommodation, and encourage colleges to strike a fair balance between attracting international students and meeting the needs of Irish students. That is why I and Sinn Féin will be supporting the Union of Students in Ireland this Thursday when they launch their "No Keys, No Degrees" campaign to draw attention to the current student accommodation crisis that has left thousands of students across Ireland struggling to secure accommodation.

This Government is completely out of touch with students, families and the wider society when it comes to accommodation for students and hard-pressed families. I ask the Minister to please take action now. We cannot have a hands-off approach to this.

**Deputy Brian Stanley:** I welcome the opportunity to speak on this Bill and I commend Deputy Eoin Ó Broin on bringing it forward. The facts are that consecutive Governments have failed to provide affordable homes across the country on the scale that is required to address the housing crisis. There has not been one single affordable home delivered in Laois-Offaly in almost 15 years and there does not appear to be any plan in place for cost rental projects in either county. The Government, just like its predecessors, seems either incapable or unwilling to deliver affordable homes for ordinary hard-working people.

21 September 2021

What we have is a sweetheart deal in the Government's housing plan. The Government's housing plan has a large loophole in it which will allow developers to avoid providing additional accommodation for purchase or rental homes. The Government plan allows developers to avoid selling 20% of the units they build to local authorities for affordable to purchase and rental homes, which is why we have brought forward this legislation. Sinn Féin projects that closing this loophole will ensure an additional 10,000 homes that are genuinely affordable are built between now and the end of 2025.

This is the kind of practical solution we need. We must get to grips with the housing crisis. Since 2013, in Laois house prices have increased by 98% and by 64% in Offaly in the same period. These are astronomical increases which have completely obstructed families and workers from purchasing their own homes. Instead, property developers and landlords are buying them up and renting them out to families at spiralling, sky-rocketing rents. Half of the constituency does not have a rent control zone and the three zoned areas are not effective because of loopholes. I would also argue that if we had rent controls in place years ago, this kind of market manipulation would not be happening. One of the things driving up house prices is the fact we do not have rent controls in this country. It is very profitable for landlords, developers and speculators to buy houses and to rent them out, and they can charge what they like in rent. Rents are out of control. Although I hate to say it, successive Governments have allowed this crisis to develop. We have been saying this here for years while workers and families are trapped in rental accommodation with no affordable or cost rental options in sight.

To conclude, we need affordable to purchase housing schemes and cost rental schemes to be provided in Laois-Offaly and every other county. We need 20% of all developments.

**Deputy Pauline Tully:** I commend my colleague, Deputy Eoin Ó Broin, on bringing forward the Bill. I welcome the fact the Government is not opposing the motion. The Minister says he is going to review it and I hope that will lead to action. The most common issue among my constituents is housing or, I should say, lack of housing, and I know that is the same for practically every Member of this House.

Housing prices are continuing to rise and rents are rising in tandem, and both are happening due to the lack of housing supply. The solution is to invest in social and affordable housing on public land but successive Fianna Fáil and Fine Gael-led Governments have removed the ability of local government to build social housing. Now, the Government is exempting big developers from the Part V 20% social and affordable housing provision.

In my own county of Cavan, between 2016 and 2020, Cavan County Council had only 36 new properties built and, under Part V applications, private developers delivered one house to the local authority. There are various categories of people currently seeking housing. Those on the social housing list are waiting maybe seven or eight years and sometimes longer. Many of them asked me can they not be allocated a vacant council house that they know is sitting there idle for months and maybe years, and they would do it up themselves as they are that eager to get a house. They cannot understand why these vacant properties are not being renovated and reallocated. Numerous disabled people are waiting in excess of ten years for social housing because another Government body has failed to provide the support needed to those people. Not only are they waiting on a suitable accessible home, they are also waiting on the support needed to allow them to live an independent life. I know of people who are working and who earn above the threshold for social housing, but they cannot get onto the property ladder because, apparently, they have an inability to show they are saving money on a regular basis. How in God's

name can someone save money for a deposit or show they have a consistent savings trend in a bank account when they pay up to half of their income in rent? I know people who are turning down work to avoid going over the threshold for social housing because they cannot afford the exorbitant rents without HAP. The Part V exemption needs to be scrapped immediately.

**Deputy Ged Nash:** I welcome the opportunity to speak on Deputy Eoin Ó Broin's Bill. Before I go into the meat of this, it is important that we reflect a little on the history and, indeed, performance in practical terms of the Part V provision since it was introduced over 20 years ago. The Minister of State touched on it briefly, to a point, in his contribution.

I was a member of a local authority at the time, as were many colleagues across the House. It was, as Deputies will recall, introduced by one of the Minister's predecessors, Mr. Noel Dempsey. I recall remarking in the council chambers of the two local authorities of which I was a member, Drogheda Corporation, as it was then, and Louth County Council, that this initiative was novel, far-sighted to a degree, innovative and useful once it complemented the public homebuilding programmes that were in place at the time. I warned that it should not be designed to replace local authority provision.

Members will recall that, further down the line, the provisions were then watered down by one of Mr. Dempsey's ministerial successors, Mr. Martin Cullen. In my view, Mr. Cullen butchered Part V when he enabled developers to donate land elsewhere or pay an equivalent sum to the local authority. There was no longer a requirement to build physical units. Part V was full of holes and there were so many get-out clauses as a result of those changes that little or nothing was delivered. Modest homes became grossly unaffordable in the early and mid-2000s, poorly regulated banks loaned money like it was going out of fashion and we know to our cost where this ended up.

Part V, more generally, failed in its main objective, which was to provide a balanced mix of social and affordable homes in private housing developments. In 2015, the journalist, Mick Clifford, wrote:

What resulted was, more or less, a disintegration of the original policy. Many local authorities accepted less than market value as the money in lieu, and, as was inevitable, the money wasn't always ringfenced for the purpose for which it was collected. Less than 4% of the 400,000 homes built between 2002 and 2011 were for social housing. The market triumphed, developers were allowed to proceed unfettered by any considerations for society at large.

That is a fair assessment.

The Minister of State mentioned changes to the Part V regime introduced in 2015 by my colleague, Deputy Kelly. He did so without providing any context for those decisions and the framework within which they were made. The Minister of State's officials will be only too well aware of the circumstances that pertained at the time and the ambition of the changes that were introduced. In 2015, when the then real-world problems, if I can describe them as such, with Part V were corrected to enable homes to be built, there was no shortage of affordable housing, nor was the State in a position to underwrite the delivery of affordable homes only a matter of months after we waved goodbye to the troika. In addition, there was no shortage of social housing. The aim of the 2015 amendments was to get 10% of units built - end of story. As I hope the Minister of State will agree, 10% of something is preferable to 20% of a unicorn. Nothing

was happening at the time. Context, I hope the Minister of State will concede, is everything and we were at a particular point in time. Those changes were important in that they removed the ability of developers to account for their social housing commitments through cash payments to local authorities.

Deputy Ó Broin will know that things change. That is reflected in the fact that he proposed a Bill in 2016 to provide for 25% social units under Part V and 30% social units in strategic development zones. However, things have changed since, as reflected in this commendable attempt to address the deficiency in the legislation the Minister brought forward and the amendments he made in July.

The recorded defence of the Minister, Deputy Darragh O'Brien, is that this Bill and what it seeks to do are in conflict with the Constitution. However, that defence does not survive the merest of scrutiny. Going back to the initial iteration of Part V, if the land in question had been purchased by the applicant before the date on which the 2000 Act was published as a Bill, the applicant was to be paid the greater of either the original purchase price plus interest or its existing use value. If the land had been purchased after that date, the applicant was to be paid only its existing use value.

As the House will be aware, the Planning and Development Bill 1999 was referred to the Supreme Court by the President under Article 26 of the Constitution and the Supreme Court upheld its constitutionality. The following points are important to note. According to the court:

The objectives sought to be achieved by Part V of the Bill are clear: to enable people of relatively moderate means or suffering from some form of social or economic handicap to buy their own homes in an economic climate where housing costs and average incomes make that difficult and to encourage integrated housing development so as to avoid the creation of large scale housing developments confined to people in the lower income groups.

It can scarcely be disputed that it was within the competence of the Oireachtas to decide that the achievement of these objectives would be socially just and required by the common good. It is accepted on behalf of the State that the use of planning legislation, which has traditionally been concerned with the orderly and beneficial planning and development of the physical environment, for a purely social objective of this nature is novel and even radical. The court is satisfied, however, that it is an objective which it was entirely within the competence of the Oireachtas to decide to attain, as best it could, by the use of planning machinery. The essential question for resolution, in the context of Article 40 and Article 43, is whether the means employed constitute an unjust attack on property rights.

In considering whether this restriction on property rights was permitted by the Constitution, the court applied the test of proportionality. The Supreme Court concluded that the provisions of Part V were “rationally connected to an objective of sufficient importance to warrant interference with a constitutionally protected right and, given the serious social problems which they are designed to meet, they undoubtedly relate to concerns which, in a free and democratic society, should be regarded as pressing and substantial.” It continued: “At the same time, the court is satisfied that they impair those rights as little as possible and their effects on those rights are proportionate to the objectives sought to be attained.” There can be no doubt, accordingly, but that the principle of land transfer at current use value for the provision of social and affordable housing has already withstood the most detailed constitutional scrutiny at the highest level.

According to newspaper reports, the Minister made the decision for the exemption that is the subject matter of this debate from the 20% requirement on foot of “very strong advice from the department”. It is notable that the Minister did not refer in the media contribution to legal advice from the Office of the Attorney General. He stated instead that the advice was from senior officials and that it was to the effect that developers may have bought such land on the understanding that there was a 10% provision for Part V housing and that may have been built into the cost and the future cost of the development of that site. However, no commencement order has yet been made by the Minister in respect of Part 6 of the Affordable Housing Act 2021 giving effect to the amendments that were made in July where those various amendments to Part V have been made. In other words, the amendments do not yet have the force of law.

It seems the Minister and the Department will take advice from developers when they express unproven concerns over an escalation of costs. In contrast, the Minister does not seem to be able to take the objective advice of civil servants, for example, in the Department of Public Expenditure and Reform, and economists in the Economic and Social Research Institute, ESRI, when they warn that poorly targeted and expensive schemes, such as the help-to-buy scheme, that end up adding significantly to the cost of homes for first-time buyers ought to be reconsidered as well. There is a real variance there and a real gap and the common thread is developers.

The amendment the Minister introduced in July tells me that he is being led and said by developers. It is not too late to do a U-turn, a *volte-face* if I can call it that. As I stated, the amendments introduced in July have not yet been brought into force.

While I am pleased the Government has decided it will not oppose this Bill, it has not stated it will support it. This is the point. The Labour Party supports this legislation. We think it is positive and can undo a mistake the Minister made with his amendments in July. I would ask the Minister of State to consider that with his Government colleagues.

**Deputy Cian O’Callaghan:** I welcome the Bill, which the Social Democrats will support, and thank Deputy Ó Broin for introducing it.

People who are struggling to pay rents and looking to buy an affordable home are wondering why on earth the Government has granted this exemption when we need more affordable homes now. That we will miss out on thousands more affordable homes due to this exemption is not acceptable to people who are looking for the security and peace of mind they would have if they were able buy one of the affordable homes we will now miss out on.

It is welcome that the Government will share the Housing Agency review. It would have been useful to have had it before discussing the Bill so that we could scrutinise it. The Minister of State remarked that the Government had no issue with the provisions of the Affordable Housing Act being subject to further economic analysis and scrutiny. That was an interesting way of putting it, given that this Bill has been introduced because the Government’s amendment No. 91 to the Act was made without any debate, scrutiny or analysis. Three hours and 15 minutes is what the Government allowed for Committee and Remaining Stages on that Act when it was before the Dáil. We never got anywhere near amendment No. 91. At three hours and 15 minutes, it was not possible and the amendment was voted through without any discussion. This is the first discussion that amendment No. 91 to the Affordable Housing Act has had in the Dáil. What analysis and discussion was it subject to? There was certainly no public analysis or discussion. That is one of the key problems in this situation.

It is welcome that the Government is not opposing the Bill, but that does not tally with comments made by a spokesperson for the Minister for Housing, Local Government and Heritage in the *Business Post* at the weekend that the Bill was unconstitutional. The Government does not seem to be saying that it is unconstitutional this evening. Does that mean that the comments made on behalf of the Minister no longer stand? It would be useful to know.

Just three hours and 15 minutes were allocated to Committee and Remaining Stages, but when one examines documents released under freedom of information, FOI, requests about lobbying of the Minister by developers on that legislation, it is on the public record that much more time was given to hearing the views of developers in the run-up to the Act than was afforded the representatives elected on behalf of the people of Ireland. That is something on which the Government should reflect.

Lobbying by developers has been mentioned by other Deputies, who also referenced last weekend's *Business Post* article and the documents released under FOI. This issue is key. In the Minister of State's comments, he echoed some of the language used by developers seen in the documents released under FOI, for example, "margins of viability". That is interesting language. Every time developers look for a change in housing or planning matters, they talk about viability. When it came to the legislation on build to rent, they talked about viability. When it came to co-living, which, thankfully, is gone, they talked about viability. When it came to the so-called fast-track strategic housing development legislation, they talked about viability. Whenever they look for a reduction in standards, they talk about viability. It is the same trick each time, and each time that argument is fallen for.

In a paper, Dr. Mick Lennon of UCD and Dr. Richard Waldron of Queen's University Belfast examined the strategic housing development legislation. They interviewed politicians as well as lobbyists who were working for Property Industry Ireland and other lobbying organisations. They went through the whole process of lobbying and how it influenced legislation. They were told by one of the lobbyists from Property Industry Ireland that that group had given suggestions and recommendations to the then Minister, Deputy Coveney, on the introduction of the strategic housing development process, which were stuck into the legislation "lock, stock and barrel". As far as I am aware, that has never been disputed by anyone. If it was not the case, then it would be useful if someone disputed it. The paper is good-quality academic research and is not disputed by anyone.

We know from records released under FOI that one of the arguments made during lobbying had to do with the effect that increasing Part V contributions would have on planning gains on land value, that is, the windfall gain that developers make as a result of public actions that increase the value of land, for example, rezoning or other planning decisions, putting infrastructure in place or long-term leases agreed by local authorities and backed up by the State. Lobbyists were raising concerns about the effect of such measures on planning gains. I will cite an example from my constituency that has been reported on well by the *Dublin Inquirer*, that of the former Chivers factory site. From its research, the *Dublin Inquirer* estimates that, in the past three years, there has been a tenfold increase in the site's value because of rezonings, planning permissions secured and long-term leases agreed in principle with Dublin City Council. When we discuss the potential costs to developers or landowners in terms of effects on land value gains, that is the context. Some of them are looking at a tenfold increase in the space of three years. Are we really saying with a straight face, looking the public in the eye, that we will not introduce a measure that is needed now just because it might affect some of that land value gain? Are we afraid to do that? Do we believe doing this would affect viability?

I wish to make a key point on viability. We have some of the highest house prices and rents in the EU. According to the Turner & Townsend survey data, we have average building material costs compared to comparable northern European countries with similar economies and climates. Our labour costs are a little below average and our professional fees are coming in at the average. How is it that we have the significant viability issue that the industry is always talking about? We have some of the best returns. The yields on investment in residential property are higher in Ireland than elsewhere. They are 5% plus whereas the norm in Europe is 3.5%. We have higher yields, higher returns, higher rents, higher house prices and larger profits because of a speculative, high-risk model. We have higher financing costs as a result of our highly speculative model, and that needs to change, but how is it that viability is always an issue? How is it that the answer to viability is not tackling the high-risk, speculative and high financing cost model that we have? How is it that the answer is always to reduce our aims and ambitions, give people lower standards and so forth?

Deputy Nash touched on the Supreme Court decision relating to Part V in which many of these matters were settled. The judgment was very clear. In the Supreme Court decision on what was then the Planning and Development Bill 1999, which, similar to the measures under discussion, would allow for Part V contributions of up to 20%, Chief Justice Keane stated: “Every person who acquires or inherits land takes it subject to any restrictions which the general law of planning imposes on the use of the property in the public interest.” He went on to cite a previous case: “The purchase of land for development purposes is manifestly a major example of a speculative or risk commercial enterprise.” Of course people know that, when they buy or inherit land, the Government can quite rightly introduce planning measures and so on that will affect it. The Supreme Court has ruled on this matter. We know that, as a result, the exemption was not necessary. We know that the Government caved to pressure after lobbying from developers. That is what needs to change.

**Deputy Paul Murphy:** I will share time with Deputy Barry.

The sorry saga of this special deal for property owners and developers tells a very important truth about the nature of the housing crisis. We do not have a housing crisis just because no one has figured out what to do to resolve it.

*7 o'clock*

If you go out onto the street and campaign on the issue of housing, the average person that you meet will have the essentials of what needs to happen. We need a ban on economic evictions, we need rent controls to bring rents down to affordable levels and we need public housing built on a massive scale. People know that. There is plenty of evidence for it. It is not that we do not have the answers; we have them. The reason the housing crisis persists and gets worse week after week, month after month and year after year is because policy is designed for those who benefit from the crisis. That is the truth. For them, there is no housing crisis; there is an immense housing opportunity. What is revealed from the freedom of information request of the *Business Post* is precisely how that takes place in terms of the transmission of the interests of the property developers, the big builders, etc., to the Government and then translated into legislation. What this reveals very clearly is the Irish Home Builders Association, IHBA, part of the Construction Industry Federation and Property Industry Ireland lobbying for precisely the exemption that they got. The argumentation that they use is interesting. According to the IHBA:

This provision could have an unintended consequence and reduce supply. This addi-

tional tax could mean marginally viable developments may not be started.

They are very concerned about ensuring that all the land is used and that we have full supply of housing and so on, which is very kind-hearted and generous of them. According to Property Industry Ireland, “bringing this up to 20% of homes could reduce supply on land that has traded in recent years; some schemes will be less viable, etc.” Again, this is wrapped in the language of supply because, of course, they are in favour of having the maximum supply of housing and so on. What is missing is the blunt, brutal logic and language of profit that underlies their lobbying. That is the truth. The job of these lobbying organisations is to lobby for their interests, not for the interests of resolving the housing crisis. They do not care about resolving the housing crisis. They care about representing their members and their members benefit by maximising profit. A situation whereby they would have to give up an extra 10% for social and affordable housing is not in their interests, and so they lobby against it. The Government welcomes that lobbying and then implements it in legislation and for a brief moment says that any attempts to do otherwise would not just be wrong or disagreeable from the point of view of the Government, it would be unconstitutional.

It remains the case that, again and again, when the corporate lobbyists say jump, the Government says “How high?” In the summer, the Government made a song and dance of reversing the cut to Part V housing, which is inadequate but a step in the right direction, empowering councils to buy up to 20% to build for social and affordable housing. The truth is from that moment, behind the scenes and underneath the headlines, the corporate lobbyists were working to gut the Bill. What we have now can be only described as a sweetheart deal to ensure that it does not apply to any sites bought from 2015 to 2021. The bottom line is that there could be estates being built in the 2030s that will be exempt from the increases for social and affordable housing. That is what is being done by way of a measure that is being brought in now as part of a fanfare of how we are going to resolve the housing crisis and so on. It underlines for me that to solve the housing crisis we need a Government of the left, committed eco-socialist policies and fundamental social change, which is willing to not represent the interests of developers, to take on the speculators and developers, to kick-out the vultures and take the big corporate landlord properties into public ownership.

I want to make a second point. This is about private land on which we get 10% or 20% provision, which is an important part of the debate. The idea that any public land should be handed over to private developers is outrageous. It makes no sense at a time of massive crisis, yet it still continues. The Government parties try to make out that those who oppose the sell-off of public land are somehow standing in the way of addressing the housing crisis. Last week, public land in Killinarden suitable for more than 600 homes was sold to a private developer at the behest of Fianna Fáil and Fine Gael. The Green Party supported them and, unfortunately, the Social Democrats and the Labour Party went along with them. Sinn Féin abstained out of pressure of not wanting to be seen to be against housing. The result is that 123 of those homes will be sold at massively inflated market rates, totally out of reach of ordinary workers in Tallaght and families who could have been housed there will instead have to watch on from emergency accommodation as private developers profiteer from public land. A further 60% of the homes will also be unaffordable. They are so-called affordable homes at 15% discount of market rates but as market rates shoot through the roof we know exactly what that will mean. There should be no more sell-off of public lands by Fianna Fáil and Fine Gael, no more support for dodgy deals by the Social Democrats and the Labour Party and no more sitting on the sidelines by Sinn Féin. Instead, we need to draw a line in the sand and insist that public land is used for public housing.

**Deputy Mick Barry:** Fine Gael has been in power for more than ten years. Fianna Fáil has either been in government with or has propped up Fine Gael in power for more than five years and neither has built anything like social and affordable housing, the results and consequences of which we see every day. The latest example is the student accommodation crisis. This afternoon, I spoke to Aisling O'Mahony, president of the Munster Technological University Cork student union. She told me that because of the accommodation crisis, students are passing on renting accommodation, staying at home with parents and commuting not ten, 15 or 20 miles, but really long distances, to college. Many students are trekking to Bishopstown every day from west Cork and other counties, including Kilkenny, Kerry, Tipperary and Waterford, spending three, four or five hours per day in cars because of the housing crisis for which Fianna Fáil and Fine Gael are responsible. I wonder if the Taoiseach, when addressing the United Nations on the climate crisis and carbon emissions, will mention the students in Ireland who are forced to drive around in cars for five hours every day.

Before the summer, the Dáil passed legislation which provided for students to pay rent to student accommodation centres on a monthly rather than annual basis. Is the Minister aware that these centres are undermining that legislation by offering two payment options, that is, an annual payment and a monthly payment, but with the latter working out to be more expensive over the course of the year? This practice, I am told, is widespread. What steps does the Minister intend to take to block it? On Thursday next, students from across the country will meet outside the gates of Leinster House to protest the lack of action from the Minister and the Government on the student accommodation crisis. I look forward to joining them. I hope that actions such as this come to be seen as small steps towards the building of a mass housing movement in this country that will sweep Fianna Fáil and Fine Gael from power and challenge the rule of the capitalist market, the root cause of this housing crisis. Sin é.

**Deputy Peadar Tóibín:** The depth of the housing crisis over the past ten years has been incredible. It is having the effect of gutting families and putting enormous pressure and stresses on families across the country. It is a humanitarian crisis. The idea that the word "crisis" could be so long-term is unbelievable. It shows a real inability on the part of the Government to focus on policy that will resolve it. That inability is not just a lack of ability, it is also an ideological problem. The Government, in particular Fianna Fáil and Fine Gael, have significant ideological barriers to fixing the housing crisis in this State. I want to give a couple of examples.

Yesterday, I spoke to a student who is starting college in Maynooth. She cannot afford accommodation in Maynooth because the prices are incredible in that town. Consequently, she is forced to commute. She managed to buy a second-hand car over the summer with savings she had but she cannot afford the insurance for it. She lives in an area 10 km away from the nearest bus route to Maynooth. Thus the housing crisis is affecting her, as is the insurance crisis, as well as the lack of public transport, and all of this is making her unable to get to college. She also found out her application to Student Universal Support Ireland, SUSI, still has not been processed. It is one of 30,000 applications out of 89,000 that the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, has not managed to process as of yet. The Minister is spending so much time considering whether to make a complaint to the Committee on Parliamentary Privileges and Oversight that he is not focusing on the job he should be focusing on, that is, ensuring students have their SUSI grant properly processed in reasonable time. The woman is caught in a perfect storm. She worked hard in secondary school and wants to get educated at third level but the State is making that impossible. She is at the receiving end of multiple policy failures by the Government and is just one of hundreds

of thousands of such people.

It is reported in today's edition of the *Irish Independent* that the Minister for Finance, Deputy Donohoe, has stated a tax on vacant homes will not be a game-changer in solving the housing crisis. He has not changed his view in the last year. When I pushed him, when he was bringing about the local property tax, to introduce a higher property tax on vacant homes in order to offer an incentive to get those homes back into use, he refused to do so at the time. He is wrong. The idea it would not change the game is incredibly wrong. In my native County Meath, there are 2,500 vacant properties and they would go some way towards housing the people who are on the housing waiting list in County Meath. There are 4,000 people on the housing waiting list in the county and 2,500 vacant homes. The idea that 180,000 vacant homes are not being brought into use, that nothing has been done materially to bring them into use and that the Fine Gael Minister for Finance has a real difficulty with taxing those vacant homes to incentivise their being brought into use shows again the lack of urgency that exists among members of the Government in bringing about policies and implementing them to make a difference in people's lives. There are towns and villages in the western part of my constituency - I imagine it is the same in that of the Minister of State - where half the homes on the main street are currently derelict. This is when we are in the jaws of a housing crisis. Where is the urgency from the Government on trying to get these homes into use?

Another issue I wish to briefly discuss is that at the start of May, the political establishment jumped up and down about the housing crisis. It was right to. However, it was silent about it in February, March and April. There was not a dicky bird from any of the political parties in this Chamber, other than Aontú, on the housing crisis at the start of the year. At the heart of the housing crisis, the Irish construction sector was closed. Ireland was alone in completely closing the building of domestic homes in the first quarter of the year. If one looks at the statistics, in the first quarter of this year the output of homes in this State fell by 25%. Obviously the Minister of State will say there was a Covid pandemic and people had to take precautions to ensure there was not transmission of the illness. However, the pandemic was also happening in every other European country and none of them closed down the building of domestic homes for the first quarter of the year. This country has by far the most serious housing crisis in the EU, yet we alone decided to close down the construction of homes. If one looks at the figures, Austria, Italy, Slovakia, Belgium, France, Croatia, Bulgaria, Denmark and Finland all saw the production of homes increase in the first quarter of the year. Indeed, if we take the European average, there was an increase in the output of homes in the first quarter of the year whereas in Ireland there was a fall of 25%. It is an incredible situation. Ireland is yet again a radical outlier in the middle of a housing crisis. We alone locked the gates of the construction sites. One might imagine that would have evoked some kind of cry from the Opposition but Sinn Féin, Labour, the Social Democrats and People Before Profit all rowed in behind the Government on that. Many of them were in the zero Covid camp at the time and they pushed for longer and more severe restrictions on the building of homes. In the first quarter 10,000 homes would have been built if we had followed the European policy on construction of homes. Despite all the theatre that comes from both sides of the Chamber, at the time there was no urgency in the political establishment to build homes in this State.

In July, Fianna Fáil and Fine Gael forced a Bill through the Dáil to allow vulture funds to have an exemption of 10% from the stamp duty surcharge on the bulk-buying of houses, provided those properties were leased to local authorities. In the space of two or three weeks we saw the Government take a 180° U-turn from what the Taoiseach was saying, namely, that it

was absolutely wrong for local authorities to be leasing these homes in the first place, to the Government actually granting the funds an exemption to allow this whole process to continue. Lobbying pressure came on Fianna Fáil from the construction industry and Fianna Fáil did what it does and implemented those requests. My party, among many others, has been calling for a cap on rents for many long years. There is no excuse for rents to be increasing in this State at the moment. Fianna Fáil and Fine Gael resisted those requests. When they finally relented on having a cap on rents in this State, they decided to tie it to the rate of inflation. Of course, inflation is now practically at 3%, negating the action they took. Again, this was an action that was too little, too late and with no urgency at all.

I welcome this Bill from Sinn Féin. It is another example of where Fianna Fáil launch a shiny, glossy brochure on housing to a fanfare and headlines which scream that in future, there will be 10% set aside by developers for social homes and 10% for affordable ones. Then they create a massive loophole in that legislation, which will give exemptions to those who bought that land in the past five years and look to have planning permission in the next five years. It was an incredible loophole introduced by the Government, one that will cost the State about 10,000 homes and one that could only have been designed by a political party which sees no urgency to the development and building of homes in this country. Sometimes I ask myself if Fianna Fáil is the political wing of the construction industry or is it representing the people who are calling my office and offices right through the country and who are desperately seeking a resolution of the housing crisis? I ask for the Government to not only accept this Bill and not let it die in the dust but to take it and ensure it is fully implemented. It should rush it through the Dáil in order that we do not have this ludicrous situation whereby practically anything purchased in the last five years will be exempt from those provisions in the future.

**Deputy Michael Healy-Rae:** I thank the excellent Sinn Féin spokesperson on housing, Deputy Ó Broin, for highlighting this. In saying that, I do not want to give the impression I would give Sinn Féin a blank cheque of support. While I very much appreciate Sinn Féin's fighting on and dedication to the housing problem we have, I would never be two-faced about anything and I have concerns about some aspects of what Sinn Féin is proposing because I am afraid it will hurt and put out people involved in the housing sector. Why do I say that? It is not just Sinn Féin. For instance look at the taxation levied on people who provide housing in the private sector. The fact is that €1,000 in rent becomes €480 because €520 of that goes on tax. When I see houses being sold out of the private sector, I am fearful this will lead to situations whereby there is less housing available to the people who need to rent. Renting is not a long-term solution. I would like to see it used as a short-term solution and that the State would provide more and more housing. That is the answer.

I acknowledge that Sinn Féin recognises there is a place for the private sector but we want more to be provided by the State. One thing we should be looking at - and for God's sake why can we not do it? - is the possibility that local people could have a site made available by an aunt, an uncle or a parent. It would not necessarily be that such people were that son or daughter of the farmer who would be going to work on the farm but they could be from the farm. What is wrong with such people living on that farm if they have an affordable site and if they have the wherewithal to build a house on their own land? We should be trying to encourage every type of housing. Local authorities in the past built a thing called a single rural cottage. They are as scarce as hen's teeth now. In the county where I am from, John O'Donoghue from Farranfore was an excellent overseer in the housing department who built hundreds of local authority houses for people who are happily living in those houses today. Where has that option

21 September 2021

gone? It has gone from our system. Those houses were built for people in rural areas and went down from generation to generation. They started off as council houses that people were then able to buy. Was that not brilliant? That is what we want.

We have to fight this issue. I was only thinking this today because I met numerous cases yesterday of people who are living in houses they are renting. They are being told the rent will go up to €1,500 or €2,000 a month. That is not real money. That is insane money for anybody to have to pay on rent. Even with a rent support - whether it is housing assistance payment, HAP, or any other type of support - that is not real. That type of money is funny money. No house should be at that price; that is just wrong. We have to have affordable rents but at the same time, you should not put out the people who are providing that. One thing that will be thrown at me is that I did not declare an interest. I have an interest in this but all that shows is that I know what I am talking about.

**Deputy Danny Healy-Rae:** If Deputy Michael Healy-Rae has an interest, then I have an interest too, since we are supposed to be brothers. I am very concerned about the housing situation and have become even more so as the days have gone on since the Minister, Deputy Darragh O'Brien, put his Bill, which I voted for, through the Dáil. I have serious concerns about this new programme because I think there is only one way to build houses or to get houses built. That is to give the money to the local authorities, buy the sites and build the houses, full stop. I do not think this thing of 20% or 10% will ever materialise. If a developer sells one side of his site for housing at €600,000, how will he get people to buy those houses if the local authorities can buy them for €250,000 or whatever? I cannot see that working. Rents have been and still are going up.

I am not taking the side of the landlords but it is affecting the renters. However, everyone including the Minister must recognise, I have said it in here several times previously, the State is getting 51% out of the rent. If the rent is €800 or €1,000, the landlord gets only half of that. With all this talk, with all the money the Government has for housing and all it wants to do about housing, surely the Government could reduce tax on the rent and that would help. It could then ensure that the landlords reduced the rent similarly to the people who are renting. Carbon tax and all the other taxes are putting people and parents under all kinds of punishment and under pressure. They are feeling every penny that they have to pay out. There is now a serious problem with planning permission in our county. Things have happened in recent days and planning permission has been refused. It looks to be the intention of the site suitability assessments to refuse every planning permission that will come in to the local authority. People have been on the waiting lists for ten to 12 years in Killarney. Rents are expensive there, as they are in Kenmare and Dingle.

As for the Bill brought in by the Minister, Deputy Darragh O'Brien, I am grateful to him because I appreciate any man who tries anything. That is why I voted for the Bill. However, so much of what is in the Bill depends on private house builders and on bigger developers to build these houses. If the Government is serious about it, it must put money into it themselves. Before any block is put into the ground, VAT and levies are denying small builders, and even big builders, the opportunity to build houses.

**Deputy Michael Collins:** I will be supporting this Bill and I welcome it today. We have been in this House speaking about social housing, council housing and whatever else we used to call it since I was elected to the Dáil in 2016 and before that, to the council in 2014.

To be honest, nothing has progressed but it has got worse and worse. An unmerciful influx of people have been coming into my office every weekend, and presumably into the offices of every other Deputy here, pleading with me to get them council houses. Some of them have been on the council housing list for ten or 12 years. More are, just like the fellow said, trying to get off the ground. In every way, shape and form, we will do everything in our control to make sure they will never progress. A young couple that is under-earning, as such, or that is on a small income but is happy to have a go at buying a house cannot get a mortgage and cannot get off the ground at all. As for those who have a few quid put together and who would do their best to build at home on the family farm, every obstruction is put before them to make sure that this does not happen. It is an appalling situation.

I heard a Senator in west Cork recently say there is no issue with planning. Good God almighty, does he have anyone coming to his office? The whole place is plagued with planning crises. We have a planning crisis at the moment. Genuine applicants are refused for every - I do not want use language in the Dáil - but some people would say for "kiss my ass" reasons. These are every other reason, other than what should be put before them, which is to co-operate with them and to make sure that the structure is right. Every other reason is put before them to make sure that it does not happen. This is pushing everybody towards social housing. Everyone is moving towards council housing and social housing and the country cannot cope with that. There are opportunities out there. There are opportunities in beautiful towns and villages in rural Ireland where they have a lot to offer. I know quite a lot of them in west Cork. They are fantastic places to live. They have great teachers, schools and community centres. There would be opportunities in those towns and villages, were grants given to the people who own some of those houses or who live over the shop, to do up the premises. There should be a tax incentive afterwards to let their premises. That is what we need to be looking at. People and the Government need to look towards that but the Government is not looking doing so. As I said earlier, everybody is looking for a new house on a site but the Government is not able to cope with that demand. Moreover, it will never be able to cope with that demand because the demand is getting worse.

I have great sympathy, it was mentioned here earlier, about students and accommodation. People from all over west Cork cannot get accommodation anywhere in Cork city. We are very lucky to have a private bus company, West Cork Connect, which last week started to run several times a day from Bantry. It travels to Cork through Drimoleague, Dunmanway and Ballineen. There is a Skibbereen run to Cork which travels through Leap, Rosscarbery, Clonakilty, Ballinascorthy, Bandon and Innishannon. That happens several times a day. A private individual is doing that type of run because children cannot get accommodation in Cork city. People in my own constituency in west Cork approached me over the weekend who are looking for accommodation in Galway, Limerick and Dublin. I cannot give them any answer, unfortunately. They have no accommodation. It is unfortunate that we have a situation whereby young people who want to go to college in Cork cannot find accommodation. If it were not for the bus company, West Cork Connect, they would be stranded and left without education because of the collapse of the system in this country. We have the social housing crisis, we have the student crisis and we will come back in 12 months' time to talk about the same things again because nothing is happening. There is no thinking. The Ministers are all escaped of thought. They must wake up to the fact that there are properties in rural Ireland that could be turned around. Were tax incentives or grants given, they could get moving on the issue and try to resolve the situation.

**Deputy Joan Collins:** Twenty years ago, the then Fianna Fáil Minister with responsibility

for housing, Noel Dempsey, introduced the Part V requirement, set at 20% of new developments, to be set aside for purchase by local authorities for council housing. They were to be purchased at existing use value. However, after lobbying by developers and the construction industry, no doubt involving the Galway tent and brown envelopes, this figure was reduced to 10%. Mr. Dempsey's successor as housing Minister nearly tore the Part V requirement to pieces by allowing developers to pay local authorities rather than provide housing. The whole thing was a disaster.

The current Minister, Deputy Darragh O'Brien, stated clearly earlier this year that he wanted to return to a figure of 20%, made up of 10% social housing and 10% affordable to buy. That would have meant up to 6,000 new-build units per year if developers hit the new-build target of 30,000 set out in the Housing for All plan. The benefit of Part V is that it could create mixed-tenure communities. However, lobbying by developers and the construction industry has, in effect, succeeded in watering down the requirement to 10%. This will be the effect of the complicated Part V arrangements in Housing for All arising from the concessions made to developers who either owned or had planning permission on sites. Part V requirements will not become effective until 2026, five years from now. If the 20% requirement had been in place for the past 20 years, alongside a programme of public housebuilding by the local authorities, we would not have the crisis we now face. Another five years will be added to the lost 20 years.

Fianna Fáil and Fine Gael are very good at grandiose plans but when it comes to the nitty-gritty, developers rule. As I and others have stated, Part V at 20% and with existing use value will not solve the crisis on its own but would help alongside Government-led programme using existing State-owned land to build 100,000 units in a mix of traditional council housing, cost rental and genuinely affordable homes.

I support this Bill put forward by Deputy Ó Broin. It deals with the issue very succinctly. I welcome that the Government is accepting the legislation but it should be implemented because it is crucial. The bit of history we heard earlier about developers challenging the previous Part V requirements should open up debate on Committee Stage about whether the Minister's decision to reduce the requirement to 10% again is really necessary. I urge the Government to accept the Bill in its entirety.

**Deputy Catherine Connolly:** I fully support the Bill and thank Sinn Féin, particularly Deputy Ó Broin, for bringing it forward. It sets out to close a loophole but that does not fully capture what has happened, with certain builders being able to avoid the 20% obligation right up to 2026 if they have bought land in the past five years and have planning permission that covers them up to 2026. As a previous speaker noted, this could mean these developers being excluded from the 20% obligation up to 2030.

I will return to the overall area of housing. I was first elected in February 2016, as were many other Deputies. Since that time, I have seen four housing Ministers, beginning with Deputy Kelly, then the Minister, Deputy Coveney, the former Deputy, Eoghan Murphy, and now the current Minister, Deputy Darragh O'Brien. During that time I have seen two major policy documents, the first of which was Rebuilding Ireland, which had the shape of the developers and showed we had learned absolutely nothing from the financial crash, climate problems and, more recently, Covid. We simply cannot continue on the way we are going. Here we are tonight with another little piece of the jigsaw. I have seen various pieces of the jigsaw. Later this evening, I will ask a question about a review of the help-to-buy scheme. Interestingly, I, as an Independent Deputy, am asking if it is intended to phase out the scheme given the problems

with it, whereas a Fianna Fáil Deputy is asking a question about keeping it going. There is a very interesting review from the Department of Finance on the scheme.

The problem is that we are dealing with homes as a commodity, something to be traded on the market. Opposition Deputies have repeatedly come forward with good ideas. We have appealed to successive Governments to declare an emergency and to be fully involved in the provision of homes for our people. That is the most basic requirement for a democracy and we have utterly failed to meet it. We have continuously misused language in the guise of social housing and cost-rental schemes. These are little pieces without an overall recognition.

Notwithstanding its very good analysis, the review by the Department of Finance utterly fails to attribute blame or consequences to the various policies that have allowed free rein to the market and created the housing crisis. The crisis did not happen by itself. A Labour Party Deputy earlier found fault with one of the speakers for not placing in context the change made by the Labour Party in 2015 when the Part V requirement was reduced from 20% to 10%. He said there were no shortage of affordable homes in 2015 and no shortage of social housing. That is complete revisionism. I was a councillor in Galway from 1999 to 2016 and the crisis started long before 2015. We stopped constructing social and public housing in 2009. No more houses were constructed afterwards. Significantly, in 2015 when the Labour Party, with Fine Gael, changed the 20% requirement to 10%, it was connected with the new housing assistance payment, HAP. People were removed from the housing waiting list if they were in receipt of HAP and told they were adequately housed. That scheme is now costing the taxpayer €1 billion per year. That is bad enough but what is worse is that the HAP is artificially keeping prices high.

There are some good things in the new policy but overall we are still reliant on the market. If there is any doubt, I will quote from the Minister's foreword to Housing for All. He mentions the squeezed middle at least four times in two and a half pages but fails to define who makes up the squeezed middle. Let us hear who they are. They are "people who work hard and play by the rules but seem to have nothing to show for it at the end of the day." That is who this plan is for.

**Deputy Marian Harkin:** The Minister of State, Deputy Noonan, in defending the Government position spoke of expectation of a 10% Part V contribution and the need to be fair and proportionate. The whole idea of legitimate expectation is not legitimate, especially when it comes to the Government bringing in necessary legislation, and the Supreme Court upheld that position.

I remember a case in which the then Minister for Agriculture, Food and the Marine, Deputy Coveney, backed by the European Commission, refused to accept the principle of legitimate expectation when it came to farmers being unable to access a scheme due to retrospective changes to a previous scheme. If legitimate expectation does not hold for farmers, why should it hold for developers?

Like many colleagues, I am inundated with constituents seeking social housing. We all know the absolute need to increase supply. Recently, a couple, both aged over 70 years, found themselves living with a sibling. They have no home. They bought their own home but because of job losses in the crash, it was repossessed. There was not a lot of legitimate expectation there. The couple rented privately for many years but their landlord sold their home and now they live with a family member. They applied to Sligo County Council for social housing

but they cannot even get on the list because their combined income is €31,000 and the income cap for a couple to access social housing is €26,250. They cannot buy, rents are crazy and they cannot access HAP. They are in no man's land. This example fully illustrates the need for a massive increase in social housing and an increase in the income cap to access the scheme. I support this Bill and thank Deputy Ó Broin for bringing it forward.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I thank all of the Deputies for their contributions. A few weeks ago the Government launched Housing For All, the most extensive and ambitious action plan for the delivery of social and affordable housing in the history of the State. Housing For All brings a coherent and consistent whole-of-government approach to housing policy to ensure the delivery of housing supply sufficient to meet demand at a price level that is affordable, accessible and sustainable. There is, however, no quick fix to the current challenges. Creating a sustainable housing system is complex but we have a radical plan in Housing For All, which is a fully financed plan to levels we have never seen before. Backed up by an unprecedented State commitment in excess of €4 billion per annum, more than 300,000 new homes will be built by the end of 2030, including a projected 90,000 social homes, 36,000 affordable purchase homes, and 18,000 cost rental homes. It is the largest State-led building programme in our history.

The recent amendments made to Part V of the Planning and Development Act, via the Affordable Housing Act 2021, will contribute to the achievement of these ambitious targets. Not alone do the Part V amendments reintroduce an affordable homes requirement to each new development, they also introduce for the first time the use of some of the increased Part V contribution for the provision of cost rental housing.

The urgent and immediate delivery of homes for our people is critical. Never before has the housing crisis in Ireland been so acute. The crisis has, of course, been exacerbated by the Covid-19 pandemic that has impacted on all of our lives with the cessation of construction activity for an extended period. With this activity now resumed and rapidly ramping up, we need to maintain its momentum and translate that into the delivery of actual housing units.

I welcome the support given by Sinn Féin and other parties to the Affordable Housing Act that introduced these measures in July. I also welcome the opportunity to discuss these provisions and to consider any potential improvements that will help to deliver homes. The Government is allowing this Bill to proceed to pre-legislative scrutiny to facilitate further detailed analysis with relevant stakeholders. There are serious concerns with the Bill, as have been addressed, that I will now outline before the House.

The contribution required under Part V is now 20% for permissions granted in respect of land purchased before September 2015 and since 1 August 2021. For that intervening period, developers would have had an expectation of a Part V contribution that would be no more than 10% when deciding the price to pay for the land. It is only for the cohort who purchased their land in that period and only if they have obtained planning permission before 31 July 2026 that the Part V obligation will be at 10% currently.

Because the transitional arrangement is time limited, as mentioned earlier, this aims to encourage developers who purchased land in the September 2015 to July 2021 period to proceed with their developments in the near term. As a result, we hope and expect to see an increase in the level of applications to local authorities for planning permission to build residential developments on land that was purchased in the past six years.

The Part V amendments made, including the transitional arrangements in question, are in line with the recommendations made by the Housing Agency to deliver on the Government's commitment to expand Part V to encompass affordable purchase and cost rental units and to increase its use for social housing provision where the need exists in an area.

It is important to clarify that this is not the outcome of some sweetheart deal between the Government and construction industry, as some would have us believe. Nothing could be further from the truth. A newspaper article last Sunday alleged that the decision to provide transitional provisions was made on foot of lobbying from developers. This is absolutely incorrect. The submissions on the Housing For All plan were in fact received after the Government had already agreed the content of the Part V changes, including the transitional provisions, and therefore could not have had any impact on the decision of the Minister. It was the clear and unambiguous advice of the Housing Agency and of the officials within the Department that if an increased Part V requirement was to be introduced, transitional provisions should be provided in respect of land purchased when the obligation was 10% before the increase was announced. The agency advised that to apply the increased percentage to land already in the ownership of developers would potentially be of serious concern to the housing construction sector. Land purchased factoring in Part V at 10% would see a reduced development value that could impact on the ability to access development finance. This would mean potentially fewer houses being built at a time when greater output is so badly needed. For those developments on land that was purchased in the expectation of a 10% Part V contribution that could still proceed, the increased percentage could have a knock-on effect on the prices for the buyers of these homes. In the face of the price of homes rising rapidly, the Government was rightly careful to weigh all of the potential ramifications of increasing the contribution percentage. The advice of the agency and the various options put forward by it in respect of potential transitional provisions was submitted to the Minister and the Department officials. They also supported the need for transitional provisions and, having regard to the advice of the agency, the need to stimulate supply and the need to avoid any passing on of costs to the consumer by way of rising house prices.

The five-year transitional period that the Bill seeks to abolish has the advantage of being a carrot-and-stick approach that will encourage development and it sits well with the added disincentive of a new tax on vacant residential land, as outlined in Housing For All, which seeks to prevent land hoarding.

The Government understands, however, that the Bill is very well intentioned. As we want to see more affordable housing delivered, we will not oppose this legislation. We will keep the Part V provisions under review for further economic analysis and scrutiny. Any changes to Part V have to deliver more units. The critical question is whether the change proposed by this Bill is likely to result in greater or less housing supply generally and more or fewer social and affordable houses. Pre-legislative scrutiny will offer the chance to investigate this further.

I will now refer to one or two of the contributions in this debate. I understand Deputy Nash stated that Part 6 of the Affordable Homes Act had not been commenced but it was commenced on 3 September. Deputy Cian O'Callaghan, in framing this narrative that so many try to frame about a sweetheart deal, suggested that documents were released by the Department under freedom of information provisions. This also is incorrect. All of the submissions for Housing For All were published on the Department website last Friday. In the context of adding substance to this debate, using one-line rhetoric suggesting a "sweetheart deal" is not borne out by fact, which I touched on in my speech about the decision on Part V already having been made before the submissions closed, which in effect was two weeks prior to that. We can again see that the

narrative of using that terminology will not solve the housing crisis. I meet highly vulnerable people queueing up at my clinic week on week looking for affordable housing and social housing. Substantive comments add to that debate but comments like “sweetheart deal” undermine it. I believe that every Deputy in this House is coming with the best of intentions in trying to resolve this issue, which is the biggest challenge of our time and for the Government. Housing For All seeks to do that. With that in mind, we are absolutely clear on reviewing this Part V arrangement, going to the committee to seek pre-legislative scrutiny, and stress-testing the proposals to show that they will deliver more affordable and social homes. That is why we were all elected to this House.

**Deputy Seán Crowe:** I was watching “Reeling in the Years” during the week. For some of us of a certain age it helps to jog our memory. The year in question was 1966, which was a momentous year. It was the 50th anniversary of the 1916 Rising. Nelson’s Pillar was blown up. There was also a segment in the programme where a young Cathal O’Shannon spoke about the difficulties young couples were finding in buying affordable housing. They were talking in terms of thousands of pounds that people had to come up with at that time. The difference between then and now is that even when one goes back to the 1960s, 1970s, 1980s and 1990s, a family on a single income could afford to buy a home. Unfortunately, I can trace it back to a certain period, I was a Member of the Dáil during that time, when we moved away from the idea of the collective and towards that of the individual. That is when the changes started to happen and people were squeezed out of the market. It was about introducing greed and that people would not be able to afford their own homes.

We are in the grip of a housing crisis and we cannot afford to waste any opportunity to get families out of homelessness and into secure accommodation. It would be wrong to allow any chance for thousands of social and affordable homes to come on to the market in order that big developers can line their pockets just a little more. Only by providing social and affordable housing can we ever stand a chance of reducing homelessness in country. An ESRI report published only in the past week showed that lone parents, migrants, people with disabilities, Travelers, single and younger people all struggle to source funding for housing and are depending on an expensive rental market to meet their housing needs.

The Government’s only idea was to bring in a shared equity scheme, which will only push the cost of houses higher still. This Government refuses to bring in a vacant property tax, to build social housing or to bring in rent freezes. Housing for All is a reheated version of past Fianna Fáil and Fine Gael policies that has managed to be even less ambitious than those other plans the Government failed to deliver on.

Until the Government commits to ramping up capital investment in social and genuinely affordable homes, the most vulnerable in our society will continue to struggle. I do not want people who may be watching “Reeling in the Years” in years to come to say we had the same parties, Fianna Fáil and Fine Gael, making the same mistakes with people still being excluded from the party, which is why we need to act now.

**Deputy Mairéad Farrell:** I commend my colleague, Deputy Ó Broin, on bringing forward this Bill here. I also acknowledge the Government is not opposing it. We have a very significant affordability issue. This is something we are all aware of and sometimes, you feel as though you are repeating yourself, but things are not changing in this regard. In the past few days, the Central Statistics Office, CSO, published its residential property price index for July 2021. Houses in the west of Ireland have increased by 9.1% year-on-year. Things are not

changing. While we may know there is a huge affordability crisis, nothing is changing in this regard. Moreover, apartments outside of Dublin have increased in price by 14.6%. Just outside my estate of Mervue in Galway city, there is an apartment block with more than 300 apartments being built to rent. Locals are absolutely outraged by this. They feel that they, their children and grandchildren will never be able to afford to live in Galway city in the Mervue area. They are also very concerned about the impact that this is having in building communities. Mervue is a proud community and there is a traditionally strong community spirit in that area. They feel that this build-to-rent project with which they are not pleased is going against this community spirit, as well as continuing to lock their children and grandchildren out of homeownership. The fact of unaffordability in Galway city has reached a complete crisis point. We know that the HAP limits are far too low to be able to rent in Galway city. Just today, a person who approached my office said he cannot get a place within HAP limits in Galway city, he cannot drive and has health issues and as a result, he has had to go into homeless accommodation. This is not something that is unusual and is not a once-off but is a reality for people in Galway city.

**Deputy Eoin Ó Broin:** I thank the Minister of State, Deputy Peter Burke, for his response.

First, I find it hard to believe that the reason that the Government is not opposing this Bill is because it hopes to see it receiving pre-legislative scrutiny in a committee. There is a long list of Opposition Bills that have passed Second Stage in the previous Dáil and in this Dáil and Government Members so far, despite repeated requests by Opposition Members, have yet to table any of that legislation for pre-legislative scrutiny. I am hoping that I will be proved wrong in this case but I suspect in a few months' time that this will not be the case.

The Minister of State, Deputy Peter Burke, is also correct in stating there is no quick fix but his party has been in government for ten years. Bad housing policy is the cause of this crisis. If it continues the same failed housing policies in the present and into the future, then there will be no fix whatsoever.

As for the actual substance of what we have in front of us, we have learned a couple of very interesting things today. The first is that although the Housing Agency provided its review of Part V to the Department in December of last year, no opportunity was afforded to members of the Oireachtas housing committee to consider any of those matters, not even to consider the legislation itself, because of the way it was introduced. That begs a range of questions.

What is also interesting is the very carefully worded speech by the officials from the Department. I always like comparing the carefully worded speeches by officials with what Ministers often say to the press. This confirms some of the concerns that I had at the start. The particular recommendation that the Government introduced in the legislation was not in and of itself strongly recommended by the Housing Agency but transitional arrangements were. There is a logic to that.

It also confirms that more than one option was provided by the Housing Agency and it would be very helpful if the Government simply published both the Housing Agency's report and any correspondence between Department officials and the Housing Agency in respect of earlier drafts in order that we can tease through all of that.

I would be particularly interested to know, for example, because it is suggested in the Minister of State, Deputy Noonan's remarks, whether the Housing Agency really wanted to see a transitional arrangement similar to that contained in the original Act, which was to move immedi-

21 September 2021

ately to 20% but compensate landowners who were affected by clear changes in the compensation they would get. That would have been a much more sensible thing to do. Nobody would have been out of pocket. No homeowner would have bought properties at a higher price and we would have got the 20%.

Even if the Government thinks that the transitional arrangement proposed by it is a sensible idea, why five years? That does not at all seem like a carrot and stick and it is certainly a very large carrot and a very tiny twig. Why not a year or two years? On what basis was a five-year transitional arrangement arrived at? I take the Minister of State at his word that the decision on the Part V exemptions was made before the submissions from various lobbyists on the Government's housing plan, but is the Government suggesting that none of those same organisations did not engage either with politicians or with officials or with the Housing Agency during the review or in the period between December, when the review was conducted, and whatever month the decision was made. Again, we can save ourselves a great deal of trouble in freedom of information, FOI, requests if the Government releases all of that information in order that we can assess and judge it for what it is worth.

The core problem here, however, is that we were told Part V was going to increase to 20% in order that more affordable homes could be delivered as a matter of urgency. This exemption - there is no surprise why developers were so keen to get it - essentially means that we are not going to move to an additional 10% of Part V affordable housing for many years. It is true that were I to buy land next year or the year after I would be captured but in real terms, we know how the development cycle works. That means that those Members who have suggested that in real terms, 20% social and affordable housing is unlikely to be delivered until closer to 2030 are probably not far wrong.

For me, the tragedy is that there are not 36,000 generally affordable homes to purchase in the Government's housing plan because a very significant number of those homes are actually unaffordable open-market-price private homes purchased with a questionable and controversial shared equity loan scheme. We can argue the merits or otherwise of that scheme but those homes are not affordable, which is why people have to be given up to €100,000 of extra debt, albeit with a different interest regime.

The number, therefore, of actual affordable homes that will be delivered under the new plan, particularly in 2022, 2023, 2024 and 2025, will be embarrassingly low. That is why this exemption is a sweetheart deal to developers who are benefiting at the public's expense. That is why it was the wrong thing to do and should be revisited and I look forward to the Minister of State convincing his colleagues and our committee to bring it to pre-legislative scrutiny as a matter of urgency. I suspect that that will not happen and that this Bill will gather dust, like so many other Opposition Bills that have passed through Second Stage, but we will pursue it because we believe ultimately that we need more affordable homes now and not at some distant point into the future.

Question put and declared carried.

*8 o'clock*

## **Ceisteanna - Questions**

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

#### **Banking Sector**

1. **Deputy Pearse Doherty** asked the Minister for Finance the correspondence or contact he has had with retail banks and the Central Bank regarding the use of allowances under the mortgage lending rules for mortgage applicants who are required a minimum deposit of 20% but have properties affected by mica and pyrite. [44865/21]

**Deputy Pearse Doherty:** In June, thousands of homeowners and families affected by the mica and pyrite scandal travelled to Government Buildings in order to send a clear message, which was that they would not be forgotten. While I will ask the Minister about his involvement and responsibility in ensuring these families get 100% redress, I want to focus on families looking to move house because their houses are crumbling before them. However, since they already own a house that is mica-affected, they are required to have the 20% deposit. There is no equity in their houses. Has the Minister engaged with financial institutions, some of which he is a major shareholder in, to deal with this issue and ensure that they use the scope they have to make sure mica-affected families are properly addressed?

**Minister for Finance (Deputy Paschal Donohoe):** The Deputy already knows what the macroprudential rules are and how they are operated so I will directly answer the question he has put to me. With regard to my engagement with the Central Bank, the operation of the macroprudential rules is an independent function of the Central Bank and it is not appropriate for me to contact it on how it operates that policy. It is set and implemented by the Central Bank, through our banks. With regard to our retail banks, I want to underscore that this is a commercial decision made by those banks. They decide to whom and how they lend and what the terms of that loan are. I cannot influence or enforce what that will be; it is a matter for them to make.

That being said, I am aware of the huge importance of this issue in the many communities that have been affected by mica and I will, across the period in which the work of Government is being finalised on this, raise the issue with the banks.

**Deputy Pearse Doherty:** I would appreciate it if the Minister would do so. While we do not expect the Minister for Finance, even where he is the majority shareholder in a bank, to tell it how to lend its money. I am sure there has been communication between the Department, if not the Minister, and some of these financial institutions on the motion passed by the House which called for 100% redress and that financial institutions would play their part in that. Will the Minister elaborate on whether that wider issue of a contribution from the banking sector, which will see its assets restored? If you have a €200,000 mortgage on a house in Malin Head, which is full of pyrite, it is not worth €200,000; it is not worth anything. Under the redress scheme, I hope, with 100%, it will go back to the original value. We have engaged with banks

in the past about people buying remediated houses that were done under the mica scheme, but this is a separate issue in terms of making sure the leeway is used, especially for mica-affected families.

**Deputy Paschal Donohoe:** It is a separate issue and I am aware of its huge importance and the chronic stress and anxiety it has caused. While the Deputy recognised that I cannot influence a lending decision made by our banks, I will raise this issue in the coming weeks, in the context of the Government response to mica that will be put forward.

**Deputy Pearse Doherty:** I appreciate the Minister will raise that specific issue which has affected many families who want to buy a second property. I have asked the Minister about the wider issue and given voice to the motion he supported in the House which called for 100% redress and that the financial institutions would play their part. Can he outline to the Dáil whether he or his Department have had contact with any of the banks with regard to their contributing to a scheme that will be announced later on this year?

**Deputy Paschal Donohoe:** To date, I have not had engagement with the banks on a contribution they may, or may not, make to a scheme such as this in the future. Obviously, there is an intensely important need that we have to strive to better meet on behalf of the communities for whom the Deputy is raising this issue and the families who do not have a home. The issue we will need to consider is how this will be paid. This is a matter the Government will have to consider because this is as big and difficult as the mica and pyrite issues. Other homeowners are concerned about issues with their properties. The issue of how this will be paid for is a matter on which I will engage in the coming weeks, with the Minister for Public Expenditure and Reform, Deputy McGrath, and the Minister for Housing, Local Government and Heritage, Deputy O'Brien. To answer the Deputy's direct question, to date, I have not had a discussion with the banking sector on that. I look forward to working with my colleagues in government to finalise a plan on this.

## Tax Code

2. **Deputy Ged Nash** asked the Minister for Finance his views on the activities of certain companies (details supplied) in respect of corporation tax; if he will act to amend the Ireland-Malta tax treaty to ensure that companies can no longer use tax shelters outlined in a recent report to minimise their corporation tax bills; and if he will make a statement on the matter. [44846/21]

5. **Deputy Pearse Doherty** asked the Minister for Finance his views on the impact of the competent authority agreement entered into by the Revenue Commissioners and the Maltese tax authorities in shutting down the structure known as the "single malt"; if he or his officials were at any time aware that the single malt structure was still in use despite the provisions of that agreement; and if he will make a statement on the matter. [44867/21]

**Deputy Ged Nash:** We should all be shamed by what we read last week. After the Minister learned of the single malt tax dodge in 2018, he moved to close the structure down. The Minister said in 2018 that the Ireland-Malta tax agreement would "eliminate any remaining concerns about such structures". Thanks to Christian Aid, we now know a knock-off version of the single malt is still available. Did the Minister know that Irish-registered companies could still move profits to Malta to avoid corporation tax after the 2018 agreement was signed? Is the Abbott

case, which was reported last week, news to him and are there more?

**Deputy Paschal Donohoe:** I propose to take Questions No. 2 and 5 together.

As is always the case, I have to emphasise that it is not appropriate for me to comment on the tax affairs of an individual business. I am advised by Revenue that the competent authority agreement with Malta, to which the report refers, was clearly set out as addressing arrangements that would otherwise exploit mismatches between the two countries' rules - specifically their rules on company residence and domicile. The objective of the competent authority agreement was to counteract arrangements that sought to take income out of the charge to tax in Ireland, on the basis that a company was not resident for tax purposes, in Ireland and out of charge to tax in Malta, on the basis the company was not domiciled in Malta. This competent authority agreement addresses issues in which there is a mismatch of residence and domicile provisions, which could otherwise result in double non-taxation.

I am advised by Revenue that this competent authority agreement provision is operating as intended and companies should not be able to avail of double non-taxation, on the basis of a mismatch of residence and domicile provisions. The report provides no evidence that the competent authority agreement was ineffective in achieving this objective. I have repeatedly demonstrated that I am committed to taking action to ensure the Irish tax code is in line with new and emerging international tax standards. The January 2021 update to our corporate tax roadmap outlines actions that have already been taken. The Deputy will be aware as to what many of them are, from the anti-tax avoidance directive, ATAD, work to control foreign company rules, updated transfer-pricing rules and the substantial widening of the scope of the exit tax regime.

It should also be recognised that Ireland has a long-standing general anti-avoidance rule, which goes beyond the stand required in the EU ATAD. It is intended, in the upcoming finance Bill, that we will complete the transposition of the anti-tax avoidance directives with the introduction of interest-limitation rules and anti-reverse hybrid rules. It is intended that these rules will take effect from 1 January, but this work is not complete. As I have set out in the update to the corporate tax roadmap, I am committed to taking many other actions.

**Deputy Ged Nash:** I find it hard to understand or accept that the agreement is working in the way in which the Minister intended. The Minister of State, Deputy Fleming, responded to me in the Dáil last week and informed me that "One case is being discussed and the Revenue is keeping a close eye on that". What precisely was meant by that? Can the Minister confirm to the House that there are no other company structures taking advantage of the kinds of arrangements of which we were made aware last week? Companies will say that they are lawfully exploiting these kinds of arrangements. I do not believe that was the Minister's intention in 2018. When he learned of this case last week and when he was advised by Revenue, as he has been, about the nature of this case, did he move to contact the Maltese authorities to tighten up this loophole? In my view, it needs to be tightened. Christian Aid warned of the possibility of these kinds of structures being enabled continuously, even post the 2018 agreement, but that advice does not seem to have been taken. I would be interested to see if the Minister could establish that there are not more companies taking advantage of this. Will he move to tighten up these arrangements?

**Deputy Pearse Doherty:** We know that some of these large profitable companies will organise their tax affairs in a way to limit their tax liability. In 2017, after parliamentary questions

and campaigning by Christian Aid, the Minister called out aggressive tax planning and closed it down as a result of the agreement. The problem is that while the agreement appears to be working in terms of what is in it, it is narrowly defined and therefore there is this cat and mouse game. They have found a way around it. There is a complex arrangement in terms of the acquisition of Alere into three incorporated companies here but tax resident in Malta and so on. The money goes around in a carousel and no tax is paid and now there is a situation where there is a dodge of €477 million that is avoiding being taxed. When this comes to light, and surely Revenue has seen this because there are only four Irish companies that have been incorporated in Malta since that period and these are the four companies in question, surely there must be knowledge. What I want to know from the Minister is how come we are not shutting this down? I can understand the cat and mouse game that goes on but once we become aware we need to shut it down. Can the Minister please reassure us that this will come to an end? I know the Minister cannot mention companies and he is restricted in that regard but we need reassurance that this is going to stop.

**Deputy Paschal Donohoe:** I thank the Deputies. Deputy Doherty touched on a point I was going to make to Deputy Nash regarding information that was contained in the Christian Aid report. That report noted that since the changes were made by me and accepted by the Dáil in November 2018, only four companies have been incorporated in Ireland with a place of business registered in Malta. The measures that I brought in have had an effect and have played a key role in changing a behaviour that I described at that point as not being acceptable. I am not aware of any further such behaviour but of course I will be receiving an update from the Revenue Commissioners on this issue and if there is further action that I need to take on this matter, I will do so.

**Deputy Ged Nash:** I would be interested in establishing, insofar as the Minister can, what kind of prior knowledge Revenue had of this kind of arrangement? Has it signed off on it? Generally speaking, to the best of my knowledge and experience, Revenue would have knowledge of arrangements of this nature. Given the scale of the company, one would imagine Revenue keeps a very close eye on these kinds of operations. Can we be absolutely reassured that there are no other firms incorporated in Ireland using these kinds of structures to dodge and avoid their corporation tax bills either in Ireland or elsewhere? The Minister is right; Christian Aid does acknowledge in its report that the competent authority agreement has worked effectively, to a point, in that it appears there are only a small handful of companies taking advantage of these kinds of arrangements now. However, should we tolerate four companies taking advantage of this kind of arrangement? I do not think so.

**Deputy Pearse Doherty:** As the Minister said, I have acknowledged the fact that the agreement does work to a certain point. All the four companies are Abbott subsidiaries so surely someone is looking at this. Does the Minister dispute the findings of the Christian Aid report? The key thing here for me - and let us be clear about this - is that Abbott broke no law. It wants to reduce its tax liability. Revenue can say that is in compliance or it could have said that the anti-avoidance measures could take precedence here. When a company finds a way around something, the Minister or the Department should be alerted. Was the Minister aware of such a structure being in existence? Will he put on the Dáil record what measures he is going to take? The budget is coming up in a few weeks. Can the Minister give us assurances that if a company has found a way around the Irish-Maltese agreement, that will be expanded to make sure new arrangements are brought into its scope?

**Deputy Paschal Donohoe:** The Christian Aid report shows that the number of companies

that have been registered in Malta since the measures I brought in took effect is small. Was I aware of this behaviour? No, I was not. Will the Revenue Commissioners be informing me of the detail of the affairs of any one taxpayer? No, they will not. They will advise me on the generality of any matter. As to me laying out on the floor of the Dáil what I am planning to do to deal with any potential concerns regarding tax avoidance, that would only create the opportunities for those measures to be avoided. I am not going to, nor would I ever, lay out in detail any anti-avoidance measures I am going to put in place for the simple reason that if one lays out that detail and gives enough notice of what is going to happen, it creates the very kinds of opportunities that the Deputies appear to be united in wanting to prevent companies taking advantage of. I was not aware of this matter and I will of course, through the Revenue Commissioners, receive advice on the generality of it and whether any action is needed. However, I am not going to communicate any action that I may or may not take because I want it to be effective if I deem that action is needed.

### **Tax Code**

3. **Deputy Pearse Doherty** asked the Minister for Finance if he will introduce a vacant property tax in the context of budget 2022; if so, the current status of those plans; the date by which it will be introduced; and if he will expedite those plans in the context of the housing emergency. [44866/21]

**Deputy Pearse Doherty:** We all know the State and its people are in the grip of a housing emergency and there is a lack of genuine affordable homes. We have rip-off rents that continue to squeeze incomes and harm people's lives. There are policies that could change the dynamic and provide solutions to people who need them. The Government's Housing for All plan kicked the can down the road when it comes to the vacant property tax. I call on the Minister to inform the Dáil why this measure is being delayed. Will he consider expediting it and introducing it in light of the escalating housing crisis that is right across the State now, not just confined to the capital city?

**Deputy Paschal Donohoe:** I am of course aware of the huge challenges we have in providing affordable homes, providing homes for those who need them most and the great challenge of increasing rents. That is why I am absolutely committed to delivering the measures that are outlined in Housing for All. There is no delay whatsoever to those commitments. I am committed to the introduction of such a tax. Before I look at what that tax will be and what its structure will be, it is important to gain further information about the level of vacancy we have in our country, the duration of those vacancies and the reasons for them. That information is going to be collected as part of the local property tax revaluation that is under way. That information will be collected in November. I expect it will be shared with me soon after that and at that point, when I have the evidence that I need to design what will be an important and fundamental tax, I will act. The timings and the commitment that I have given in Housing for All will be honoured.

**Deputy Pearse Doherty:** That is the problem; the Housing for All plan does not actually deal with the urgency of the crisis that we have. In June 2017, my colleague, Deputy Ó Broin, called on the Minister to introduce a vacant home tax. Time went on and on and house prices became unaffordable. Rents are going through the roof and families are pressed in terms of their housing needs, and more time went on. What is the Minister planning? The reality is, and

21 September 2021

it has to be called out, that more time will go on. The Department of Finance gave the housing committee a plan last week that stated the data will be collected and analysed in quarter 2 of 2022. What is the reason for the delay? Will the Minister make a commitment, as it was not provided in the report given by the Department to the housing committee, to a vacant property tax or is it something he is still considering? Will he commit to that? The situation is contained in the Department's report. Some 92,000 houses, 4.5% of homes, lay vacant in June of this year according to statistics from the GeoDirectory given to the housing committee by the Minister's Department. That is a national scandal on his watch. Time will go on. House prices will go through the roof. Rents are still going up. Meanwhile, more time will go on.

**Deputy Paschal Donohoe:** Time will be used to ensure that when I make a decision on the introduction of this tax, it will be a tax that is effective and plays the role I want it to play which is the conversion of vacant properties into homes that families and those who need housing will use. Bringing in such a measure on the use of property is something I need to get right. It needs to be effective and must be based on evidence. The time we are talking about is only that which is needed to collect information on the number of properties, how long they have been vacant and why they are vacant. That is information which is needed in order to get the design of this tax correct. Throughout the period referred to by Deputy Doherty, I accept the housing needs of too many people have not been met in the way they want or I want. It is also the period in which the number of homes built in our country has increased year-on-year. I want it to increase further and will play my role in making that happen.

**Deputy Pearse Doherty:** Unfortunately, the Minister has played a role in this. He has incentivised the vultures and the speculators. We saw it in the debate earlier on about the core part of Housing for All where developers can avoid the provision of 20% social and affordable homes, and that is part of the Minister's plan. Therefore, he has, unfortunately, had an influence. Where he has not had an influence is in the four years after we called for a vacant property tax. He still has not introduced it. The Minister wants to know the location and size of every vacant home in the State, and the length of time for which it has been empty, before he will even consider a tax. Perhaps he will outline the broad view of what he is thinking. What size should be taxed? How long does he think a property should be vacant? Does he think it should just be in urban areas or will it be across the country, because there is a housing emergency throughout the State or has he none of that thought out after four years of us asking for a vacant property tax?

**Deputy Paschal Donohoe:** Actually, I have much thought out in relation to what we will do.

**Deputy Pearse Doherty:** Tell us.

**Deputy Paschal Donohoe:** The Deputy wants to give a speech. I want to put in place a tax that will make a difference.

*(Interruptions).*

**Deputy Paschal Donohoe:** I will continue with the work that is under way because, of course, I am aware of the need to get more homes built and to turn vacant properties into family homes. That is the reason we have Housing for All, in which there are record levels of investment. It is also the reason that year-on-year, during the last Government, more money was

made available-----

**Deputy Pearse Doherty:** Will you answer any of my questions?

**Deputy Paschal Donohoe:** -----to build more homes and which led to those homes being built. As the Deputy knows, it is simply not appropriate for me to comment on-----

**Deputy Pearse Doherty:** I want to know what you are thinking of doing.

**Deputy Paschal Donohoe:** -----the detail of a policy in relation to taxation until it is communicated in a finance Bill or on budget day. That is what I will do.

**Deputy Pearse Doherty:** That is because you do not have the detail. That is the problem.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** The Deputy has asked his question and has received his answer.

### **EU Funding**

4. **Deputy Peadar Tóibín** asked the Minister for Finance the amount of funding Ireland is set to receive from the EU recovery fund; his views on the amount of funding Ireland is set to receive; and if he will make a statement on the matter. [45183/21]

**Deputy Peadar Tóibín:** The total cost of the Government's handling of Covid, when the taxation measures, wage subsidies, grant supports and liquidity schemes, etc., are taken into consideration, for 2020 and 2021 was €41.3 billion, which is a phenomenal figure. The Comptroller and Auditor General's estimated cost of the banking bailout was €41.7 billion. These are two figures which are very similar. Yet, we see very little from the European Union with regard to helping this country. We hear that less than €1 billion is coming from the European fund.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Will the Deputy put his question to the Minister?

**Deputy Peadar Tóibín:** Will the Minister tell us why this amount is so low and how we can improve on it?

**Deputy Paschal Donohoe:** Of the money we spent on Covid and supporting our society through a time of such challenge, I am unclear what element of that spending the Deputy was against. Was he against the introduction of the pandemic unemployment payment? Was he against the introduction of the employment wage subsidy scheme? Was he against putting more money into our hospitals as our citizens needed support and healthcare at a time of such crisis? Perhaps the Deputy, in outlining his concern regarding why the debt has increased by so much, of which I am aware, will also outline what elements of the spending I implemented during this crisis he is against.

On the role of the European Union, the recovery plan being brought forward by the EU and the funding we are accessing, it is the case that other countries are accessing more. This is for reasons such as the scale of the countries and the harm caused to those countries by Covid. However, the total amount of funding still being made available through the recovery fund is €1.16 billion. In my book, €1.16 billion is still a large amount of money. Some €853 million of which can be used to support the kind of investment we need in helping our economy and

21 September 2021

society recover. There is €176 million being provided through the European agricultural fund for rural development. While I accept the point raised that these fund elements are lower than other countries, it is still a gigantic amount of money. Of course, as the Deputy will know, the biggest help the European Union provided during this period was the decision the European Central Bank made to intervene in financial markets to facilitate countries borrowing. Without that action, the kind of response we put in place would have been more difficult and the cost would have been even higher.

**Deputy Peadar Tóibín:** Covid is obviously a real illness and we needed to be careful regarding the management of that illness. However, Ireland took a role which was an extreme outlier role compared with every other European country. No other European country's restrictions were as severe or as long as those introduced by Fianna Fáil and Fine Gael.

In financial terms, for example, our annual spending in 2020 increased by 20%. In Denmark, it increased by 5% while in France, it increased by 8%. The European average increase in spending during 2020 was less than 10%. However, due to the overextended and over-severe restrictions, our spending amount was a radical outlier. No other country took the route we took nor did it cost any other country the same in financial terms.

On the cost of this, we are edging towards a national debt of €280 billion. We will have a deficit of €14 billion next year, €7 billion in the year after that and €7 billion in the following year. We are talking about a paltry sum of less than €1 billion with regard the fund from the European Union.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Will the Deputy follow with a question?

**Deputy Peadar Tóibín:** It reminds me of Ireland's instincts during the banking crisis when we were seen to be the best boy in the class. We do not shout loud enough for what we need.

**Deputy Paschal Donohoe:** Instinct is appropriate here and it was an appropriate word for the Deputy to conclude his question on. What instinct of his is motivating him? During the many lockdowns we had to go through when our country was going through waves of Covid, at what point would he have lightened the public health measures? At what point would he have made the decision, when there were hundreds of people in our hospitals and we had community transmission rates in the thousands on some days, to reverse the public health measures that were in place at that point? He was not involved in that decision nor, indeed, should he have been. He is not a member of Government. It is a responsibility I have. During that period, we put public health measures in place that were very demanding. It is also the case that due to the measures and the vaccination programme put in place by the Government, and the economic support plans we implemented, we were able to reduce the number of people who could have died. Every life that has been lost, every person's health that has been affected and every family that has grieved is a grievance and a loss too many. Our measures were successful in helping many people escape the spread of this deadly disease.

We are now seeing a recovery taking place within our economy, a reduction in the number of people unemployed, and increase in the amount of money being spent in our domestic economy that up to a year ago would have looked unlikely. Of course, I acknowledge the difficulty and harm caused by decisions we had to make, but I put the case to the House that in many cases those measures were successful in saving lives and preventing further ill health.

**Deputy Peadar Tóibín:** Sometimes we are very insular and inward looking in this country.

We handled this crisis in a radically different manner from every other European country. Yes, we had a crisis here. The majority of people who died of Covid caught it in a nursing home or hospital, which were the epicentre of the Covid crisis in this country. This area was radically mismanaged by the Government and we need a full investigation into how it was handled. The truth of the matter is that countries like Denmark and Germany opened pubs and restaurants, for example, months before we did. They did so safely, using antigen testing. They used the proper logic to open those services and they allowed people to go back to work earlier. The Covid crisis cost their countries radically less as a result.

It has been reported in *The Sunday Times* that the State will pay €19 billion over a 30-year period into funds to cover the cost of the Covid crisis and we will get a total of €2 billion back. For most people, these figures are as large as the banking crisis figures, yet there is precious little debate around the issue. There is stony silence around the massive costs to the State.

**Deputy Paschal Donohoe:** I do not hear much stony silence in regard to the costs. A growing theme of the public debate that is under way is an appreciation of the increase in our national debt and what that could mean for generations to come. Unlike the banking guarantee, the debt incurred in dealing with the Covid crisis played a direct role in saving jobs in our domestic economy at a time they were needed. It played a role in directly supporting income at a time it was needed.

The Deputy made the case that our public health measures were too demanding and out of line with elsewhere. However, when we brought in the measure to allow restaurants to open up more safely by way of the display of Covid vaccination certificates, he was against it.

**Deputy Peadar Tóibín:** I raised the question of antigen testing.

**Deputy Paschal Donohoe:** The Deputy will come into the House and say the public health measures are too demanding but when the Government brings forward a plan to lighten and moderate those public health measures and allow restaurants to successfully reopen in the way they did this summer, Deputy Tóibín is against it. He talked earlier about his instincts. He says he is in favour of changing public health measures to allow restaurants and cafés to open, but when we introduced a measure to enable our hospitality sector to successfully open across the summer period, Deputy Tóibín was against it.

*(Interruptions).*

**Acting Chairman (Deputy Marc Ó Cathasaigh):** We are well over time, Minister.

**Deputy Peadar Tóibín:** Denmark, Germany and every other European country opened in a manner-----

**Deputy Paschal Donohoe:** Of course the Deputy does not want it acknowledged that the measure succeeded. He is against stony silence except when a charge is being made about him.

*Question No. 5 answered with Question No. 2.*

21 September 2021

## Ceisteanna Eile - Other Questions

### Covid-19 Pandemic Supports

6. **Deputy Jennifer Murnane O'Connor** asked the Minister for Finance the number of companies in counties Carlow and Kilkenny that have registered under the business resumption support scheme. [44780/21]

14. **Deputy James Lawless** asked the Minister for Finance the number of companies in County Kildare that have registered under the business resumption support scheme. [44791/21]

16. **Deputy Joe Flaherty** asked the Minister for Finance the number of companies in counties Longford and Westmeath that have registered under the business resumption support scheme. [44869/21]

25. **Deputy Marc MacSharry** asked the Minister for Finance the number of companies in counties Sligo, Leitrim and Donegal that have registered under the business resumption support scheme. [44820/21]

37. **Deputy Barry Cowen** asked the Minister for Finance the number of companies in counties Offaly and Laois that have registered under the business resumption support scheme. [44797/21]

41. **Deputy Christopher O'Sullivan** asked the Minister for Finance the number of companies in counties Cork and Kerry that have registered under the business resumption support scheme. [44793/21]

50. **Deputy John Lahart** asked the Minister for Finance the number of companies in Dublin city and county and the number of companies in County Wicklow that have registered under the business resumption support scheme. [44788/21]

54. **Deputy Brendan Smith** asked the Minister for Finance the number of companies in counties Cavan and Monaghan that have registered under the business resumption support scheme. [44786/21]

62. **Deputy Dara Calleary** asked the Minister for Finance the number of companies in counties Mayo and Roscommon that have registered under the business resumption support scheme. [44800/21]

**Deputy Jennifer Murnane O'Connor:** The new business resumption support scheme, BRSS, for businesses with a reduced turnover as a result of public health restrictions was launched earlier this month and is open until 30 November this year. Can the Minister tell me the number of companies in counties Carlow and Kilkenny that have registered for the scheme?

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Question No. 6 is grouped with a number of other questions. I advise Deputies that if the discussion on this group of questions has not concluded after 18 and a half minutes, I will draw it to a conclusion at that point.

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 6, 14, 16, 25, 37, 41, 50, 54 and 62 together.

The business resumption support scheme is a new support for businesses impacted by Covid-19. It is administered by Revenue. To qualify for the scheme, a business must carry on a trade or trading activities the profits from which are chargeable to tax under case I of Schedule D. The business must possess a valid tax clearance and continue to maintain tax clearance for the duration of the application period. Under the scheme, businesses with a turnover that reduced by 75% in the reference period, that is, 1 September 2020 to 31 August 2021, compared with 2019, will be eligible to apply for a once-off payment based on a percentage of their average weekly turnover for 2019, subject to a maximum payment of €15,000, provided they meet the qualifying criteria. The payment is calculated as three times the sum of 10% of the average weekly turnover, up to €20,000, and 5% on any excess of average weekly turnover above €20,000, subject to a maximum payment of €15,000.

Registration for the scheme opened on 6 September 2021. Once registered, eligible businesses can make a claim at any time up to 30 November 2021 for a single-payment support via the Revenue online service. I am advised by Revenue that, as of 16 September, 420 businesses, covering 438 trades, have applied for the scheme. A total of 154 businesses have claimed the BRSS in Dublin, as well as 44 in Cork, 20 in Kerry, 18 in Mayo and 14 in Westmeath. When there are fewer than ten businesses registered for any scheme, the exact number is not provided due to Revenue's statistical disclosure protocols, which support the obligation to protect taxpayer confidentiality. In counties Carlow, Cavan, Donegal, Kildare, Kilkenny, Laois, Leitrim, Longford, Monaghan, Offaly, Roscommon, Sligo and Wicklow, between one and nine companies have applied for the BRSS in each case.

Revenue publishes detailed statistics each week on the operation of Covid-19 support schemes, which now include information on the BRSS. These statistics are available on the Revenue website.

**Deputy Jennifer Murnane O'Connor:** This new support scheme for businesses with a reduced turnover as a result of the public health restrictions is most welcome. It is especially welcome that it is open to businesses that may have previously qualified for the Covid restrictions support scheme, CRSS. My chief concern is to ensure enough information is out there about what supports are available. A number of schemes have had criteria that many businesses could not meet. Certainly, there was much confusion in this regard among people who came to me for assistance. It is important that we look at this issue carefully in order to help as many businesses as we can. I am concerned that the new scheme is not very well advertised. Given the figures the Minister gave, I remain concerned. There have been instances where businesses got lost in whether they qualified for different schemes. It is important that we have other schemes working alongside the new scheme. We must ensure the information is out there and gets to the businesses that qualify for the BRSS. I acknowledge that criteria were given but it is important that the information gets to people. I have concerns about the uptake thus far.

**Deputy James Lawless:** I thank the Minister for his reply. First, I want to acknowledge that the Government has supported businesses extremely well through the lockdowns and for the past 18 months. As a Kildare representative, I acknowledge the additional supports given in the second lockdown that Kildare endured, which some counties did not. There were comments from Opposition Members a few moments ago noting that the budget and finances are under pressure. Of course they are. Deputy Tóibín has left the Chamber but I say to him and any other Member raising this point that they cannot have it every way. They cannot complain about a deficit arising and also complain about businesses and individuals not being supported. We cannot do it all but the Government has tried admirably to balance different needs. Extraor-

dinary measures were taken in extraordinary times, and taken without reservation. I commend the Government on doing so.

I share Deputy Murnane O'Connor's concerns about businesses' awareness of the new scheme. I am a little concerned that Kildare is one of the counties with fewer than ten applicants. I canvassed a number of business owners before tonight to see what the reaction has been to the scheme. I agree there is a degree of confusion about it. It was put to me that the requirement for a 75% reduction in turnover is an issue. A business, especially a bricks-and-mortar business, that has had a turnover reduction of 75% may not be in business any more. That is a cause for concern. We must all do our best to advertise the scheme following this discussion.

**Deputy Christopher O'Sullivan:** I commend both the Minister, Deputy Donohoe, and the Minister, Deputy Michael McGrath, on the extensive supports provided to date. Like many other Deputies, I toured my constituency over the summer and met people who have reopened their businesses. Most of them told me they would not have been in a position to do so without the extensive support provided under the CRSS, the restart grant, the employment wage subsidy scheme and, for many in hospitality, the outdoor dining scheme, which was incredibly important. The BRSS is a further boost for businesses. I am surprised to hear the uptake figure of 44 for County Cork. I would have expected it to be higher. However, businesses have until the end of November to register and I encourage them to do so.

Will the Minister comment on a specific issue? We have a situation where, because of international issues, utility and energy bills have skyrocketed. This will have a massive impact on SMEs in particular. I ask him to consider including in budget 2022 some measures to cushion the blow for the SMEs that will incur extra costs.

**Deputy Paschal Donohoe:** I thank the Deputies for the points they made, some of which I will try to address. First, in terms of the number of covered companies and employers that have registered for the support scheme, this reminds me of where we were with the CRSS, in that registration at the start of the scheme tended to be lower than I expected. When we launched the scheme, I was asked in the early phase of that why more employers did not register. What happened is that towards the latter end of the registration, the number of companies in the scheme increased considerably. While I take the point that the figure at the moment of less than 500 is low, it is what I expected and the key point will be how many companies are registered as we move into October, and we will certainly look at that.

Regarding awareness about the scheme, I take the point that was made by the Deputy. We will examine how we can publicise and explain the scheme a bit more because it is a good scheme, and we want to make sure businesses are aware of it.

**Deputy Jennifer Murnane O'Connor:** I thank the Minister. I wrote to him regarding concerns from many businesses that were locked out of the previous supports, which asked what reopening might look like and how long it might take for them to recover. Supports such as these are a significant help. It is testament to the commitment of the Government to the country to get it up and running, which is so important. I especially welcome that the schemes are open to those who do not have a physical premises. It is most welcome that we are working together to support vulnerable and viable businesses.

What is most useful is that self-employed people, charities and sporting bodies that may have missed out previously can now access assistance. The Covid-19 crisis showed us that

without doubt charities, community and voluntary organisations and social and sporting enterprise are at the heart of a strong country, but with supports that are vulnerable. It is great to see them being able to avail of such supports, which are so important. The Minister knows that €445 million was lost to charities, as many clubs and charities were not able to fundraise. The supports for them are most welcome.

**Deputy James Lawless:** Many businesses availed of the CRSS and previous schemes, but at one stage there was an issue in that an applicant had to be a rate payer to avail of it. I welcome that the schemes have been broadened since. Some businesses made a success of lockdown and managed to become continental in their outdoor offerings. In some businesses that was easier to do than in others. We all adapted to that. There were pop-up businesses all over my constituency, which thrived and did quite well, that may not have existed previously. People got into a new way of living and local butchers and grocers were supported perhaps more than previously as people were at home and were able to spend extra time cooking and suchlike as well. Perhaps some businesses saw an unexpected bounce, dare I say, albeit that the overall prospect was bleak.

Regarding the 75% turnover, it was said to me that a business that has seen a drop of 75% in turnover would be lucky to still be in business no matter what the business might be. The Government has done what it can to mitigate that, and I commend it on that.

**Deputy Christopher O’Sullivan:** I believe that the uptake of the scheme will increase significantly as time goes by. I want to come back to the energy crisis and the cost of electricity for small businesses. It was encouraging to hear the comments of the Minister for Public Expenditure and Reform, Deputy Michael McGrath, about measures in budget 2022 for individuals and households in terms of social welfare payments, the fuel allowance, the living alone allowance, etc., to cushion the blow. I would love to see some similar measures for SMEs that are struggling to make those margins. The higher cost of electricity will contribute to that as well. I would love to hear a comment from the Minister on that.

**Deputy Paschal Donohoe:** Of course the Government will consider if we can do anything on the issues the Deputies raised. The EWSS is in place and we have to make a decision as part of the budgetary process regarding the future of the scheme, how long it will be in place and what subsidies will be available for its future duration. A scheme such as that will contribute to the ability of employers to recover from the harm of Covid and deal with the costs they have to confront as they look to reopen. When the Tánaiste is working on the proposals for his Department, I am sure he will also examine whether any measures can be taken to support businesses at this challenging time.

I will take on board the comments that colleagues have made on the BRSS and I hope when we next debate this in the Dáil, we will see an improvement in registration for the scheme.

## **Insurance Industry**

7. **Deputy Aindrias Moynihan** asked the Minister for Finance if he is satisfied that insurance premiums are being successfully reduced for motorists, businesses and other users in line with the revision of guidelines for personal injury awards; and if he will make a statement on the matter. [44813/21]

**Deputy Aindrias Moynihan:** The cost of insurance is a significant burden for drivers and many businesses. We have often heard from the insurance companies that the cost of claims is a big feature in driving the cost of premiums. The Government is getting stuck in and dealing with the cost of insurance, but we need to know that it is being filtered through, that the insurance companies are acting on it and passing on the benefits such as the personal injury awards being capped, and that consumers are going to get the benefit of those kind of measures.

**Minister of State at the Department of Finance (Deputy Sean Fleming):** Seeking to secure a more sustainable and competitive market through deepening and widening the supply of insurance in Ireland remains a key policy priority for the Government. It is my intention, along with the Minister, Deputy Donohoe, to work to ensure that the commitments outlined in the programme for Government are progressed in accordance with the Action Plan for Insurance Reform. One of the key achievements of the action plan was the adoption of the new personal injuries' guidelines in April this year, which was approximately seven months ahead of the expected date. I thank all of those involved for working to bring the guidelines forward as early as possible. They provide much greater certainty regarding award levels, in addition to reducing awards for many common injuries, and should encourage greater use of the Personal Injuries Assessment Board, PIAB, to settle claims. We need to make sure that the guidelines achieve these key aims and we will monitor their implementation as part of the action plan. In that regard, it will be important that insurers respect the guidelines in direct settlements, so they do not risk undermining them from the outset.

The Deputy should rest assured that both I and the Minister have been holding the insurance industry to account in respect of commitments that it has made with regard to lowering insurance premiums arising from reduced personal injuries guidelines award levels. I have held meetings with the main insurance companies in the market. These engagements were positive, with insurers indicating that consistent implementation of the guidelines should result in lower premiums. I will meet with them again soon to review their response to the guidelines and other insurance reforms.

Separately, I note the Central Statistics Office's most recent consumer price index, CPI, data show continuing decreases in the price of motor insurance. In that regard, motor insurance prices are now 36% lower than at the peak in 2016. As such, I believe that we need to look at the price reductions in the context of the Government's overall reform strategy, as important reforms to the duty of care and reform of the PIAB will further help to improve the affordability and availability of insurance for all customers. That is now a key priority in the period ahead. I assure the Deputy that work remains ongoing across the Government to deliver these elements of the action plan.

**Deputy Aindrias Moynihan:** It is positive to note the various meetings with the insurance companies because many people feel that while the Government has taken measures such as the capping of personal injury awards, insurance companies are not passing on the full benefit of that. For example, a young driver, James, taking out his first insurance policy earlier this year received a quote in April, before the cap, and again two months afterwards and bought at the same price, getting no benefit from it. The insurance companies passed on no benefit. Similarly, another person buying van insurance secured only 5% of a drop in the cost of insurance. There is a limited market where one can buy insurance products for vans. It is not clear that insurance companies are giving the full benefit and I want to make sure that they do. What measures are being taken to ensure that they give the full benefit to motorists in reduced premiums?

**Deputy Sean Fleming:** I thank the Deputy for highlighting the situation for motor insurance policies and for van drivers. The man or woman with the van, as the case may be, is a key priority for the Government because they are the small employers or self-employed people who are the backbone of many industries in locations throughout the country.

What I will say is that, in July, before the recess, we met with PIAB and it said the early indications of settlements at that stage were they were being implemented by the insurance companies and by PIAB in line with the new judicial guidelines that had been published towards the end of April. The rate of acceptance will depend on how many people choose to take those to court, and we will be seeking updated information on that now that they have been in operation for a couple of months.

The benefit of all of this is that it will ultimately lead to a reduced number of actions going to court and the consequent legal costs will reduce as well. That should feed further into price reductions for motorists.

**Deputy Aindrias Moynihan:** Many businesses will have specialist insurance and will have only a limited number of providers available to them. Again, it is coming back to that limited market, like the man in the van, or businesses such as bouncy castles, or the example we saw on RTÉ in the leisure services. They are dealing with a very limited number of insurance companies and they are seeing increases or are not able to get services. Despite the fact these measures have been taken, insurers are not passing on the benefit, it seems. The leisure business we saw on RTÉ, for example, saw more than a trebling of its insurance policy to more than €80,000. What teeth can be brought to bear on these insurance companies to ensure they pass on the benefits they are now getting from those capped insurance claims?

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Deputy Pearse Doherty wishes to come in on this issue. I understand that is at my discretion. I call Deputy Doherty.

**Deputy Pearse Doherty:** Deputy Moynihan is absolutely right. We need the legislation to look at whether they are passing on the full amount of reductions. We all want the same thing here - we want money in people's pockets - but the Government needs to bring forward that legislation. Even with the changes Liberty Insurance has brought in, it is next to impossible now to compare the new quotes because it has changed its whole structure in terms of how it is issuing quotes. I renewed my insurance with Liberty Insurance just last week. The base price for a new customer, and I went in as a new customer because I am not going to get sucker-punched by them, was €300 less than a renewal quote. That is what is happening in insurance. Deputy Moynihan is 100% right. The Government needs to take out the stick. We have waited long enough. The proper reductions are not happening as a result of legislation this House has passed.

**Deputy Sean Fleming:** I thank both Deputies for those remarks. It proves the point that one of the main actions in the Government action plan for insurance is to promote competition. That is the office I chair. I insist that when people get their insurance premium, the first thing they must do is lift the phone and make an inquiry. Normally, we have found, when people make an inquiry, they get a reduction. If people choose not to do so, we will be encouraging them through increased competition.

Another point I would make to people who have insurance, especially on the business side, is that if they are dealing with a broker and they are having difficulty getting quotes, they should

please try another broker. Some people are slow to do that. They need to move around.

In regard to the leisure services, obviously, I cannot comment on an individual case that was highlighted on RTÉ recently but we have to look at the risk and any claims that can arise in this particular industry, and that was exacerbated by Brexit. That is why I have met and am meeting with the IDA to encourage new companies to come into the country, and we have had positive news on that in recent months.

### Tax Code

8. **Deputy Ged Nash** asked the Minister for Finance his position in respect of the OECD corporation tax reform process; and if he will make a statement on the matter. [44840/21]

209. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he and his Department continue to monitor the situation around the proposed corporation profits tax and its potential impact on Ireland's potential to attract investment; and if he will make a statement on the matter. [45155/21]

211. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he expects Ireland's competitiveness in terms of foreign direct investment to continue notwithstanding any changes in corporation profits tax; and if he will make a statement on the matter. [45157/21]

227. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which Ireland remains an attractive location for foreign direct investment; and if he will make a statement on the matter. [45265/21]

**Deputy Ged Nash:** Amid all the noise on global corporation tax reform and the process, it is appropriate at this stage that the Minister would update the House on his engagement with the OECD on the global corporation tax process. He will be aware from the Labour Party submission to his Department's public consultation process, a process I called for and that I welcome, that our considered assessment is the State should sign up in full to both pillars of the process, including a commitment to a marginally higher minimum effective rate of corporation tax than the 12.5% headline rate we had in operation for the past quarter of a century.

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 8, 209, 211 and 227 together.

The 140 members of the OECD's inclusive framework on base erosion and profit shifting, BEPS, continue to work on a two-pillar proposal towards finding a consensus solution to address the tax challenges of digitalisation and globalisation of the economy. Many of the key policy decisions of the two-pillar proposal, including the rate of the proposed minimum effective tax rate, remain undecided.

I have been very clear on my position. I am broadly supportive of the agreement but have a very significant and serious reservation, in particular in respect to a commitment to a rate of "at least 15%" for a global minimum effective tax rate. While I remain very committed to and supportive of the process, that is the reason Ireland is not currently in the consensus. Given the economic importance of the OECD proposals to Ireland, I held a public consultation on the proposals which ran until 10 September. These submissions are now under consideration by my Department. There is a desire for Ireland to be part of the international agreement but, at

this stage, there is a lack of clarity on what is in the agreement. The process must bring about certainty and there are too many significant unknowns for now.

Ireland has long been an attractive place for foreign direct investment and has become home to many of the world's largest multinational enterprises. Aside from the headline rate of taxation, there are a significant number of advantages Ireland has to ensure it will continue to be an attractive location for foreign direct investment. As we move forward, I remain committed to engaging in the OECD process but I believe that, in any of the scenarios or horizons Ireland will confront, we will continue to be in a position where we can be competitive and continue to be in a position in which work can be created and jobs created and kept in our country.

**Deputy Ged Nash:** I thank the Minister for that reply. I have some appreciation of the situation he is in and I genuinely believe he believes the decision at this stage not to sign up formally to pillar 2 of the process is, as he sees it, in the national interest. We have two different, competing perspectives in terms of what the national interest is. That is informed, I believe, by our different political and economic philosophies and traditions, and I respect and fully understand that.

During our consultation process internally in our own organisation and with academics, business leaders and others, we became convinced that Ireland can live with a marginally higher rate of corporation tax. We are convinced of that and persuaded of that. This is not 1997, when it was first announced by my colleague, the then Minister for Finance, Ruairí Quinn. It is not 2007 either. It is 2021. I think we are in a good position to trade on our strengths, our skills, our productivity and our competitiveness, and not necessarily any longer with a disproportionate focus on what is, by any objective stretch of the imagination, a low rate of corporation tax. I hope the Minister is reassured by remarks made, for example, today, by people like Feargal O'Rourke that we do not have anything to fear in terms of the continued pipeline of investment into Ireland because of our attractiveness as a destination for multinational corporations.

**Deputy Paschal Donohoe:** I thank Deputy Nash for his point and I, of course, respect also the judgment he is bringing to bear on this and the view of the Labour Party on it.

The key point I would make to the Dáil this evening, however, is the current text in relation to this agreement contains far too many uncertainties for me to be able to recommend to the Government and then to the Dáil that we should sign this agreement. The Deputy in good faith made the point about a marginally higher tax rate. The phrase at the moment is "at least 15%". I have an understanding of the process that lies behind any agreement within the OECD and how it would be implemented globally and within the European Union. The description of a potential rate as "at least" a figure does not give the confidence and certainty that I need to be able to make a recommendation to this Government.

It is but one of a number of issues and these are issues that I will be working on with the OECD and other international partners across the coming period.

**Deputy Ged Nash:** I thank the Minister for further clarifying his position, and that is what I understood it to be.

*9 o'clock*

My preference would have been that the State would have signalled our intention to fully sign up and explicitly support pillar 2 for a range of different reasons. I fear, because of the

21 September 2021

continued delay in us committing to signing up to pillar 2 - I appreciate the unknowns that the Minister is reflecting on - that will mean that we are coming at this from a position of relative weakness rather than relative strength.

I understand the point the Minister makes regarding a rate of at least 15%. It has been damaging in the sense that we have wasted some opportunities over the last period of time to build alliances to ensure that we may only go to 15% rather than a rate that may be above 15% that might cause the Minister and the Government some difficulty. That is the concern that I have.

What this over-reliance on a very small number of multinational corporations to fund our services reveals is a disproportionate focus on investment of multinational corporations when, in fact, we should be probably focusing more on a new industrial strategy that would allow us to support indigenous Irish enterprise to innovate and go global from Ireland.

**Deputy Paschal Donohoe:** At the conclusion of this process, it will be appropriate for me to give a broader perspective on the work that has happened in the OECD, in the European Union and elsewhere in pursuit of our objectives regarding corporate tax policy and the stability of the rate. This is a project that has been going on for a number of years. It is one in which I have been totally involved.

We will get to a point in the coming weeks or months, or maybe beyond that, in which we as a Dáil and as a Government will need to make a very significant decision on an important part of our tax policy. That decision will be whether we enter into or stay out of this agreement. Either decision that we make will carry consequences that the Government and the Dáil will need to be fully aware of.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Thank you, Minister.

**Deputy Paschal Donohoe:** I would say briefly to Deputy Nash, if I may, that if I had entered the agreement earlier in the process a question that Irish industry and the Dáil would be putting to me is, what I believe the rate will be in the future. As long as it is described as at least 15%, that certainty is not there.

## Housing Schemes

9. **Deputy Niamh Smyth** asked the Minister for Finance if consideration will be given to extending the help-to-buy incentive until 31 December 2022. [44723/21]

13. **Deputy Catherine Connolly** asked the Minister for Finance his plans to phase out the help-to-buy scheme; and if he will make a statement on the matter. [44834/21]

**Deputy Niamh Smyth:** Can the Minister outline his views on the rent-to-buy scheme? Obviously, it is something that should be coming to an end in December 2021. It is a matter the Minister will be considering in the upcoming budget and I wondered if he would make a statement on the matter.

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 9 and 13 together.

This is a scheme to assist first-time purchasers with the deposit they need to buy or build a new house or apartment. The incentive gives a refund of income tax and deposit interest reten-

tion tax, DIRT, paid in the State over the previous four years, subject to certain limits.

The scheme was enhanced in 2020 as part of the July stimulus and, in the Finance Act 2020, the enhanced arrangements were extended until the end of this year. Following a commitment in the Housing for All strategy, my Department carried out a review of the scheme as part of its tax strategy group deliberations. The resultant paper was published last week and is available on the Government website.

In the coming weeks, in the run up to the budget, I will be taking stock of where matters stand and taking decisions regarding the help-to-buy scheme having regard to a number of elements, including the overall policy context in which the scheme operates and my Department's deliberations as set out in the recent tax strategy group paper.

**Deputy Niamh Smyth:** My experience, from meeting with constituents, is it has been a useful and helpful scheme, particularly to young people trying to get on the property ladder. The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, has, within his Housing for All, a suite of measures, but this is one particular one I would advocate should continue.

The Minister will be aware that many of the housing authorities or housing bodies have called for consideration of an extension of the help-to-buy scheme not only to cover new properties or properties that are to become first-time homes, but also second-hand homes. The pandemic has had implications for construction. I suppose the fear is that it will also exacerbate the concern around the cost of building and, ultimately, be passed on to the buyer.

To reiterate the point, if it was at all possible, there is plenty of evidence to show it was a scheme that worked. It is a scheme that we should consider for the future, and also perhaps widening the breadth of it.

**Deputy Catherine Connolly:** I come to this from a different perspective.

I have had the opportunity to read the review of the help-to-buy scheme. I note from the review that the scheme has cost more than four times what was anticipated. This year alone, it will cost €177 million. It was introduced as a temporary scheme. It was announced in 2016, it came into operation in 2017 and as the Minister said, was enhanced later. It was always envisaged to be temporary.

When I look at the review of the help-to-buy scheme - the Minister talks about the options - there were five options mentioned in it. One of them, that would apply to derelict property, was not given much priority, which I am pleased to agree with. The group talked about ending the scheme this year, keeping it for another two years, keeping it the way it was before the Minister enhanced it or else tapering it out. The Minister also points out that there has been no formal review in over three years. The Minister might comment on some of that.

**Deputy Paschal Donohoe:** If I may begin with Deputy Connolly, the value of the tax strategy group paper is it lays out different options that the Government can consider in the run-up to the budget.

At this point, I cannot indicate the future of the scheme because the Government has not made a decision on it. It will be made on budget day.

I note what the tax strategy group papers stated about the need for a more fundamental re-

21 September 2021

view of the scheme because it has been enhanced. It is now costing more than it has been in recent years. That is because more home buyers are using it and more homes have been built.

I am aware, in answer to Deputy Niamh Smyth, of the value of the scheme and the constituents who were raising this issue with her. I believe this scheme has played a valuable role in allowing and encouraging more homes to be built. I will weigh up all these views in the run-up to the budget.

**Deputy Niamh Smyth:** The Minister stated he will consider that in terms of the upcoming budget. To reiterate the point, my experience has been from speaking with first-time buyers and young couples trying to get on the property ladder and own their own home. This has been very helpful.

In terms of the vacant buildings and second-hand buildings, it is something that perhaps could be considered by Government in the upcoming budget.

**Deputy Catherine Connolly:** I am concerned with the Minister's answer in the sense that I would like it confirmed that there will be a formal review of this scheme. A formal review has not been carried out in three years and if the Minister is to extend the scheme, I would it confirmed that there would be one.

It has been pointed out by the ESRI and Social Justice Ireland that the scheme has contributed to house prices. It has also been pointed out that 40% of the first-time buyers making a claim already had a deposit.

What is even more interesting now is that the Minister stated that more people are using it and that is why it is four times more costly. This is not accurate, when one looks at the paper, for example, taking 2020 and 2019. There were 6,713 applicants in 2019 and the scheme cost €102 million. The following year, there were fewer applicants than in 2020 and it cost more. I ask the Minister to explain that to me now. That is only one example, where there are fewer applicants, 6,227, and it is costing more. In addition, it cost more than four times the original estimate for what was a temporary measure. As has been pointed out in the policy document, there is now a change in policy and there are many other schemes to help first-time buyers. It needs a serious reconsideration.

**Deputy Paschal Donohoe:** The reason fewer purchases happened is because of how long the economy was locked down in 2020. There were fewer opportunities for homes to be bought than there would have been in the previous year.

**Deputy Catherine Connolly:** It cost more.

**Deputy Paschal Donohoe:** The reason the cost went up is because in the middle of the year we enhanced the scheme. That is the reason.

As to the point Deputy Smyth made, as I stated a moment ago, I am well aware of the importance of the scheme.

If Deputy Connolly is concerned about the answer I gave, she would even be more concerned if I indicated a budget day decision three weeks before the budget. All of these matters will be dealt with on that day.

## **Remote Working**

10. **Deputy Jennifer Carroll MacNeill** asked the Minister for Finance the tax incentives and measures that are currently being considered to support continued remote and flexible working options; the potential impact of the increase of remote working options on the financial services sector; and if he will make a statement on the matter. [44684/21]

35. **Deputy Emer Higgins** asked the Minister for Finance the tax incentives and measures under consideration to support remote and flexible working options; and if he will make a statement on the matter. [44681/21]

38. **Deputy Aindrias Moynihan** asked the Minister for Finance if an urgent review will be carried out of the current 10% rate allowed under the e-working tax relief towards heating and electric expenses incurred from working from home given there is no legal obligation in place for an employer to pay an allowance to recompense an employee directly for working at home; the measures that are being taken to address this economic disparity; and if he will make a statement on the matter. [44814/21]

56. **Deputy Neale Richmond** asked the Minister for Finance the tax incentives and measures that are under consideration to support remote and flexible working options. [44880/21]

**Deputy Jennifer Carroll MacNeill:** My question has two parts, the first of which is to ask what tax or other incentive measures are being considered to sit alongside the proposal to have a right to work remotely. Recognising how many financial services firms moved following Brexit, the second part has to do with the impact on them of changing OECD guidance on permanent establishment and tax treatment if some of their employees have moved back to Britain or elsewhere.

**Deputy Paschal Donohoe:** I propose to take Questions Nos. 10, 35, 38 and 56 together.

I thank the Deputies for their questions. I am advised by Revenue that, while working remotely does not entitle PAYE workers to a specific tax credit, a combination of legislative provisions and administrative practices provide relief for remote workers who incur certain expenditure in the performance of the duties of their employment from home. It is acknowledged that remote workers may incur expenditure in the performance of their duties from home, such as additional heating, electricity and broadband costs. Revenue currently allows an employer to make payments of up to €3.20 per day to employees, subject to certain conditions, without deducting PAYE, PRSI or USC.

Revenue has also advised that the provision of equipment such as computers, printers, scanners and office furniture by the employer to enable the employee work from home will not attract a benefit-in-kind charge where the equipment is provided primarily for business use. Furthermore, the provision of a telephone line, broadband and such facilities for business use will not give rise to a benefit-in-kind charge where private use of the connection is incidental. Revenue has provided detailed guidance and details of how claims for e-working expenses should be calculated and submitted. All of this is outlined in the tax and duty manual, “e-Working and Tax”, which is available on the Revenue website.

Regarding Deputy Carroll MacNeill’s broader question on the future of these allowances, I will consider that matter during the budgetary process. As she knows, the Tax Strategy Group, TSG, paper that we published a couple of days ago outlined an international comparison of our

rules and grants and how our schemes stacked up versus elsewhere. It also laid out some options for me to consider.

On the Deputy's final point, my Department published just before the summer a publication dealing with the impact of remote working on financial services and the operation of our economy. I do not have a sense at the moment that home working has had any more of an impact on the competitiveness of our financial services sector than it has on any other part of our economy. Indeed, job announcements made in recent days, and even today, show how many large employers and Irish employers have been able to make home working and employment growth happen together. It should be a sign of encouragement to us for what the coming years can bring as we come up with new ways of working away from the office.

We will deal with the matter of support for working from home in the coming weeks. Regarding financial services, while there has been change, I do not currently believe that it has been at the expense of our competitiveness.

**Deputy Jennifer Carroll MacNeill:** I thank the Minister. I know he is considering these matters in the round for the budget, and we are raising them in that spirit. There is an opportunity to enhance people's lives by continuing remote working, which can reduce costs for employers and free up property, particularly in city centres, for repurposing for residential use, which would be attractive.

In terms of employment and taxes accruing, Ireland has benefited considerably from the relocation of financial services firms. Under regulatory requirements, the permanent place of establishment, where board meetings are held, tax treatments and the place of effective management are criteria in determining which territory has primary taxation rights. The OECD relaxed the rules considerably in January, so the situation has changed over time. My concern is that local tax rules take account of these changes and that we not unduly lose employment in the sector.

**Deputy Emer Higgins:** This week, tens of thousands of people went back to the office or other place of work, but not everyone is back in the office yet. Many are continuing to work from home or are moving to a hybrid model, and we need to support them.

In that context, it is important that we acknowledge the increase in utility bills. The Minister spoke about this matter in his initial contribution. Electricity and heating bills in particular have increased due to energy price rises as well as people working from home. Remote working has been positive for rural Ireland, with towns and villages seeing regeneration. It has been positive for the many people who have had better work-life balances and has had a positive impact on the environment due to less time spent commuting.

Given the benefits of remote working, it is imperative that the Government delivers on its promise to make remote working work. What actions will it take to incentivise working from home and keep utility costs down?

**Deputy Aindrias Moynihan:** Larger numbers of people have been working from home and, as a result, businesses have experienced reduced costs for electricity, including lighting, rent and so on. Some businesses have been paying the €3.20 daily rate to their employees. Others may not have been able to or chose not to, and their employees must claim tax back. In light of how the daily rate is set up, though, there is a mismatch, in that employees can only claim back a smaller amount than the €3.20. For example, €3.20 over the space of a year is equiva-

lent to approximately €830 whereas someone claiming tax back may get as little as €200. This mismatch needs to be balanced so that people are not disadvantaged if their employers choose one route over the other.

**Deputy Neale Richmond:** I concur with the points made by my colleagues in response to the Minister's reply, for which I thank him. I emphasise how important it is that, as we conclude the budgetary process over the coming weeks, the Minister and his Government colleagues be truly ambitious in this sphere. The measures that he announced and that are in place are a good start and stand up favourably internationally, but if we are to utilise the opportunities that the pandemic has presented us in many areas, the best opportunity is to ensure that remote working and working from home continue in the positive way that we have seen. The Government's ambition is for 20% of public sector workers to work remotely or from home within a couple of years, but we have to ensure that that is the ambition in every sector. It is vital that we look beyond the *status quo*. The Minister mentioned a report that had been presented to him this week. It contains a great deal. I ask that he be ambitious and inventive.

**An Ceann Comhairle:** Will you be ambitious, Minister?

**Deputy Paschal Donohoe:** Always, a Cheann Comhairle. However, we have to ensure that the ambition of today is also affordable tomorrow. This is a matter that the Government Deputies at least are aware of. I am aware of the importance of how we support the move to working away from the office.

Deputy Moynihan made an important point that I will consider, and I thank him for raising it.

Regarding the contributions made by my party colleagues, I will make two points. As they will agree, it needs the agreement of a protocol between employers and employees that is capable of realising the ambition that Deputy Richmond correctly raised. I am eager to see that ambition being realised.

Deputy Higgins made a point about costs, including additional utility bills. This is an issue not just for the Government, but also for employers. I am sure the Deputy will agree that, if there is additional cost, which there will be in many cases, involved in working from home, the role of the employer in how that cost should be defrayed is a dialogue that needs to happen. If working environments are changing and there is an opportunity for costs to be reduced, it is not appropriate that all of that additional saving is not made available in some way to defray the costs that can arise from working from home. In terms of the protocol - Deputy Carroll MacNeill touched on the changing financial services - these are the kinds of issues employers and employees need, with Government support, to find a way through.

**Deputy Emer Higgins:** I appreciate both of the points made by the Minister, in particular in regard to the protocol and around the savings business are making and how they need to be passed on to their employees. It is important to make the point that in a lot of cases employers are not necessarily at a point where they can downsize or downscale their offices and, consequently, some of those costs are still there. On the energy costs and bills that are reducing, however, I agree totally that a lot of that should be passed on to employees who are feeling an increase in their household bills.

**Deputy Aindrias Moynihan:** I welcome that the Minister is considering the supports in the context of the budget. Currently, there are two tools available. It depends on which one the

employer chooses, which yields different outcomes for the employee depending on which way it goes. Will the Minister ensure employees will not be disadvantaged any longer by a decision being made by the employer? Will he also ensure whatever change is made will yield a meaningful outcome for employees, especially in a climate where there is a such a change and increase in energy costs, in particular heating, which is one of the biggest portions of the cost?

I acknowledge the change made over the past year in regard to broadband. It was a positive move. I ask that that would be further increased and, generally, that the rate of supports would be increased such that people do not end up disadvantaged because of the chosen option of their employer.

**Deputy Neale Richmond:** I am grateful to the Minister for his reply and constant ambition not just in this regard but throughout his entire brief. He rightly speaks about the cost, but straying into the Tánaiste's ministerial brief, we need to look at the potential benefit in this area for Ireland not just economically but socially to make us the best country in the world for people to work remotely or from home. This is the potential the pandemic offers. Every facet Government can do, working with industry, working with an entire societal, has huge tangible benefits not just in an economic sense but in terms of a regional dispersion of our population and improving services, quality of life, family time and everything that goes with it.

**Deputy Paschal Donohoe:** To go back to the issue the Deputies' touched on a moment ago, Deputy Carroll MacNeill made the point about the financial services sector. It is the case that many companies in the services sector have become more profitable and more successful during this period. In the context then of working from home and the additional costs of that, this is an issue employers and employees need to work together on. It is not always the Government which can step in and provide additional money because the additional money we are referring to is the people's money, which is fixed and finite. In many cases, some employers have become considerably more profitable. The issue of the contribution they can make to home working arrangements is a legitimate point, as the Deputy acknowledged.

On the point made by Deputy Richmond in his concluding remarks, which was touched on by Deputy Moynihan as well, in regard to remote working and all of the opportunity that offers for our country, I can remember when I made the decision to go ahead with the national broadband plan. I can remember the decision and the debate in the House when the then Minister, Deputy Bruton, and I made that decision. I dread to think what the debate on broadband would be like now if we were not in the process of rolling it out.

*Question No. 11 replied to with Written Answers.*

## **Credit Unions**

12. **Deputy Holly Cairns** asked the Minister for Finance the steps he is taking to fulfil the programme for Government commitment to review the policy framework within which credit unions operate. [44839/21]

42. **Deputy Holly Cairns** asked the Minister for Finance the steps he is taking to enable the credit union movement to grow as a key provider of community banking in the country. [44838/21]

67. **Deputy Jennifer Murnane O'Connor** asked the Minister for Finance his plans for reform of the credit union sector. [44781/21]

**Deputy Holly Cairns:** Due to changes introduced in recent years, we have a disconnect between the Department of Finance, which has responsibility for credit union policy, and the Central Bank, which is responsible for regulation but has no remit to appreciate the credit union as a volunteer-led, democratic organisation. The programme for the Government commits to reviewing the credit union policy framework. When will this review be complete and when will the much-needed reforms be put in place to support community banking?

**Deputy Sean Fleming:** I propose to take Questions Nos. 12, 42 and 67 together.

The programme for Government includes a number of commitments relating to the credit union sector that the Government is progressing. The review of the policy framework is at an advanced stage. Since September 2020, the Department has held extensive engagement with credit union representative bodies to seek their feedback. During June and July of this year, I met with ten credit union stakeholders, including representative bodies, collaborative ventures, service providers, the Credit Union Advisory Committee and the Registry of Credit Unions to gather further information to help inform the next steps of the review.

In terms of supporting and enabling the sector to grow and expand, the following are some recent developments in lending and investment regulations, SME lending, access to finance for retrofit, additional services and investment in approved housing bodies. These developments highlight the potential of the sector to fulfil a role in community banking.

The Central Bank has in recent years completed reviews of both the lending and investment frameworks. Following the introduction of the new lending regulations in 2020, credit unions now have a combined capacity to provide up to approximately €1.1 billion in additional SME and mortgage loans, with further lending capacity available to credit unions that can comply with certain conditions or on approval by the Central Bank. As of June 2021, credit unions had a combined mortgage and SME loan book of circa €372 million, an increase of 18% on the previous year.

The revised investment regulations took effect in March 2018. Under these regulations, credit unions are permitted to place their surplus funds that have not been lent to members in a range of investments, including tier 3 approved housing bodies for social and affordable housing. I am particularly pleased to share with the Deputy that in the past week we have announced that two credit union-backed funds have received approval from the Central Bank. Credit unions will be able to invest up to €900 million in these regulated funds, which will subsequently lend to approved housing bodies. This will provide an additional funding channel for approved housing bodies that have a large role to play in the recently announced Housing for All action plan. I want to make it clear that each of the new funds is open to every credit union in Ireland. The fund will then lend to the approved housing bodies. This was only cleared in the past week or so. It took some months for that process to go through the Central Bank because it was a new process but the funds are now there. I emphasise that the funds for which the regulator gave approval last week are in addition to everything that was in the Housing for All policy announced in recent weeks. As I said, this only got regulatory approval in recent days. This is in addition to what was announced in the Housing for All plan.

In regard to SME lending, 19 credit unions, supported by the Irish League of Credit Unions,

21 September 2021

ILCU, the Credit Union Development Association, CUDA, and Metamo, were approved in early 2021 by the Department of Enterprise, Trade and Employment for participation in the Covid-19 credit guarantee scheme. Further development of SME lending in a controlled manner could also assist credit unions in growing and diversifying their loan book. SME lending has grown 5.6% year on year to the end of June 2021.

The Government significantly increased the funding available to support retrofit in budget 2021. My officials have been engaging with the Departments of Environment, Climate and Communication and of Public Expenditure and Reform and with the Sustainable Energy Authority of Ireland to support increased credit union participation in green retrofit loan schemes. The Deputy may also wish to note that under the additional services regime set out in the 2016 regulations, credit unions can seek approval from the Central Bank to offer additional services such as current accounts and debit cards. Sixty credit unions have been approved to provide the member personal current account service and a further group of credit unions have recently begun distributing insurance products to their members.

**Deputy Holly Cairns:** Credit unions play an essential role in so many communities. You are guaranteed to meet a staff member and not to be directed to a machine. We cannot underestimate the importance of that in terms of accessibility. Credit unions have also provided flexible services to people and families who would have been refused by other financial organisations. I would not have been able to do my masters had it not been for my local credit union in Skibbereen. However, current financial regulations fail to appreciate their community function as cooperatives and the importance of the common bond. Instead they must have excessive limits on their services, and therefore their potential.

They are particularly limited on business and mortgage lending. Concentration limits in the 2019 regulatory requirements put artificial and anti-business limits in place on how much credit unions can lend for these purposes. Will the Minister remove these limits? Credit unions should be monitored through supervisory and reporting tools, not by legislative barriers. Will I be able to come back in?

**An Ceann Comhairle:** No, the time is up. There is only one minute.

**Deputy Holly Cairns:** The Minister of State mentioned some of the engagements he has had. I ask to prioritise engaging with the Credit Union CEO Forum and the ILCU.

On this particular issue, it would feel wrong to not mention Donal O'Driscoll, CEO of the Access Credit Union in west County Cork, who passed away last week. He was a kind and thoughtful man who embodied the principles of the credit union movement. His loss is deeply felt by his family and everyone in the community.

**An Ceann Comhairle:** I apologise to the Minister of State but we are out of time. We must proceed to the next item on the agenda.

*Written Answers are published on the Oireachtas website.*

**Saincheisteanna Tráthúla - Topical Issue Debate**

**Regeneration Projects**

**Deputy Patrick Costello:** This is a difficult subject because it is a very difficult, layered and multifaceted problem. I have been contacted in recent days by residents of the Oliver Bond flats complex, just down the road from here in the south-west inner city. They are concerned about the ongoing drug-dealing in the community and the intimidation and lawlessness that goes with it. There is huge concern and anger within the Oliver Bond complex regarding this kind of behaviour. Residents feel theirs is a forgotten estate. I can understand where that is coming from. There is a lack of services in the area. There is a lack of action on the damp in the flats; 82.8% of households were complaining about damp and mould issues. Residents describe having to wipe down children's schoolbags before they go to school in the mornings as they are covered in mould.

There are plans for regeneration. There have been for a very long time. Currently the projected timeline for regeneration for the community there is 15 years. That is an entire childhood. For a child born now and living in the Oliver Bond complex, his or her entire childhood would be spent in substandard accommodation. This contributes to the feeling of it being a forgotten estate, contributes to the drug-dealing, to the crime and creates a vicious cycle of disadvantage. The residents are demanding action on the damp in their apartments. They are demanding action on the lack of services, of green spaces and of facilities. All of this, as I said, contributes to the crime that is blighting their lives and which they have been contacting me about. This is not the first time. Other Deputies in the area have raised these issues. I have been working with my local colleague, Councillor Michael Pidgeon, to raise these issues and to push them. What these residents need now is a clear timetable for when the regeneration will happen. They need financial support to provide a regeneration worker. We need funding for interim measures. While some of these interim measures may ameliorate the damp and other problems, this is a huge budget in terms of Dublin City Council's ability to renovate apartments and conduct maintenance on flats in its own housing stock. Thus we need support from the Government to help ensure these things happen.

Equally, more long-term measures are needed to address the background problems. In recent months the after-school services have come under significant pressure, given there are now cuts facing after-school services where the parents are not in employment. This ignores the role of aftercare projects with regard to educational disadvantage, social disadvantage, poverty and social exclusion. I am jumping around Departments. I have mentioned justice, housing, child-care and education. That reflects the ingrained nature of many of the problems here. Quite simply, the residents have had enough. They are saying very loudly they have had enough. They need a clear timetable for when works will happen. They need a regeneration worker to support that and they need funding now for interim measures so they are not waiting 15 years. As I said, 15 years is an entire childhood for someone growing up in the Oliver Bond flats right now.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I thank Deputy Costello for raising this very important matter. I am glad to have the opportunity to provide the House with an update on the housing conditions at Oliver Bond House. The Department of Housing, Local Government and Heritage is committed to ensuring that tenants in social housing are provided with adequate housing that meets

21 September 2021

the standards most recently laid down in the Housing (Standards for Rented Houses) Regulations 2019. The Department is actively engaging with the local authority sector to promote the preventive maintenance of local authority housing stock and provides significant funding for stock improvement works. In addition to funding provided by the local authorities themselves in respect of their own housing stock, the Department provides funding across a number of programmes to support local authorities to work to maintain and improve their social housing stock. In all cases, it is the local authorities that identify priorities. The continued work of local authorities in undertaking stock condition surveys, their responsive and planned maintenance programmes, as well as important programmes such as the energy retrofitting and voids programmes seeks to support the local authorities' maintenance programmes.

With specific regard to Oliver Bond House, it was built in 1936 and is one of the oldest and largest flat complexes in Dublin with 397 units and approximately 1,200 residents. The upkeep, refurbishment and regeneration of this social housing complex is a matter, in the first instance, for the local authority. However, it is my understanding that Dublin City Council is actively engaged with the residents and is working on a number of short-term projects to improve the outdoor and common areas as well as long-term proposals for the retrofitting and refurbishment of the flats at Oliver Bond House. Dublin City Council is currently working on proposals and designs for an extensive regeneration programme that will see the total refurbishment of all 397 flats at Oliver Bond House in two phases to bring them up to modern standards, including those with respect to size and energy efficiency. Dublin City Council has indicated that a stage 1 funding application for this regeneration programme is expected to be submitted to the Department by the end of this month. I understand that, as part of this programme, Dublin City Council is in the process of establishing a regeneration community forum for the Oliver Bond complex. The Department is supportive of the regeneration of Oliver Bond House and looks forward to receiving this submission for funding consideration and will work with Dublin City Council to ascertain the appropriate funding mechanisms for this programme.

While the ongoing issues of anti-social behaviour in Oliver Bond House are a matter for Dublin City Council and An Garda Síochána, Dublin City Council has advised it is aware of serious estate management issues in Oliver Bond House. Dublin City Council is working very closely with An Garda Síochána and is actively engaging with residents and assisting them at an individual level to address issues brought to its attention both directly and through the Robert Emmet Community Development Project, CDP. Dublin City Council officials also attend meetings with residents' groups to hear their concerns. There are monthly meetings with An Garda Síochána and Dublin City Council's area office and there is ongoing co-operation to investigate complaints of alleged drug distribution. All complaints are investigated. If it is a criminal matter the complainant must be referred to An Garda Síochána. If An Garda Síochána makes the council aware a tenant has used his or her flat for the sale, supply or manufacture of illegal drugs then the council can act within the civil powers to seek an undertaking regarding future behaviour or recovery of the dwelling. Dublin City Council has also installed state-of-the-art security cameras to assist with the investigation of complaints of anti-social behaviour such as those referred to by the Deputy.

**Deputy Patrick Costello:** I thank the Minister of State for that response. Estate management is a much more difficult task when an estate is not receiving the funding or support it needs. It is a much more difficult task when the estate is facing an uphill struggle in terms of disadvantage. The Robert Emmet CDP, which the Minister of State mentioned, is doing excellent work. Some of the excellent work it is doing highlights the depth of the problems here. In

a recent survey, it said that 98% of residents were afraid to complain to Dublin City Council for fear of losing their housing. This, in particular, is a reflection of the housing crisis, which we all talk about, but also a reflection of how difficult it is to take the steps you talk about when things are a matter for DCC and An Garda Síochána. The Robert Emmet Community Development Project also identified a huge number of apartments - I think it was 82.8% or 83% - affected by damp. The total refurbishment is a positive step that we must welcome. However, the timelines on that are anywhere from ten to 15 years. We need interim measures now.

Dublin City Council has given a commitment to fund its own independent study to identify key remediation works that can be done in the short term so that the lives of residents are not blighted by damp and the estate management can be improved, while waiting those ten to 15 years for the total refurbishment. The budgetary cost of that, in terms of the Dublin City Council maintenance budget, would be massive and very difficult for the council. In terms of the national budget, however, it is not a very large figure. These are the sorts of things on which the Department needs to support Dublin City Council so that it can ultimately support the wider population in the estate and make a start on addressing all those multi-faceted issues that I raised in the first half.

**Deputy Peter Burke:** I thank Deputy Costello for raising these important issues. I know the seriousness with which the Government takes this matter. The Taoiseach was on the site, as the Deputy will be aware. This is getting the highest priority in Government. There are a number of areas that Dublin City Council is currently assisting in terms of remedial works. I also mentioned the refurbishment programme for the 397 flats. We are awaiting a funding proposal for the programme for consideration by the Department over the coming weeks. It is also worth noting, as the Deputy quite rightly said, that we build sustainable communities. Related to that, Dublin City Council is working on a new all-weather surface mini-pitch complex. It is working with the community to drive the football club forward. In essence, that will build a sustainable model that is so badly needed for people in the area.

I assure the Deputy that in the first instance the Department will work together with the community, as well as with Dublin City Council, An Garda Síochána and all the State agencies to try to resolve the anti-social issues there. The one thing that is very clear to me is that there are so many genuine people and families that get caught up with this pressure. They feel victimised and under pressure, as the Deputy quite rightly pointed out. We will not be found wanting in that regard, or in terms of the voids programme that is currently under way to upgrade a number of the complexes. I assure the Deputy that we will keep the lines of communication with him open. If any further issues arise, we would be delighted to respond to him.

## **Hospital Services**

**An Ceann Comhairle:** The second matter I have selected is from Deputies Niamh Smyth and Holly Cairns who wish to discuss when the current restrictions will be lifted so that partners can accompany women to maternity care appointments. The Minister of State, Deputy Anne Rabbitte, will respond to the matter. The Deputies have two minutes each.

**Deputy Niamh Smyth:** I am delighted the Minister of State has stayed until this hour of the night to respond to the matter. I am sure that I do not need to convince her of the importance of this debate and this argument. It is pitiful that 18 or 19 months on, we are still having this discussion about women and basic healthcare in maternity services around the country.

There are 19 maternity services around the country. It has to be said at the outset that not every maternity service within a hospital is restrictive, draconian or dogmatic in terms of the restrictions imposed. It is important to state that they are imposing these on women. The clear message that has to come from the debate tonight is that we, as women in the Oireachtas, are calling for a return to pre-pandemic access for women. They should be allowed to be accompanied by one partner when accessing maternity services and wards, and as they go through this critical, crucial and emotional journey through our hospital services.

There have been 96,000 births since the beginning of Covid-19. That number does not include the thousands of women who have suffered pregnancy loss. We, as Oireachtas Members, have had the privilege of listening to the women leading the campaign for better maternity care for women. Some of those women have relayed heart-breaking stories of being through their second and third pregnancy journeys during the pandemic, as well as the impact that is having on them. There are no happy stories coming from women who have been through the journey.

As I said, it is important to note that not every hospital is draconian in its measures. The point that I am trying to make is that 90% of our population has now been vaccinated. We are now back to being able to converse and to have a debate in the Dáil, and there are 40,000 allowed into Croke Park. We want to go back to pre-pandemic access to maternity services for women and partners.

**Deputy Holly Cairns:** Deputy Smyth articulated that perfectly. All of the women in the Oireachtas are calling for this. It was all well said by Deputy Smyth. I first raised this issue more than a year ago. Since then, there have been considerable changes. We are close to most of the restrictions across all of society being eased. More than 90% of over 16-year-olds are fully vaccinated, yet, restrictions still remain in accompanying people to maternity hospitals. Despite the opening of pubs, sports, offices, bingo and almost everything, women are still expected to endure prolonged labour and to care for their new born alone. This is not to mention the partners who have at times received the most difficult and tragic news on their own in hospital car parks.

There is deep frustration and anger, not only about this issue, but about the inconsistencies from the Government and HSE. If one goes onto the HSE webpage for hospital visiting restrictions, one will find a significant difference in the restrictions between maternity hospitals and units. Over the last year, I have raised the kind of post code lottery in relation to this. The goal posts have shifted every time I raised this issue. It has shifted from being a HSE issue, to a local hospital group issue, to waiting for vaccine roll-out, to cramped conditions in our older hospitals.

The Rotunda Hospital was insistent on its restrictions until the outrage at the filming of the television series. This was filmed at a time when partners were not allowed in. Once that pressure came, it miraculously eased restrictions. Back in May, as we all know, the Chief Medical Officer, Dr. Tony Holohan, said that there was no good reason in public health terms for maternity hospitals to restrict visits from partners. Then in June, the Minister for Health, Deputy Stephen Donnelly, said that all of the State's maternity units will be following the same visiting guidelines for patients' partners.

However, we are now at the stage where some women, as Deputy Smyth said, are going through their second birth alone during the pandemic. The approach taken over the past 12 months has not worked. I am asking if the Government can please gather all the heads together

to try to address the situation once and for all.

**An Ceann Comhairle:** It is fair to say that the female Oireachtas Members have the total support of the male Members in their demands.

**Deputy Holly Cairns:** It must be confusing for people watching to hear that all of the female and male Members want this, yet it still has not happened. Why is that the case?

**An Ceann Comhairle:** I am sure the Minister of State will cast some light on that now.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I get all the good ones, a Cheann Comhairle.

I am taking this matter on behalf of the Minister, Deputy Donnelly. While I will deliver his script, I have my own opinion as well, which I would be happy to share with the Deputies.

**Deputy Holly Cairns:** Can you skip to that bit?

**Deputy Anne Rabbitte:** I want to thank the Deputies for raising this important issue. I welcome the opportunity to discuss the topic on the floor of the House. It is not the first time that I have responded to this matter. I think it might be the third time. I think I responded to Deputy Neale Richmond as well as to Deputy Cairns previously. This is my third time to respond to this matter.

I assure the House and the Deputies present that I completely understand and recognise the concerns and anxiety that the restrictions have caused to women and their partners over the course of this pandemic. The importance of partners attending with women at maternity appointments is well recognised, including by everyone working in the provision of maternity care. At the same time, the advice is that the potential for Covid-19 to spread maternity services continues to be very real. The highest priority must be given to protecting the health and the safety of the women and the babies in our care. The HSE guidance on attendance at maternity hospitals aims to manage that balance, while reflecting its commitment to providing increased access for nominated support partners. I am heartened to see that many restrictions have now been reduced and that there is now greater access for partners of women accessing maternity care. The clinical guidance has allowed for a broadening of that access, while at the same time ensuring that maternity services continue to provide care safely and protect women and their pregnancies from Covid-19. The latest guidance of 3 September sets out that controls on access for partners should be the minimum required to manage infection prevention and control risks, and that any restrictions must be clearly explained and should be applied with consideration for individual circumstances and needs. No matter where the hospital or what the outbreak, that individual need should be taken seriously into consideration. The updated guidance deals with facilitating access for nominated support partners where women are attending for antenatal care, during labour and childbirth and in relation to postnatal care.

If a hospital places any additional limitations on partner access, the guidance stipulates that those restrictions should be based on a documented risk assessment that is reviewed regularly and is readily available, for example on the hospital's website. There should be no contradictory evidence between the Department of Health and any of the 19 maternity hospitals around the country. If there is an outbreak of Covid, the Department would need to be notified and be aware of it, but it cannot be done on an *ad hoc* basis to suit whatever political agenda there may be in any particular maternity hospital.

21 September 2021

To ensure that the current situation is clearly communicated, the HSE has advised that hospital groups continue to update their websites to reflect the current position and that it is now publishing the guidance on its website. In addition, arrangements are in place for each hospital group director of nursing and midwifery to monitor compliance so that access for partners to maternity services is facilitated and consistent with the guidance.

I indicated to the Department that I might have to move a little off-script as it would be unforgivable of me to stand here tonight without recognising the fact that a particular hospital allowed a TV company in to film while partners sat outside in their cars waiting to see how their partner was progressing in labour or, worse, finding themselves in the horrific position where there was no delivery, but they were after losing a child. It is time for the 19 maternity hospitals to show leadership on this. We need the hospital midwifery sections, which are normally led by women, to stand up and take ownership of the matter by coming forward and bringing maternity services into line with how we are doing infection protection and prevention in all other parts of the health system. Maternity should not be left behind.

**Deputy Niamh Smyth:** I know the Minister of State is very passionate about this. Both the Taoiseach and the Minister have stood up and said this is not on. They have called on the hospital directors and masters of the maternity units to get on with lifting those restrictions and allowing partners in. It would be remiss of me not to say that my own hospital, Cavan General Hospital - and not everyone is lucky enough to have a maternity unit - is letting partners in. One of my own staff who is going through that journey is having a lovely experience and her partner has been allowed in with her. There is a midwifery-led unit there. They could come up with loads of reasons they would not allow a partner in but that is not the case and they are. Every hospital should be working in the same vein and allowing partners in with the mothers. It is not just a women's issue; it is a family issue. The Ceann Comhairle has rightly pointed out that the men or partners left out in the car park are equally upset about this. Their voices have to be heard in this debate as well.

I also want to make the point that there is an opportunity here. There has been an explosion in home births. A cousin who went through this chose, because of Covid, to have a home birth. There is huge leniency towards that. There is an opportunity with the Department, the HSE and maternity services to embrace that, to nurture it and to allow women to have that choice and make it more readily available.

**Deputy Holly Cairns:** I thank the Minister of State for her response. We all appreciate the complexity of the situation. We understand that nobody has the interests of the newborn more at heart than the expectant or new parents. They deserve as much certainty and clear guidance as possible and support from a partner through all stages of the journey, and that has to happen immediately.

We hear that the Minister has called for this and the Taoiseach has called for that, but the statement the Minister of State read on behalf of them includes stipulations. I reiterate what I said earlier: the CMO has said there is no good reason in public health terms for these restrictions. It cannot be a bit of both. We must be firm on this because it has gone on for so long. There are people going in for a second time.

Last December, the HSE reclassified partners as essential accompanying persons for the purpose of the 20-week scan. Maybe we could reclassify partners as essential accompanying persons for the entire maternity journey so that no matter how restrictions are looked at

or revised, that remains the same. We are talking about giving rise to risk. We have had this conversation before but if a partner has brought the mother to the hospital in the car, they are arguably already a close contact. We should also consider the percentage of vaccinated people. I encourage the Minister to look into reclassifying partners on a permanent basis for the entire maternity journey.

**Deputy Anne Rabbitte:** I am aware that Senator Doherty is having a meeting with the HSE tomorrow. All female Members, including the two Ministers of State in the Department of Health and all other female Ministers, have signed a supporting document. I call on the HSE to meet with the female Members of the Oireachtas tomorrow evening, to take on board all the suggestions and to show leniency, tolerance and empathy to the women coming into their maternity wards.

**Deputy Jennifer Carroll MacNeill:** I wish to put on notice that in addition, the women of the Oireachtas have agreed to bring this up at every opportunity until it is agreed. We brought it up at the Committee on Public Accounts last week, during Questions on Promised Legislation today and again this evening. We will bring it up every day.

**An Ceann Comhairle:** I will facilitate you raising it here as often as you like.

**Deputy Niamh Smyth:** And the same in the Seanad.

**Deputy Holly Cairns:** The same in the Seanad.

### **Disability Services**

**Deputy Neale Richmond:** I know the Minister of State is familiar with this important issue. Carmona school is located in Dún Laoghaire, which is the constituency of my colleague, Deputy Carroll MacNeill. It services the entire county of Dún Laoghaire-Rathdown. Many parents in my constituency are facing an extremely difficult time because they are unable to have the proper services provided to their children in this school. I remind the Minister of State of the meeting she held with the parents and the principal of the school in May when she gave a guarantee that services would be returned to pre-Covid-19 levels in this very important school. While I understand that the HSE has returned staff to their allocated hours, it is much less than the service the school provided prior to the pandemic. It is harrowing for so many parents whose children are in the school, for the teachers, for the wider school community and for so many people involved. There has not been a speech and language therapist in the school since February. There are extremely vulnerable children at risk who are not receiving the duty of care from the State in the school. It is not good enough. I am appealing, with Deputy Carroll MacNeill, that this be remedied as quickly as possible.

**Deputy Jennifer Carroll MacNeill:** As I know the Minister of State is deeply aware, Carmona is not a school as such. I want to thank her for her constant engagement, good faith and commitment to this issue, including coming out and meeting people. She has been exceptional on the issue. However, on behalf of the parents, I want to put on the record of the House that Carmona is not a school but a centre of excellence for children with severe to profound intellectual disability. I have spoken to parents today, with whom the Minister of State has interacted. They described how their children need constant therapeutic supports. As an example of the need for on-site clinicians, one patient is a boy of senior infants age but he is not in senior

infants and never will be. He is not going into first class either. His number one learning goal this year is to bring a spoon from a bowl of food to his mouth and back down again. He has three therapy-based learning goals. They do not involve reading, writing or arithmetic. That is not on the cards. Three are four adults and five children in this room because that is what the children need. Both of that young boy's hips are dislocated. If he is uncomfortable or in pain, he has no means of shifting his position. He needs constant therapeutic oversight and support to prevent scoliosis and to help him to communicate. There is no way of deconstructing his therapy and learning needs. Another girl who is ten years of age cannot communicate at all. The speech and language therapies are not there for her. As a result, her behaviour is regressing because she cannot communicate her frustration. She cannot communicate anything to her family. She does not sleep much.

*10 o'clock*

Her parents are trying to look after her now without support but also trying to navigate a constant dialogue with the HSE, in which they have lost faith. I am aware that the Minister of State, Deputy Rabbitte, shares some frustration on this, and having dealt with the parents with this length of time it is understandable why. I look forward to hearing the Minister of State's response and perhaps I will come back in at a later stage.

**Deputy Anne Rabbitte:** I thank the Deputies for raising this important matter. As Deputy Carroll MacNeill said, it is not a school in the ordinary sense of a school and it is important for people who are looking in here to understand this. We are discussing the most vulnerable young people in society. The Deputies will be aware that I have met with parents and families of Carmona on a number of occasions, as well as visiting Carmona earlier this year with Deputies Devlin and Carroll MacNeill. I know all too well the difficulties they have faced during the roll-out of the progressing disability services model, PDS, in this area. PDS should never have been a one-size-fits-all.

I also recognise the challenges in meeting the demand for children's disability services and I am acutely aware of how this impacts on children and their families in these most difficult and challenging times. That said, I assure the House that from my perspective the HSE carried out all requests and directions made by myself when it came to pausing the removal of therapy posts from special schools. The pause button was hit so I could work with the Department and HSE on securing an additional 85 therapists for our special schools, which was successfully achieved before the summer, including the posts remaining in Carmona.

**Deputy Neale Richmond:** I sincerely thank the Minister of State, not just for her reply but also for her continuing efforts in this regard. We are grateful, particularly for her frankness. We talk about points on a scale and spreadsheets, but the fact is that much of this is beyond stressful and it is down to a breakdown in communication. It is no criticism of the Minister of State, but we all share the feeling that it is simply not good enough. It is not good enough for the children who attend the service and who are at constant choke risk. It is not good enough with regard to the position in which they find themselves. It is not good enough for their parents and guardians who lie awake sleepless at night wondering if their children are safe to going to Carmona the next day. I genuinely thank the Minister of State for her frankness and her response. I stress that time is of the essence. While a stopgap has been put in place it is important, to give the peace of mind and security for this entire community, that the recruitment is done in a timely and efficient manner.

**Deputy Jennifer Carroll MacNeill:** I thank the Minister of State for her response. I have a list of our back and forth, which shows quite how engaged she is. I acknowledge what she said about the assessment of services. She will also understand that at this stage the parents do not care why it was assessed wrongly. They do not have the therapists they need. They will not care about Excel. I have dealt with the HSE and I have heard about Excel spreadsheets previously. My question back to the HSE is why this did not raise questions for them. Why is it such an under-provision given that we know how serious this is and we know how the Minister of State has made directions on this? In the parents' words, we are talking about the most disabled children in the State. It is mind-numbing that the HSE would not have reacted more forcefully to challenge an assessment of that kind. There should be no need for the parents to have to be as engaged as they are on this issue. They should not have to contact people like me, the Minister of State or anybody else. It was anticipated and well flagged. There was no handover by the HSE when the social work services were removed. I know one woman whose 11-year-old son has extreme behavioural problems, and she has had no social worker since June. There was no handover. If I was going on holiday I would do a handover in order that somebody could cover my work. The HSE did not anticipate a handover for the social work need of this kind. This mother has had no behavioural therapy and no respite. The family is considering bringing the child to the emergency department because they have no place else to go at this stage.

**Deputy Anne Rabbitte:** I thank the Deputies. Since yesterday, and to complete this work in a timely and safe manner, I have been informed by the HSE that the CDNT manager has increased the clinical resource in addition to the original allocation on a temporary basis from the existing team. I am also happy to confirm that the CEO of Enable Ireland, the HSE chief officer for the area, the disability head of services, and the CDNT, will schedule a meeting with the children's families separately to the meetings with the principal of Carmona in the coming weeks - within the next two weeks - to get the clear understanding, as articulated here this evening by the Deputies - and to see the parents in front of them. While they may not need to be made to understand perhaps they need to be re-informed and retold that this situation is not like everyone else. It is a little different. These are the most vulnerable. For a child to be in discomfort, he or she needs that additional help and assistance. They are dependent on more speech and language, physio and occupational therapies.

To be honest, I was fortunate that the Taoiseach supported me and the Minister Deputy Donnelly, in acquiring, mid-season, 85 additional therapist posts. I will not be found wanting for what is required to fill the gap in Carmona. Whatever the outcome, I just want an outcome from the HSE which is to tell me what the shortfall is so we can ensure delivery of services in Carmona and get on with delivering services and rolling out the PDS model.

**An Ceann Comhairle:** Is the Minister of State also dealing with Topical Issue No. 4?

**Deputy Anne Rabbitte:** I am. This is a new one for me now.

## **Public Transport**

**An Ceann Comhairle:** This important matter has been submitted by Deputies Duncan Smith, Ellis, Alan Farrell and O'Reilly. They wish to discuss reported changes in the national development plan, NDP, with regard to Metro North and DART+.

**Deputy Duncan Smith:** I thank the Minister of State, Deputy Rabbitte for taking the de-

bate. With two Ministers in the Department of Transport, it is unfortunate that not one of them is here, but I look forward to the script they have sent. Hopefully it will calm the anger in the community, particularly in Swords, north County Dublin, which is based on the reports in the *Mail on Sunday* that metro north was going to be delayed by many years. There is such anger because over the past three years, and for the first time in this drawn-out process, the people in the town finally believed that something was happening. They were seeing ground testing works and over the past few months they were engaging in deep planning consultations with Transport Infrastructure Ireland, TII, on route planning. It felt that we were getting close to it. Master plans were agreed on the basis of this. This report has landed, and it has angered the community to a level I have not experienced. I look forward to what the Minister of State will have to say. I hope this will turn out to be an unfortunate couple of days and that we can move beyond it. If it is not, then we are in major trouble.

**Deputy Dessie Ellis:** Dublin Airport is one of the few large airports in Europe without a direct rail link to the city centre and its suburbs. The metro north project has a history of promises made and broken with delay after delay in its construction start time. Millions of euro have already been spent on consultations, designs, compulsory purchase and so on. Any further delays will add substantially to the costs. According to the *Mail on Sunday*, further delays are being considered and this proposal was brought to Cabinet last July. I ask the Minister of State if there is any truth in this and, if so, why it has not been made public by the Government. There must be immediate clarity on this as it is causing significant anxiety and confusion across north Dublin. It is a vital project for the environment and has the potential to remove tens of thousands of vehicles each week from our roads. It is also essential for job growth and will have a very significant effect on this Government's housing proposals.

**Deputy Alan Farrell:** I thank the Ceann Comhairle and the Minister of State, Deputy Rabbitte, for her presence at this late hour. This is a very important discussion following the concern expressed after the publication of the article on Sunday. While a great deal of clarity has been provided with the Tánaiste's intervention this afternoon after Deputies Ellis and McAuliffe raised it on Questions on Promised Legislation, what my colleagues have expressed is completely accurate. Many people have put a great amount of time and effort, not just Transport Infrastructure Ireland, TII, but members of the public as well, together with public representatives of all parties and none, to get this project where it is today following the setback during the economic crisis. This project was put back on the agenda in November 2018 and has been progressing, albeit slowly, since then.

The disappointment expressed by constituents of mine and by those of Deputies Duncan Smith and O'Reilly in recent days has been quite remarkable. There have been, as has been mentioned, planning consents granted on the basis of the delivery of this project. There has been very significant public consultation and very significant housing planned across these constituencies and, as Deputy Ellis has pointed out, Ireland is the only country out of the 45 countries in the OECD that does not have a rail connection to its capital city airport, and that must change.

**Deputy Louise O'Reilly:** It is regrettable that nobody from the Department of Transport could be here but I thank the Minister of State for being here this evening. This project has been around for decades. There have been plenty of false dawns. When Fianna Fáil crashed our economy off a cliff, it was shelved and delayed. People have bought homes with pictures of the metro they might be getting on going past their door. They are now looking at their children going off to school in great traffic jams. This is not just about the MetroLink but is also about

the DART+ extension out to Balbriggan and serving all those towns along the commuter line. You only have to look around - I live in Skerries - to see children queueing up every morning to get into cars and travelling miles as they commute. The M1 is like a car park in the morning. We need to be taking cars off the road.

I very much hope the Minister of State has something better to tell us than the Tánaiste did today because his response to the effect that he had read the story and he did not know if was true is not good enough. The story referred to discussions that have taken place at Cabinet. I hope somebody was paying attention and that that person wrote the script for the Minister of State this evening.

**Deputy Anne Rabbitte:** I thank the Deputies for the opportunity to address this issue in the House today. I am taking this Topical Issue matter on behalf of the Minister, Deputy Ryan, and it is his Department that has written the script.

Improving public transport services and infrastructure is central to improving citizens' quality of life and addressing our climate action challenge. This Government is committed to a fundamental change in the nature of transport in Ireland. As a Government we need to provide more options to people so they can make the switch to sustainable mobility. Within the greater Dublin area, work on both DART+ and MetroLink is continuing so they can become part of those options. DART+ is a programme which comprises five different projects, each of which is moving at different speeds and is at different stages of development, while MetroLink is likely the largest ever public investment project in the history of the State.

I have seen the media reports of recent days and think it useful to clarify what the current position is with both of these proposals. Both face imminent and important milestones in the coming months and these milestones will determine the progress of each in the coming years.

First, there is the Government's approval of the preliminary business case and, second, there is the submission of a railway order application to An Bord Pleanála. There has not been any impact on either of these two very significant milestones over recent days.

On the first milestone, the Department of Transport has received preliminary business cases for both. This represents decision gate 1 under the public spending code and those preliminary business cases are under review. For major projects like DART+ and MetroLink, the public spending code requires a Government decision and the Minister, Deputy Ryan, expects to seek such a Government decision in the near future. If approved by Government, that will allow the contracts to be signed on the DART+ fleet and will also allow MetroLink and DART+ West move into the statutory planning system, subject to the completion of the necessary planning and environmental documentation.

The second impending milestone is the submission of railway order applications for DART+ West and MetroLink. Those applications require the finalisation of an extensive set of documentation, including environmental impact assessment reports, and work is ongoing on both projects.

On MetroLink, the Minister informed the House last week of his understanding that an extensive body of work remains on finalising the preliminary design, completing the required environmental impact assessment reports and closing out property referencing issues. The Minister stated his understanding that this work would be completed during the first quarter of next year and, subject to the Government decision I mentioned earlier, the project will then be

ready to seek planning permission.

On DART+, the most advanced of the proposed infrastructure projects is DART+ West. The second round of public consultation on DART+ West is ongoing until the end of this month. Issues raised during this consultation process, including those raised by public representatives, will need to be fully considered by the company and appropriately addressed before they are ready to enter the planning system, and that can take some time to complete. Once that is done, and similar to MetroLink, DART+West will then move into the planning system subject to Government approval and finalisation of planning documentation.

It is the case that these two milestones, Government approval and railway order application, are the fundamentally important ones for each of these projects. I reassure Deputies that there has been no Government decision to defer construction on either project. The key focus at a project level is to get the necessary documentation finalised to allow for a planning application and the key focus at departmental level is to conclude the review of the preliminary business case. I am happy to confirm the work is continuing on both with important progress expected in the coming months.

**Deputy Duncan Smith:** I will mention two things. This decision gate 1 language was introduced in parliamentary question replies just before the summer. It is a nonsense. This is a political decision that was made a number of years ago. MetroLink is the only show in town and has to be delivered upon. The reply states that extensive work is needed on the railway order applications. It is not extensive. These are reaching their finalised stage if you talk to anyone in TII or the National Transport Authority, NTA. We are being buttered up by the Minister for this project to be deferred or delayed. You cannot bring millions of people in on the second runway, or build at Fosterstown and not have a MetroLink. Thousands of people cannot be condemned to the traffic and congestion on the M1 when we have a climate crisis and not deliver the MetroLink. It will be a complete betrayal of the people of Swords and of everyone who lives along that line.

**Deputy Dessie Ellis:** I have taken into account everything the Minister of State has said in that we need the railway order and business case. These were all included to finish by 2027. The report we are getting is that MetroLink will go on until 2034. We have no clarity on that. The Minister of State has avoided the whole issue of telling us - I appreciate she is acting on behalf of the Minister - if there will be a delay. It is very clear from what she is saying and it appears to me that this is going to be delayed. That is totally unacceptable. I do not know how many meetings and consultations I have attended on this issue and I am now very sick over the whole thing.

**Deputy Alan Farrell:** I thank the Minister of State for her response. This project has been a long time in the making and it is very clear we are now at the very last hurdle. Transport Infrastructure Ireland is almost ready to go to planning. My understanding is it will be in quarter 1 of next year. The planning process will take approximately 12 months and then the procurement process will take between six and 12 months. Something new was introduced in April of this year, in that the projected timeline for the construction of the process moved from six years to six to eight years. That is the expertise in TII speaking, as opposed to any political ambitions. I accept that if TII says it will take six to eight years, it will take six to eight years, but I will not rest until the Cabinet has approved this process, as was committed to and as all of us went to the doors in our constituencies, on behalf of the people.

**Deputy Louise O'Reilly:** The report in the paper said 2034. The response the Minister of State read out did not contradict that. For the people who are listening this evening and waiting to have this project delivered, all they have is the report in the paper that it was discussed at the Cabinet, the Tánaiste saying he did not know; he was not listening. I do not know what happened. The date is still 2034 and nothing the Minister of State has said contradicts that. All of the houses that are being built, dependent on this transport, and all the people who are living there and waiting on this can hear is 2034. The date in the paper has not been contradicted. I know the Minister of State is here on behalf of the Minister. I appreciate it is not her Department and I thank her for being here, but the response she has given will not satisfy the people we are representing.

**Deputy Anne Rabbitte:** They must have anticipated that is where Deputy O'Reilly would leave off, given the opening line of my conclusion. As I said earlier, there has been no Government decision to defer the project. With regard to MetroLink, there remains an extensive body of work in finalising the preliminary design, completing the required environmental impact assessment report and closing out project property referencing issues before the railway order application will be ready for submission to An Bord Pleanála. Aspects of this work were impacted by Covid-19 restrictions early in the year and it is likely to be quarter 1 of 2022 before the rail order application will be ready, with submission to An Bord Pleanála expected shortly thereafter. The submission to An Bord Pleanála will be a very significant step, but it is only after the project receives planning permission that we will be best placed to talk of construction start dates.

With regard to the DART+ West railway order application, issues are being raised as part of the current round of public consultation, which will require further consideration by Iarnród Éireann before it will be ready to finalise its railway order application. These project-level issues on the finalisation of the railway order application are, in many ways, separate to the Department review of the preliminary business cases. However, there is a link in the sense that Government approval for both projects will be required in order to allow them to move into the statutory planning system.

On the basis of the current timelines, it would appear likely the Government will consider the matter well in advance of the railway order application being ready for submission. I thank all the Deputies for raising it; the opportunity to address the House on this matter and for the ongoing interest in support of MetroLink and DART+.

The Dáil adjourned at 10.24 p.m. until 9 a.m. on Wednesday, 22 September 2021.