



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Céadaoin, 22 Meán Fómhair 2021

Wednesday, 22 September 2021

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

Paidir.

Prayer.

Ábhair Shaincheisteanna Tráthúla — Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Aodhán Ó Ríordáin - to discuss the outstanding issues that are preventing the establishment of the Stardust inquiry; (2) Deputy Marc Ó Cathasaigh - to discuss an update on the realignment of hospital services in the south east and the provision of 24-7 cardiac care; (3) Deputy Sean Sherlock - to discuss funding for the N73 upgrade between Mallow and Mitchelstown on road safety grounds; (4) Deputies Verona Murphy, Paul Kehoe and Johnny Mythen - to discuss plans to prevent the recurrence of the recent contamination of the water supply at Creagh water treatment plant; (5) Deputy Mark Ward - to discuss the illegal use of fireworks in the run-up to Halloween; (6) Deputies Jennifer Whitmore and John Brady - to discuss the closure of an outdoor recreational business due to increasing insurance costs; (7) Deputies Thomas Gould and Donnchadh Ó Laoghaire - to discuss delays in completing inquests at Cork coroner's court; (8) Deputy Pa Daly - to discuss the crisis at University Hospital Kerry (9) Deputy John Lahart - to discuss the significant delays experienced by customers of An Post in respect of international parcels as a result of Brexit and new EU customs rules; (10) Deputy Pauline Tully - to discuss solutions to the lack of home care assistants for in-home care; (11) Deputy Cian O'Callaghan - to discuss conditions in Gaelcholáiste Reachrann secondary school in Donaghmede, Dublin; (12) Deputy Brian Stanley - to discuss issues concerning ambulance services in Laois and Offaly; (13) Deputy Kieran O'Donnell - to discuss Government proposals for air-route support schemes in respect of Shannon Airport; (14) Deputy Pat Buckley - to discuss the proposed closure of the Owenacurra mental health centre, Midleton; (15) Deputy Violet-Anne Wynne - to discuss maternity restrictions in hospitals; (16) Deputy Paul Murphy - to discuss the further delays in MetroLink and DART extension plans; and (17) Deputy James O'Connor - to discuss the provision of resources for residential mental health facilities in the east Cork area.

The matters raised by Deputies Aodhán Ó Ríordáin; James O'Connor; Verona Murphy, Paul Kehoe and Johnny Mythen; and Jennifer Whitmore and John Brady have been selected for discussion.

Saincheisteanna Tráthúla — Topical Issue Debate

Stardust Fire

Deputy Aodhán Ó Ríordáin: Michael Barrett, Richard Bennett, Carol Bissett, James Buckley, Paula Byrne, Caroline Carey, John Colgan, Jacqueline Croker, Liam Dunne, Michael Farrell, David Flood, Thelma Frazer, Michael French, Josephine Glen, Michael Griffiths, Robert Hillick, Brian Hobbs, Eugene Hogan, Murtagh Kavanagh, Martina Keegan, Mary Keegan, Robert Kelly, Mary Kennedy, Mary Kenny, Margaret Kiernan, Sandra Lawless, Francis Lawlor, Maureen Lawlor, Paula Lewis, Eamon Loughman, George McDermott, Marcella McDermott, William McDermott, Julie McDonnell, Teresa McDonnell, Gerard McGrath, Caroline McHugh, Donna Mahon, Helena Mangan, James Millar, Susan Morgan, David Morton, Kathleen Muldoon, George O'Connor, Brendan O'Meara, John Stout, Margaret Thornton and Paul Wade. These are the 48 names of those who died 40 years ago in the Stardust fire. Hundreds were injured. We do not know the cost in terms of trauma, heartbreak, marriage difficulties, suicide and addiction, but it is huge. I am asking about the cost of what the families are looking for in terms of ensuring the inquiry into the Stardust fire, which cost all these lives and caused all the pain, can finally be set up.

Minister of State at the Department of Justice (Deputy James Browne): I would like to convey the apologies of the Minister of State, Deputy Hildegard Naughton, who regrets she cannot be here today due to another commitment. On her behalf, I thank Deputy Ó Ríordáin for raising this important matter and giving me the opportunity to clarify a number of issues.

The Stardust fire was a national tragedy. It has left a particular legacy of pain for many people in north Dublin. I sympathise greatly with the families of the 48 young people who were tragically killed in the Stardust fire over 40 years ago, those who were injured and those who were left traumatised. These families have suffered a terrible loss. I also recognise the impact on everyone who attended on the night, the local community and the responders.

It is important to say that the new Stardust inquests were directed by the Attorney General, and significant work has already been undertaken by the senior Dublin coroner, Dr. Myra Cullinane. She has had five pre-inquest hearings to date. I am informed that a sixth is scheduled to take place on 13 October.

As the Deputy will be aware, the conduct of Stardust inquests is entirely a matter for the senior Dublin coroner. She, like all coroners, is independent in the conduct of inquests as set out in the Coroners Acts. It is important to note that neither the Minister of State nor her Department have any role in this regard. However, I assure the Deputy and the families that the Minister of State, Deputy Hildegard Naughton, is committed to ensuring that the Stardust inquests and the families involved are provided with all relevant supports. In this regard, extensive work has already been undertaken. Government funding of up to €8 million has been allocated for the new inquests. This funding will help to provide free legal aid for the families concerned. The Minister, Deputy Humphreys, signed the Civil Legal Aid Regulations 2021 in May. These regulations allow all families, on an exceptional basis, to gain access to legal aid for the Stardust inquests, regardless of means. The Legal Aid Board, which is independent in the conduct of its function, is, I am informed, engaging with the legal representatives of the

families to agree an appropriate funding structure and schedule. The funding will also provide for other necessary supports, including the fit-out of the bespoke Covid-compliant courtrooms in the Royal Dublin Society, RDS. Remote hearing technology has also been installed to allow the inquest to be undertaken safely for all concerned.

Deputy Aodhán Ó Ríordáin: I thank the Minister of State for the reply. Nobody, certainly not me, wants an unseemly political row over what is an intensely traumatic and sensitive issue. The families, however, feel the funding has not been made available to their satisfaction. There is the potential for 47 families not to be involved in the inquest if things continue as they currently stand. While I understand the Minister of State, Deputy James Browne, is not the decision maker in this regard, I urge him to ensure that he speaks to the Minister of State, Deputy Hildegard Naughton, and ensure this inquest can continue and that we will not have any cloud hanging over it. We all want an inquest to begin and the truth to be found in good faith on all sides. What we do not want is to have a row over money, because money really is irrelevant when you consider the list of people who should still be alive today. All of them were young enough to be alive today. I ask the Minister of State, Deputy James Browne, to make that case and for this to be resolved. It is the last thing any of the families want to be talking about and I am sure it is the last thing the Minister of State and the officials in the Department want to be talking about in terms of the Stardust fire inquest. They do not want it said that before the inquest began there was a row over money which was not forthcoming from the Department.

Deputy James Browne: I agree with the Deputy that nobody wants to be having rows over funding and I will bring the Deputy's comments and sentiments to the attention of the Minister of State, Deputy Naughton, when she returns. Extensive work has already been undertaken. I understand that work will continue and the Legal Aid Board will continue to engage with the legal representatives of the families. Understandably, this is an extremely sensitive and tragic situation. I will bring the Deputy's concerns to the attention of the Minister of State.

Mental Health Services

Deputy James O'Connor: I convey my gratitude to the Minister of State, Deputy Butler, for attending in her capacity as the Minister of State at the Department of Health with responsibility for mental health and older people.

An important issue in my constituency and municipal district has been prominent in the national news in recent weeks and days. It concerns the provision of mental health residential accommodation in the Owenacurra centre, which is due to be closed down by the HSE. Discussions are ongoing on the future of the day-care services being provided at the facility. In recent days, I attended a public meeting in my constituency. It was extremely well attended by members of the community, not alone from the Midleton area but from across the constituency of Cork East, particularly its southern side. The majority of the families of service users are from the towns of Cobh, Carrigtwohill, Midleton and Youghal.

I would like to convey some of the points that were made to me from the floor at that meeting, which was also attended by colleagues from Cork County Council and my fellow Deputies in the constituency, Deputies Stanton and Buckley. Many valid points were made by the families. Above all else, they would all like to see the retention, if possible, of some type of residential mental health facility in the Midleton area or at least the east Cork region. We all accept, as the Minister of State is well aware, that the building at the Owenacurra centre is in

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poor condition. This has been clearly shown in the reports done by the Mental Health Commission. I would like to see some thought to be given to the potential for either a full refurbishment, the demolition of the existing facility and reconstruction of a new one or finding a way to incorporate a new residential facility so that the 19 full-time residents using the Owenacurra centre will have a home in their community. It is worth noting that for the long-term residents, the Owenacurra centre is their home and Midleton is their community. It will be difficult for many of them to adjust to their new environments, some of which will be entirely different as we know. That concerns me.

I know these decisions are being made by the HSE but I am asking the Minister of State for her help and for engagement and dialogue on this issue. I hope she will work with me and my constituency colleagues to find a better solution to what is being proposed. Most important, I ask that the HSE allow us time to reflect on the decision it is making and for a full review of what it has attempted to do in closing down the Owenacurra facility.

It was crystal clear from the people in the room in the Midleton Park Hotel, where the public meeting took place, that the Owenacurra centre has been a wonderful resource to the service users who have made great progress. They are extremely happy where they are and their families are also happy that they are able to use the facility. The staff in the centre have done fantastic work. I have been lucky enough to know some of the people who have used the Owenacurra centre through the years and I know many people who work in it. It is clear to me, as a public representative and Deputy for the constituency of Cork East, that the work they have done has been wonderful and that we should try to keep the centre if we can.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for raising this important issue. Significant Government funding in 2021 means that the mental health budget is now in excess of €1.1 billion. The HSE is providing approximately €139 million this year for mental health services in community healthcare organisation, CHO, 4, which includes east Cork.

I appreciate that this topic has been raised by the Deputy in the context of the closure of the Owenacurra centre, and I acknowledge that we have discussed this matter on many occasions, even as late as yesterday. I thank him for his ongoing and constructive engagement on the closure and the transfer of residents to other healthcare services. The decision to close the Owenacurra centre has not been taken lightly and has been made on the basis that it is not fit for purpose. Significant concerns have been raised by HSE estates, the Mental Health Commission and independent reports on the condition of the building.

It is important to talk about the timeline. On 30 March 2021, the Mental Health Commission corresponded with the chief fire officer of Cork County Council, referring the matter of fire safety issues for its consideration and sharing the Maurice Johnson & Partners report. The HSE used its own report on the building as well as two independent reports. The chief fire officer and building control officer with Cork County Council wrote to mental health services on 13 April 2021 to raise concerns. On 18 June, HSE estates warned that it had discovered that the building was in poor and unacceptable condition with major defects. It stated that even if refurbishment took place, it could not guarantee that the refurbished building would meet current building requirements or be regarded as fit for purpose. While there was no immediate danger or risk to anyone, it was made clear that no amount of expenditure could bring the building to an acceptable standard.

I have been in touch with the HSE on a regular basis regarding this matter and I reassure the Deputy that in the context of the closure, the priority of the HSE and my priority is the welfare of the 19 residents. A needs assessment has been carried out for each resident to inform discussions around relocation with residents, their families and the multidisciplinary teams. While some people may require ongoing continuing care, others will be facilitated to live in lower support settings, based on their needs. Information on this was provided at yesterday's meeting of the Sub-Committee on Mental Health, chaired by Senator Black, which the Deputy attended. The multidisciplinary teams have met all residents and their families, with the exception of one family, with whom a meeting is scheduled for this week, to discuss their options, with the will and preferences of each resident being of central importance.

I am also aware that it was acknowledged by the HSE at yesterday's meeting of the Sub-Committee on Mental Health that communication processes with residents and families will be reviewed. I discussed this with the chief officer for mental health last night and he has given me a guarantee that this area will be reviewed. A member from the independent Irish Advocacy Network is part of the project steering group, in addition to a mental health service user family member and carer engagement representative. This is to ensure that residents and families continue to have independent supports available throughout the process.

In terms of mental health services generally in the Cork area, the HSE provides a wide range of community and hospital-based mental health services. I am also aware that a day-care centre operates out of the Owenacurra facility and I made it clear again last night to the area lead for mental health in CHO 4 that a temporary premises must be found immediately while a permanent solution is being put in place.

Deputy James O'Connor: I thank the Minister of State for her response. While I am in Dáil Éireann, I stress the point that the loss of the residential service being provided at the Owenacurra centre will have a major impact in east Cork. It will leave the entirety of the southern side of the Cork East constituency without a residential facility. That is worrying to me as a Deputy for the constituency. I ask again if a budget can be found, either now or in the future, to retain some type of residential facility in the Midleton area.

I accept the point the Minister of State made about the serious issues relating to the current facilities of the Owenacurra centre. I do not think those issues are avoidable. I would like to see an effort being made by the Department of Health, the HSE and the Mental Health Commission. The commission was aware of the deterioration of the building's condition. That is made quite clear in the commission's reports from 2017 to 2020. It is crucial that we fight for a new facility in the Midleton region. On the night of the public meeting, many people from the Midleton community made the point that they are worried the site could be used for an alternative purpose and its current capacity as a HSE facility would be lost. People want to be reassured that whatever happens with the grounds of the Owenacurra centre, it will remain a healthcare setting in some form for the future. It is a strategically located facility in the Midleton area. I will allow the Minister of State an opportunity to respond.

Deputy Mary Butler: I thank the Deputy. Improving all aspects of mental health service delivery is a priority for me, the Government as a whole and the HSE, in line with the executive's national service plan 2021. This includes continued collaboration between relevant agencies and service users to ensure that quality and standards in our mental health facilities are further improved in line with best practice and recommendations. With regard to Owenacurra, the most important issue is the safety and welfare of the current residents first and foremost.

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There is clear consensus that the current building is not fit for purpose and cannot be brought to the standard required. It is a building of its time. However, I take on board the Deputy's point that this was the facility in east Cork where people with mental health illness were able to live and engage within the community.

The HSE has a plan in place to close the centre on a phased basis and ensure clear and open channels of communication are maintained with the individuals residing in the centre and their support networks. I know many concerns were raised in the sub-committee and by the Deputy about the fact that 31 October is approaching quickly and perhaps not everyone will be in the best place, facility, home, hospital or nursing home for his or her care. Last night, the mental health lead in the area informed me that 31 October is the deadline but if there are still residents in the facility on that date, the service will continue to work with families to get the right places for them.

It is imperative that a temporary premises is found immediately so that people who use the day-care centre will be able to receive supports in the community.

Water Supply

Deputy Verona Murphy: The health and well-being of the people of Wexford have been compromised by the actions and inability of the management of Wexford County Council. On 19 August, there was a breakdown at the Creagh water treatment plant in Gorey. People were drinking poisonous water in their homes from the Creagh treatment plant for a week without any boil water notice. Fifty-three people have been reported as affected. Some have been hospitalised while many more have become very seriously ill. It is commensurate with the first scene in the film "Erin Brockovich".

I attended a meeting of Wexford County Council on 13 September at which the director of services occupying the CEO's chair confirmed Wexford County Council first became aware of the contamination on 23 August but no boil water notice was issued. It is unclear what actions, if any, were taken. On South East Radio on Monday, the same director of services said that the first Wexford County Council knew about it was on 26 August. Those stories clearly do not match. The delineation between Wexford County Council and Irish Water is clear. Wexford County Council is responsible for the day-to-day risk management of the plant at Creagh and that risk management failed.

We in Wexford are left with a crisis of confidence in our drinking water. This has been described by the Environmental Protection Agency, EPA, as an abject failure of management, oversight, operational control and responsiveness by Irish Water and local authorities. In all circumstances, the public must have confidence when they turn on their taps that they can drink the water from the public supply. We are not Spain during the reign of Franco. It is the most basic human right and one that has been compromised by the mismanagement of senior officials at Wexford County Council. Will the Minister of State appoint an independent forensic investigator with proper terms of reference, to include the allocation of engineering resources within Wexford County Council, and of sufficient standing to instil public support and bring back confidence in the water supply?

Deputy Paul Kehoe: I thank the Leas-Cheann Comhairle for the opportunity to raise this important issue on behalf of the people of County Wexford. Last night, I met online with a

number of people who have been affected by this issue. We are aware that more than 50 people have been affected by the Gorey outbreak. These are confirmed cases of illnesses associated with it. I ask the Minister of State to expedite the report of the independent investigation and, as quickly as possible, give people full confidence in the water supply from the Creagh plant in the Gorey area.

I know there have been issues relating to power cuts, pumps, water, alarm failures and heavy rainfall. Those issues amalgamated and the result was water infected with e-coli which, in turn, caused an awful lot of people to become sick. The most important outcome of this debate would be for the people of Gorey to regain confidence in their water supplies. It is easy to point fingers but we must look to the future. People must have confidence in the water supply and it is up to the Minister of State and his Department to make sure the report is expedited to give the people that confidence as soon as possible.

It is unfortunate that this issue happened. It is not good enough. I know an awful lot of people expect clean, safe water. It is incumbent on everybody, including Irish Water and Wexford County Council, to provide it. It is timely that we will now accelerate the establishment of Irish Water as a single water utility company. Dual responsibility has been going on for long enough. There needs to be one responsible entity and it is incumbent on the Government and Irish Water to establish Irish Water as the single water utility company.

Deputy Johnny Mythen: I understand a serious investigation into this incident is under way. I ask the Minister of State to ensure the findings of the investigation are published as soon as possible and made available to the public. I ask him to ensure time is given for engagement with public representatives on the findings.

The Minister of State needs to give a clear outline of what will happen from now on and what actions he is preparing to take to guarantee this will not happen again in any of our water treatment plants. Serious questions need to be answered about who knew what and when, how this happened and why it was not reported for two days.

The focus needs also to be on those who got sick. Are they going to be compensated for the hurt, torment and trauma they have experienced? We need to ensure they are fully looked after following this abject failure of the system.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): In a letter to the Secretary General of the Department last week, the EPA outlined two serious incidents in recent weeks in drinking water plants serving parts of Dublin city and surrounding areas, which occurred in the Ballymore Eustace water treatment plant and in Gorey, County Wexford. This included, in the case of Gorey, illnesses detected by the HSE in the community served by that water supply, as the three Deputies have outlined. It is important to note that Irish Water reports that these incidents have been rectified and the water supply from the two plants is now safe to drink, although that is cold comfort to the many who fell ill.

In its letter, the EPA stated that an abject failure in management oversight, operational control and responsiveness at two public drinking water treatment plants had allowed unsafe water to enter the public drinking water supply and endanger public health. The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, and I find the failures identified by the EPA concerning and unacceptable. People's safety and public health are paramount. Our

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drinking water must be wholesome, clean and delivered by supply systems that are secure, safe and reliable.

Following receipt of the EPA's letter, the Minister acted swiftly and met with the managing director of Irish Water, as well as the chief executives of Dublin City Council and Wexford County Council at the weekend. He has requested that Irish Water immediately undertake an audit of each of the water treatment plants across the country. Irish Water will prioritise the 20 largest water treatment plants and will visit each to ensure that proper processes are in place in terms of dealing with and escalating any incidents which may arise. Irish Water's managing director and the local authority chief executives each assured the Minister directly of their full co-operation and indicated that their respective organisations are working closely together to put in place urgent and necessary corrective measures. Irish Water will also work with each local authority over coming two weeks and will conduct refresher training on incident reporting for all plants. Where appropriate, Irish Water will put its own staff on-site to ensure the continued safety of water treatment plants. The Minister has also requested that the local authorities work with Irish Water to improve linkages with the Irish Water national control centre.

Ultimately, there are limitations to the current working arrangements between Irish Water and local authorities. This is impacting on the delivery of services, a matter highlighted by Deputy Kehoe. A process is under way in the Workplace Relations Commission, WRC, to deliver the transformation of the service, but the Minister has also requested that Irish Water and local authorities take further steps to improve Irish Water's control of all water service plants in the immediate term, pending the implementation of the agreed longer term operational and staffing arrangements. The Minister will again meet Irish Water and the local authorities in question on Monday, 4 October, to assess the issues that led to these incidents. Again, we will make the reports available, as the Deputies have outlined, in a timely manner.

Deputy Verona Murphy: Yesterday in the Seanad, the Minister of State, Deputy Peter Burke, endorsed the CEO. He regaled us with great stories of his skills as CEO of Wexford County Council. The Minister of State, Deputy Burke, might want to read this week's edition of the *Wexford People*. He might also need to stop listening to the civil servants who are feeding him yet another "Yes, Minister" moment. The EPA has come out with what is an abject failure of managerial oversight and, yet, we have a Minister of State endorsing the CEO who presided over it.

The Minister of State, Deputy Noonan, will appreciate that all too often we experience the division of responsibility of the various organs of the State to the extent that nobody is accountable. We pay senior management in our public service comfortable six-figure sums to ensure that the very safety of the public is the cornerstone of our democracy. As a result of the malpractice of senior management of Wexford County Council, the State Claims Agency will be faced with claims in the tens of thousands, if not millions. Yet, those responsible will still be paid on Friday-----

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy Verona Murphy: -----and they will still receive their pensions on retirement. They may even be promoted.

An Leas-Cheann Comhairle: We are over time.

Deputy Verona Murphy: In short, there is no accountability in the public service. Until

there is, we cannot be certain that issues such as this will not come up again. I will raise this matter again and again.

An Leas-Cheann Comhairle: I would appreciate if the Deputy could raise issue within her own time.

Deputy Paul Kehoe: I welcome the Minister of State's response. The review that has been carried out must be published as soon as possible. The most important message that must go out from this Chamber today - I repeat the words of Irish Water and Wexford County Council in this regard - is that the water supply is safe to drink at this time.

I become very concerned when Members of this House have personal vendettas against the management of Wexford County Council. This is not a new attack by the Deputy opposite on the management of Wexford County Council-----

Deputy Verona Murphy: Sorry, Leas-Cheann Comhairle-----

Deputy Paul Kehoe: I have known Tom Enright, who is chief executive Wexford County Council, for many years. He is a fine public servant. I know that there has been a previous attack on their director of services, Tony Larkin, who is another fine public servant.

An Leas-Cheann Comhairle: This is not relevant.

Deputy Paul Kehoe: It is completely absurd that a Member of his House-----

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy Verona Murphy: It is relevant, Leas-Cheann Comhairle, because 52 people are sick.

Deputy Paul Kehoe: That a Member of this House would use parliamentary privilege to attack public servant-----

An Leas-Cheann Comhairle: We are over time.

Deputy Paul Kehoe: I have one message. The Deputy opposite went over time. Fair is fair. I ask the Minister of State to indicate that the public water supply from the Creagh Plant to Gorey, County Wexford, is safe to drink. That is the most positive message. I do not want to echo the negativity of some Members of the House; I just want to make sure that the water is safe to drink.

An Leas-Cheann Comhairle: The Deputy's blatant ignoring of the Chair is not acceptable. He referred to personal vendettas. I leave him to reflect on that type of language. The next speaker is Deputy Mythen.

Deputy Johnny Mythen: It is important that the Department ensures that public trust is restored, that safeguards be copper-fastened into the water treatment system, that compulsory communication systems are automatically built in to inform the EPA and HSE of problems and that the public is immediately informed of any danger. This is an important issue. Some 52 people are extremely ill and that should be taken very seriously.

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

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Deputy Malcolm Noonan: I again thank the Deputies for their comments. I appreciate their ongoing worries about the serious incidents that occurred in the water treatment plant at Gorey and in Dublin. The safety and security of our water supply, as the Deputies have said, is paramount. There is a need to rebuild any trust that has been lost. I give the assurance that tap water is safe to drink in both situations.

One of the first initiatives that the Minister advanced on taking office was to develop a Government policy paper on the steps required to transform Irish Water into a proper, unified national public utility. This paper was progressed precisely because of the type of issues that emerged in the wake of the Leixlip incident in late 2019. The policy paper stated that despite owning the assets and paying for service delivery through service-level agreements with local authorities, Irish Water did not have direct control over the majority of service staff or assets. It also indicated that the separation between responsibility and control needed to be addressed as a priority. The paper made it clear that while the current working arrangement with local authorities had worked effectively to get Irish Water up and running, the limitations of this way of working was beginning to impact on service delivery and were increasingly seen as adding to the risk of service failure, as we have seen in these incidents.

A process is under way with the WRC to deliver the transformation of this service. The Minister has also requested that Irish Water and local authorities take further steps to improve Irish Water's control of all water service plants in the immediate term, pending the implementation of the agreed long-term operation and staffing arrangements. I again assure the House that the report will be published in a timely manner.

I disagree with the contention that there is no accountability. There is accountability. That is what the Minister will ensure will happen with the local authorities concerned. As all the Deputies said, this is about restoring confidence. That can only be done through collaboration and through ensuring that we move towards a single utility to ensure that we have clean, safe drinking water as a human right for everyone in this country.

Insurance Costs

An Leas-Cheann Comhairle: The final matter is in the names of Deputies Jennifer Whitmore and John Brady, and it is to discuss the closure of an outdoor recreational business due to increasing insurance costs.

Deputy Jennifer Whitmore: I would like to raise the issue of spiralling insurance costs for small businesses, especially recreational businesses. In particular, I want to talk to about a company in north Wicklow, called Squirrel's Scramble.

Squirrel's Scramble is an extremely successful business in north Wicklow. It has operated for many years. It provides a key part of family life in the north Wicklow area. I would imagine most children have been through the facility. Those who own it offer a fun and challenging outdoor experience for children, which is exactly what parents want. Unfortunately, Squirrel's Scramble has notified the community that it is being forced to close because of spiralling insurance costs. Those costs have risen from €26,000 to €88,000. That has happened without any change in the facility's operations and without any claims being made on its insurance. This is a real sign that there is a dysfunction in the insurance market at the moment. These costs are crippling this company and forcing it out of business, which is not acceptable.

This is a much broader issue and it is not just recreational businesses that are affected. Charities are also facing these crippling insurance costs. Something needs to be done because these are sorts of businesses and charities that hold our communities together and provide major services.

My understanding is that the Minister of State has agreed to meet with the company over the next couple of weeks. I wonder what tangible actions he can put in place to make sure that this company can reopen next spring. I know that the Government has put measures in place and that there have been changes to the insurance regime, but those changes are not trickling down and making an impact for businesses on the ground. They are also not impacting on the insurance premiums they are being charged.

Deputy John Brady: I also want to raise with the Minister of State the serious issue of the escalating cost of providing insurance cover and the negative impact it is having on communities right across the State. I am speaking specifically here about County Wicklow and the impact it is having on a small successful business, Squirrel's Scramble, which had to take the difficult decision to close down temporarily because of the escalating insurance cost.

This is primarily down to the greed of the insurance industry but it is also a stark failure of the Government to get to grips with this rip-off industry. In 2017, Squirrel's Scramble's insurance costs were €3,000. Last year, they were €26,000. This year, the company was being quoted a price of €88,000 to provide the same cover. It is a crippling and unnecessary blow to a small business, a local community and the thousands of customers who avail of the excellent facilities at the adventure park throughout the year. It is also a devastating blow to the 20 staff who work in the facility.

The Minister of State previously stated that he promised to get additional competition into the Irish insurance market. He has failed to do that. I ask him to address this failure to bring in additional competition. I also want to repeat the call to introduce reform in relation to the insurance industry, including legislative changes to the duty of care provisions. If customers are to continue to enjoy the services offered by adventure parks such as Squirrel's Scramble, they will also have to share in the responsibility for their own safety. The legislation, as it currently stands, is simply not fit for purpose. All that is required is a straightforward amendment to the Civil Liability and Courts Act 2004 in order to allow the Government to improve the legislation around waivers so that there is a knowledge and understanding that when you sign a form, it is strong, solid and will stand up in court. That is something that the Minister of State committed to doing in the programme for Government a year and a half ago. Perhaps he can clarify where that is.

Minister of State at the Department of Finance (Deputy Sean Fleming): At the outset, I wish to acknowledge the issues raised by Deputies Whitmore and Brady regarding the difficulties being experienced by businesses in the leisure and outdoor recreational sector in obtaining public liability insurance, including the specific company that has been mentioned by the Deputies in the north Wicklow area. Such SMEs play a key role from an economic perspective and serve to enrich the quality of life in communities. The company mentioned by the Deputies did that for thousands of children and kids who used the facilities in recent years.

In response to Deputy Brady, who spoke generally on the insurance industry and referred to the rip-off industry and the lack of competition in the area, I was here last night in the Chamber when the Sinn Féin finance spokesperson spoke, during Question Time for the Minister for

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Finance, in relation to insurance when he was dealing with me on the matter. He said that he shopped around for his own personal car insurance this year and got it for €300 cheaper. Sinn Féin's own spokesperson on finance talked about the value of shopping around. Therefore, I do not accept the Deputy's claim here regarding rip-off insurance. It flies in the face of what his own party's spokesperson on finance described as his own personal experience.

Deputy John Brady: How many insurance companies are providing this form of insurance?

Deputy Sean Fleming: As the Deputy has brought up the issue, I will not let it go, because what the Deputy said is utterly inconsistent with what his party spokesperson on finance said here last night. That is a reflection of the increased competition that we are seeing. However, both Deputies will know that I cannot comment on individual cases and speak to the insurance costs of individual companies due to many relevant factors that I am not privy to, such as the existence of open claims or other material information to the risk being insured that I would not consciously be aware of.

I also wish to acknowledge, and I say it genuinely, that it is good that the two Deputies have raised this issue today. The Minister of Health, Deputy Stephen Donnelly, has made direct contact with me. I told him yesterday that I would be happy to meet with the company. I am happy to arrange that as soon as possible. I have had no direct personal contact with the company but I am sure that it can be arranged. I will be guided by the people involved as to who attends that meeting. If the Deputies want to be part of that meeting, I am happy with that. I have no problem with that.

In relation to the specifics, the answer is that I cannot write an insurance policy for the company directly. I think everybody knows that. However, what I will endeavour to do is talk to Insurance Ireland and Brokers Ireland in particular, because perhaps some broker in another part of the country entirely may have some knowledge in this area. I am not offering any panacea but we will put the relevant parties in touch with the right people in relation to the issue.

That brings us back to the issue that has been mentioned, namely, the duty of care legislation. I agree with Deputy Brady that the legislation needs to be amended. People do sign forms accepting responsibility and they are in at their own risk but when push comes to shove, the courts take a different view and the insurance companies often have to make settlements. The duty of care provisions that we have do not stand up as the way the Deputy and I would want them to. It is in our action plan for insurance to deal with that specific issue by legislating, which we will be so doing. I will come back with a timetable on the issues. I will issue a regular update in relation to the insurance issue on a quarterly basis, with the next update being issued in the coming weeks.

The duty of care is a big issue and it affects many leisure industries around the country, where, on the face of it, there is high risk, but where there should also be parental supervision. People have to watch what they are doing, know what is appropriate for them and take care.

I am offering to meet representatives from the company mentioned by the Deputies and whoever else if they so wish.

Deputy Jennifer Whitmore: I welcome the Minister of State's response. I would also welcome the opportunity to attend the meeting. I will contact the company and ask representatives to reach out to the Minister of State directly to set up that meeting.

In relation to the duty of care legislation, I ask the Minister of State to expedite it because there is a real risk that companies will go under while these reforms are taking place. County Wicklow really prides itself on being a recreational centre for the east coast. It is a key element of the offering that we have as a county. We cannot afford for these small local businesses to go under while the reforms are going through the bureaucratic process. That is a real risk. As we have seen, the Minister of State has started that process but as I said earlier, it is not trickling down to the ground to where these businesses are being affected.

In relation to the comments about shopping around, it is my understanding that only one insurer deals with this area, so I would welcome it if the Minister of State would contact the brokers to see if there is any other insurance company or mechanism that could be available to this company.

Deputy John Brady: To use the Minister of State's own words, he is not offering any panacea. Indeed, he is not offering any hope either. That is what is needed here. Unfortunately, it is the dragging of heels by this Government and its predecessors that has resulted in the crisis we see on the ground. The Minister of State is out of touch. Brokers are trying to shop around. Indeed, the insurance provider that provided the cover to the company last year has pulled out of the Irish market. There is no competition there. Virtually zero companies are offering it. Brokers are trying to shop around. That is how they came up with the quote of €88,000, which nobody can defend.

The Minister of State has stated that the Minister for Justice is leading on the duty of care legislation. It was a commitment in the programme for Government 18 months ago. Yet, we are being told that it is an advanced stage but there is no commitment to actually move it through. While the Minister of State is sitting there offering no panacea, hope or solution-----

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy John Brady: -----businesses are closing right across the State, including Squirrel's Scramble. I look forward to attending that meeting with representatives of Squirrel's Scramble and the Minister of State-----

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy John Brady: Hopefully, the Minister of State will have solutions at that stage.

An Leas-Cheann Comhairle: Deputy, we are over time and we are eating into Private Members' Business.

Deputy Sean Fleming: I will conclude as quickly as I can. I understand the comments being made. There are a few points on which I would like to elaborate. Everybody knows that the insurance industry is regulated by the Central Bank. Nobody in the Department of Finance is trying to tell the Central Bank and individual companies how to run their individual policies. The Deputy across from me now would be the first to say that I was interfering in an area in which I should not interfere. That said, we want to ensure that the industry works the way it should.

Second, the judicial guidelines that came out earlier this year have brought about a reduction in settlements so far. The Personal Injuries Assessment Board, PIAB, issued a preliminary report before the summer showing a reduction in the cost of claims. What the insurance com-

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panies in Ireland and those coming to Ireland want is a bit of certainty on how much it will cost if there is an accident.

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We did not have that up to now but we have had it since April of this year. That helps attract businesses into Ireland, perhaps including businesses that left as a result of Brexit, which was not our decision. In light of that, I have also had regular meetings with IDA Ireland with a view to getting new insurance companies to enter the Irish market. At least two major international companies are seriously looking at the Irish market now that they have a bit of certainty regarding the cost of doing business here.

With regard to duty of care, this is one of the actions listed in the action plan for insurance which we published approximately 12 months ago. Two thirds of those commitments have already been implemented in those 12 months. I look forward to bringing that particular matter to a conclusion in the months ahead through the introduction of robust legislation in that area which will make it safer for businesses to operate in difficult situations such as this. I know there is certainty regarding the cost of claims.

I have met a number of Deputies here in the House in recent days who have said that their personal motor insurance quotes have gone down in the last 12 months. I know some will have had different experiences but many people are experiencing reductions in their insurance costs.

Residential Tenancies (Tenants' Rights) Bill 2021: Second Stage [Private Members]

Deputy Ivana Bacik: I move: "That the Bill be now read a Second Time."

I will share my time with Deputies Kelly and Duncan Smith. I will take ten minutes and they will take five each, with the agreement of the House. I thank the Leas-Cheann Comhairle for the opportunity to introduce this important Bill which the Labour Party has drafted with particular input from our Seanad colleague and housing spokesperson, Senator Moynihan. I pay particular tribute to the Senator for her immense work and for her commitment to ensuring a strengthening of rights and protection for renters in this jurisdiction. This Bill is essentially about addressing what we and most reasonable people see as an existing power imbalance between landlords and renters. We want to address years of housing policy under this Government and the preceding Government which has favoured landlords and emphasised the use of rental properties as investments rather than as homes. We want to tackle that head on with this important legislation. I welcome the Minister of State to the House. I welcome the news this morning that the Minister, Deputy Darragh O'Brien, is not opposing the Bill. We are glad to hear that and look forward to working constructively with the Government to ensure that the Bill's provisions are accepted and brought into law.

This Bill represents a commitment I made during the by-election for the Dublin Bay South constituency earlier this year. During that campaign, I and all those canvassing with me heard from many people across the constituency who were experiencing difficulties and traumas as renters. I refer to really serious problems regarding security of tenure and fear of evictions, to unaffordable rents and deposits, fear of further increases and to poor quality of life and, in some cases, really poor conditions in rented accommodation. That is unacceptable in 2021. During that by-election campaign, I made a commitment that the first Private Members' Bill I

would introduce would be a Bill to ensure greater protections for renters. I am glad to be able to abide by that commitment with my party colleagues and with the great assistance and support of Senator Moynihan. We want to tackle these issues not just for those in Dublin Bay South, but for those across the country. I am conscious that this is a particularly pressing issue in my own constituency of Dublin Bay South. The proportion of households who are in private rental accommodation is double the average. They represent a very significant proportion of those living in the constituency. Despite this, the problems and traumas those renting in Dublin Bay South face are replicated across the country. My colleagues and I will speak about some of the testimony we have heard from our own constituents.

This important Bill addresses three important issues in a range of constructive and positive ways. We look forward to working with the Government and with those of all parties and none to ensure that these provisions are accepted. The issues we are going to address and which I will outline were also identified in a recent report on housing published just last week by the Irish Human Rights and Equality Commission in conjunction with the Economic and Social Research Institute, ESRI. That study highlighted the disadvantage experienced by many groups within the housing system and particular difficulties regarding the rented sector and the lack of rights and protections for renters. The stark findings of that report really emphasised the need to pass this important legislation.

As I have said, we are looking at three particular areas. The first thing we wish to do with this Bill is to strengthen protections against eviction for those who are renting. The legislation would remove so-called no-fault evictions. Importantly, it would provide for tenancies of indefinite duration. It would remove the ground allowing landlords to terminate tenancies on the basis that they intend to sell the property within three months and puts curbs on evictions for the purposes of refurbishment or passing the property on to family members. These are very important measures which would protect against eviction and which would provide significant additional protections for those renting.

We have heard from Focus Ireland - and I will speak further on this - about its concern, based on figures from the Residential Tenancies Board, that the main reason given in eviction notices currently being served is landlords declaring an intent to sell. Focus Ireland tells us that this is the primary cause of families entering homelessness. That clearly has a significant knock-on effect not only for those families, who face severe distress and trauma, but for us as a society. These are important measures which would have a knock-on effect in reducing homelessness.

The second challenge we seek to address in the Bill is that of unaffordable rents and deposits. Despite the introduction of rent pressure zones in 2016, rents have increased by almost 40% in Dublin and by 20% elsewhere. In other words, rental costs have risen at a faster pace than mean earnings. Just yesterday, I heard from a constituent of mine who said that they have become a renter for life because they will never afford to get a mortgage. This person estimates that, after 26 years of renting in Dublin, they have paid more than €341,000 in rent. This person cannot save for a deposit and is therefore caught in this position. We are therefore really concerned about unaffordable rents and deposits. We have previously called for a three-year rent freeze. That is essential, particularly given the recent increase in inflation. There was a good deal of news about that yesterday. It is simply not enough to link rents to the consumer price index, although we supported the Government in doing that. It is not sufficient. We now need a much more effective curb on rent increases. I have spoken to constituents who tell me that their landlords are increasing rents by 4% because they can. That is a real concern. Our Bill would also declare the entire State a rent pressure zone and would cap deposits at just one

month's rent, among other measures. As I have said, we also see a three-year rent freeze as an essential policy measure, although this is not provided for specifically in the Bill.

The third issue addressed by this Bill, which again mirrors a finding in the Irish Human Rights and Equality Commission report, is that of the quality of accommodation and conditions for renters. Currently, renters in Ireland face a whole range of different restrictive measures in their leases that prevent them from seeing their rented homes as permanent and that contribute to the enormous demand for buying houses and apartments. Many people want to get on the property ladder because they face poor quality accommodation as well as the fear of eviction and rent hikes. In other European countries, it is common for renters to be able to keep pets in their home and to request an unfurnished property so that they can move their own furniture and belongings in. Renting is therefore seen culturally as a more reliable, long-term and sustainable option for individuals and families. We have never had that approach in Ireland. It is time to change things. Our Bill provides for protections for renters and the right to rent properties unfurnished, and would also rule against an absolute prohibition on keeping pets in apartments and houses, among other things. It also provides for model tenancy agreements and for greater rights with regard to information and transparency for renters. For example, it provides for a public register to be put in place which would set out the number and length of previous tenancies and the rent paid and previously paid. It would also list the refurbishment and renovation works that purportedly led to eviction. All of these measures are essential if we seek to redress the current imbalance between renters and landlords.

Again, to speak about my constituent's experience and the survey carried out for the Labour Party, we have heard from renters who describe experiences renting in Dublin and elsewhere as soul-destroying and terrible. Just yesterday, another constituent told me of a direct experience of leases containing a condition that tenants must pay a professional cleaner to have their rental properties cleaned before they can get their deposits back. In essence, this is an additional cost and will result, in many cases, in tenants paying hundreds of euros to get apartments professionally cleaned. I hear this is now a standard clause in many rental contracts. It is very frustrating for renters and a clear example of the serious power imbalance that prevails between landlords and tenants and that we are seeking to address in this Bill.

The Government's measures to date have not been sufficient to address the specific concerns and fears of renters. As I said, we know from reports yesterday that with the rise in inflation, a three-year rent freeze is now essential as a specific Government policy measure. We also know, however, that the provisions in this Bill will provide essential protections for renters because, currently, they face a stark context. That is apparent not just to those renting but to everyone, from the parents whose adult children are living in bedrooms and boxrooms in the family home well into their 20s, and often their 30s, to those who are, as we say, couch-surfing and who are not officially registered as homeless but simply cannot afford a place of their own, even though their incomes are too high for them to be on a housing list.

We need to ensure that renting becomes a long-term, viable and sustainable option for people in Ireland. We also need to ensure we have a cultural shift to move away from this vision of renting as always being in terms of a landlord's investment and income. We should instead skew our policy, rightly, somewhat back towards renters and the need to see rental properties as homes.

Deputy Alan Kelly: I thank Deputy Bacik and our housing spokesperson, Senator Rebecca Moynihan, for their work on this Bill. This is a critical issue that came up for Deputy Bacik

during the Dublin Bay South by-election, and we committed to bringing forward this Bill on foot of that. We have honoured our commitment in this regard because during the by-election campaign it certainly came across to us how important this matter is since the constituency has one of the highest numbers of people living in rented accommodation. Deputy Bacik is delivering on her mandate.

Renters deserve improved rights. It is beyond time for them to have security of tenure and the ability to make their leased apartment or house their actual home. There is a significant difference between having a property you live in and calling it a home. Renters need to be treated fairly, they need to be treated with respect and they need a new deal. Simple things that many of us often take for granted, such as the right to have a household pet or to opt for an unfurnished property, need to be allowed under the law. We also need to bring in a three-year rent freeze; it is imperative that we do so. I have heard some comments from members of the Government at times that this is not constitutional. It absolutely is constitutional. I 100% know that it is because I brought in a rent freeze when I was in government. Those lines are old and should be thrown in the dustbin.

For many years, we have tried to change the law by introducing Bills and amendments to give renters a real break, especially on the issue of rent increases and the grounds for eviction. Since 2016, renters have borne the brunt of record increases and still do not have basic protections that are taken for granted in many other jurisdictions. In December 2016, my colleague, former Deputy Jan O'Sullivan, tabled a Social and Affordable Housing Bill that sought to link rents to inflation and to remove as grounds for eviction the intention of landlords to sell their properties. If that Bill had been adopted, renters would have saved thousands and thousands of euros by now and families would have been saved from homelessness and much more. As rents continued to rise and the homelessness crisis escalated, we again tried to change the law in 2018 with the Residential Tenancies (Greater Security of Tenure and Rent Certainty) Bill. We sought to radically restrict the grounds for eviction and the Government again failed to take on board the proposals. We are hoping the Minister of State will change tack. Again, we sought to link rents to inflation but nothing changed. The Minister at the time did not oppose it, but he also did not take any of it on board. It was basically an exercise in paying lip service.

As figures from the Residential Tenancies Board show, more than half of the notices to quit issued since 2019 were because the landlord involved intended to sell the property. In many countries, the sale of a rental property cannot be used as grounds for terminating a tenancy agreement. That is what we need here. It is a right that commercial tenants in Ireland have but not one enjoyed by those living in their own homes. Another 24% of tenancy terminations are because the landlord involved wanted the property for a family member. Our Bill severely limits those grounds because, in many cases, these are spurious and are just used as an excuse. With Covid restrictions on evictions now lifted, the number of homeless families is increasing again. More protections are needed. As inflation rises, we also need, as already stated, a three-year rent freeze.

At the heart of this crisis are people and the impact the housing crisis has had on them. The stories that have been shared with us are heartbreaking. People are afraid, demoralised and left with no alternatives. In a survey, one renter said that there is no stability in living, that they are in constant fear of eviction, that there is nothing better to rent locally, that they never furnish a home because they do not know how long they are going to be there and that the whole system is shambolic and suits neither decent tenants nor decent landlords. Another said that they have been renting since 2009 and that the rent has risen from €350 to €850 per month in that period.

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In the meantime, the rent has now nearly doubled. Although this person earns a good salary, after the rent is paid and bills, grocery shopping, health insurance, travel, etc., are taken into account, it is incredibly difficult to survive. Another person said that the impact of this cannot be overstated because a home can be pulled out from under a renter at any moment under the current conditions that apply. How can the person in question consider starting a family when they might not be able to put a roof over that family's head?

These are some very important changes and they have been given lip service over the past few years. I am hoping the Minister of State will change tack and state that he will take this Bill on board.

Deputy Duncan Smith: Like any Deputy or public representative who operates a clinic or an office service, I know, because I do eight of them a week, that the vast majority of people who come in are those at the very sharp end of the housing crisis. Once woman I met more than a year ago rang me seven weeks ago today to tell me that her beloved dog died peacefully in her arms that morning. While she was devastated and crying on the phone, she said to me during the conversation that it might now be easier for her to find another house or apartment because she is currently the victim of what we call no-fault eviction. I know it was seven weeks today because, coincidentally, she rang me at 9.15 this morning to say that she got the ashes of her dog yesterday and will now be able to bring those ashes of what was a beloved pet to her next home, which we will, hopefully, find for her very shortly.

That story illustrates just how important people's pets are to them. They are members of their families and they love them dearly. For many people who have to jump the many hurdles out there in terms of high rents, supply and finding a landlord or rental agency that will return a phone call and give you an interview or viewing, who say, "Well look, I have a pet, I have it for 10, 11 years, or six months, I love it", to then hear "Sorry, not happening", is a very real impediment and heartbreak for thousands of people and tenants out there. This Bill will provide practical solutions to that impediment.

It is similar to the issue of being able to dry clothes outside on a balcony. We all know what is at the root of this issue for prospective landlords; it is downright snobbery and classism at its very worst. Whether you have a long or short balcony you should be able to dry your clothes on it. What are we going to do? Are we going to try to encourage people to get tumble dryers? Not only is that climate hostile, they are expensive to use and in increasingly smaller apartment spaces, people do not have the room for them. People should be able to dry their clothes outside in the fresh air and not have to dry them inside on clothes horses with damp crawling down the walls and damp on children's school bags, as was stated in the House last night during a separate debate. Again, this Bill provides a solution to what is a very real impediment. That one really hurts because it is rooted in old-fashioned class snobbery that has to go.

I am happy that this Bill will be accepted. I hope these elements will be included and will not go into the netherworld of Opposition Bills that go out there and float somewhere around these Houses, never to be seen again. We have to remove no-fault evictions and we need to do so straight away. If Housing for All is to work as the Government wants, this needs to be done straight away. The housing crisis, as we have learned over recent years, is in essence a tenancy crisis. The vast majority of people who find themselves homeless have been transitioned out of the rental market through no-fault evictions, rents they cannot afford or whatever flimsy excuse bad landlords are using to profit from their property, such as by putting it back on the market for a much higher rent or selling it on to an investment fund in a red-hot selling market.

What Deputy Bacik said is spot on. We need to skew housing policy back towards people who are living with roofs over their heads, whether they are paying rent, a mortgage or whatever. The Tánaiste's contribution in the House yesterday laid bare how those at the very top of the Government feel about the housing crisis and where their priorities lie. It is not with tenants. I do not think that is shared by the backbenchers of the three parties and may not be shared by some in Cabinet but it was certainly clear where the Tánaiste's priorities lie. We need to skew it back, put tenants first and keep them in their homes, and to supply affordable homes to ensure that no-fault evictions, or any evictions, are ended and we can end this housing crisis.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I thank Deputy Bacik. She is an experienced parliamentarian but this is her first Bill to bring to this House, so I congratulate her on that.

Deputy Ivana Bacik: I thank the Minister of State.

Deputy Malcolm Noonan: I acknowledge the spirit of the Bill and its genuine attempt to improve circumstances for tenants at a time of undersupply in the residential rental sector. The Government will not oppose this Bill and commits to examining the positive ideas contained therein in the context of progressing its own rental reforms later this year. Some of the measures proposed in the Bill have been provided for in Government legislation or have been committed to under the Government's Housing for All: A new Housing Plan for Ireland. Other proposals have been considered in the context of previous Private Members' Bills and did not progress for legal and policy reasons. That said, the Government is open to considering constructive and positive ideas from all quarters. If a proposal has merit, the Minister, Deputy Darragh O'Brien, will do his best to progress it while respecting the legal constraints that may apply.

As Deputies will know, Housing for All: A new Housing Plan for Ireland is the Government's housing plan towards 2030. It is a multi-annual, multibillion euro plan that will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The Government's overall objective is that every citizen in the State should have access to good-quality homes to purchase or rent at an affordable price, built to a high standard in the right place and offering a high quality of life.

Too many people have been caught in an unaffordable rent trap. The Government has put renewed focus on home ownership, the preferred tenure choice of most tenants, but we are also completely focused on continuing to enhance tenancy protections. The Minister has introduced five rental Bills since taking office last year and plans to progress further rental reforms later this year. The residential rental sector provides many homes and tenants will need to be better protected into the future. The supply of private and social housing is increasing and cost-rental and affordable housing is now coming on stream. We aim to scale up cost rental to a level that significantly impacts on the overall private rental market and offers competition at more affordable rent levels to help reduce the prevailing high market rents demanded of tenants.

The Government recognises that rent increases are causing significant affordability issues, particularly for those with low incomes and the more vulnerable of our citizens. The Residential Tenancies (No. 2) Act 2021 introduced measures in July to better protect tenants against affordability challenges by extending rent pressure zones, RPZs, to the end of 2024 and prohibiting any rent increase in an RPZ from exceeding general inflation as recorded by the harmonised index of consumer prices. This measure significantly reduces the level of permissible rent increases for the estimated 74% of all tenancies in RPZs. In addition, until 2025, rent reviews

outside of RPZs can occur no more frequently than biannually. It remains the position that rent reviews in RPZs can occur no more frequently than annually. The forthcoming Government Bill will further enhance the security of tenure and will re-examine the operation of RPZs to ensure that rent controls are effective in areas with the highest and fastest growing rents. The most vulnerable tenants impacted by Covid-19 continue to be legally protected from rent increases and eviction.

The Government is focused on building on rental reforms introduced by the Minister in the past year and on rental reforms implemented in recent years. A number of targeted measures and initiatives are being developed to provide better security of tenure and greater rent certainty for tenants, as well as enhancing the supports and services available to both tenants and landlords, through the Residential Tenancies Board, RTB, in particular, to facilitate the development of a more vibrant and sustainable rental sector. *Inter alia*, these initiatives include the recent extension of rent pressure zone protections to the end of 2024; the prohibition of rent increases exceeding any general inflation, as recorded by the harmonised index of consumer prices, which will be re-examined in light of the prevailing inflation rate; the bringing forward of legislation to address long-term security of tenure, including by providing for tenancies of indefinite duration, subject to legal advice; enhancing tenancy protections for those living in dwellings affected by a receivership; amending the Residential Tenancies Act to provide for default conciliation as first steps in the RTB's dispute resolution process; increasing enforcement of the registration of tenancies by the RTB; the development and publication of a standard tenancy agreement by the RTB; and reviewing the recommendations of the working group on tax and fiscal treatment of landlords, which was chaired by the Department of Finance.

The necessary legislative change will be progressed through the housing and residential tenancies Bill 2021, which is expected to undergo pre-legislative scrutiny by the end of this Dáil term. As I said, the forthcoming Government Bill will further enhance security of tenure and re-examine the operation of RPZs to ensure that rent controls are effective. I intend to take account of pre-legislative scrutiny reports by the Oireachtas Joint Committee on Housing, Local Government and Heritage following its consideration of the general scheme of the Government's Bill later this year and to publish the Bill as a matter of priority. In developing legislative proposals, it is important any new legal measures avoid the risk of undermining stability and confidence in the rental sector and of negatively impacting on the existing and future supply of rented accommodation and the wider economy. We cannot undermine or damage the future capacity and attractiveness of the rental sector for tenants or landlords.

That said, the Government understands and appreciates the motivation and bona fides behind the Bill. I reiterate the Government will not oppose it and will examine its positive elements in framing the Government's own rental reforms. We need to record in the House that the Private Member's Bill contains technical and practical operational shortcomings, with some provisions likely to face significant risk of a legal challenge and others highly likely to have a detrimental effect on the supply of rental property. The rationale and motivation behind the proposals tabled is appreciated and the Bill in its entirety will be examined by departmental officials. In doing so, recognition must be given to the fact that 70% of landlords have just one rental property, while 86% have just one or two properties. Recognition must also be given to the fact many landlords are leaving the market, with more than 3,500 having done so since 2019. Every action the Government takes needs to be balanced to avoid an unwanted reaction in the rental market. We need a sustainable supply of rental accommodation to meet demand and we need rental levels to become more affordable.

The Government's bona fides can be accepted when it comes to our efforts to develop and enhance the residential rental sector. It can also be accepted that developing the rental sector is an important goal for the country and doing so will be paramount to avoid unintended consequences for any new Government measures. This Government and its predecessor have not been found wanting in coming forward with necessary tenancy protections, particularly in light of the challenges posed by the Covid-19 pandemic. It will continue to be important to balance the rights and responsibilities of both landlords and tenants. The vast majority of small, independent landlords are good landlords; they look after their accommodation and their tenants. Less than 2% of all tenancies end up in a dispute before the RTB. The Government will continue to work to enhance the protections under the Residential Tenancies Acts and to invest in services provided by the RTB and Threshold.

I accept there is more that can be done to enhance the private rented sector. That is why the Government will introduce the housing and residential tenancies Bill 2021 shortly to build on the progress to date. Deputies will have the opportunity to progress and discuss any new proposals or ideas in the context of the forthcoming Government Bill. The proposals outlined in this Private Members' Bill will be carefully examined in the context of the Government's forthcoming housing and residential tenancies Bill with a view to providing for any positive and legally permissible change. In this spirit, the Government will not oppose the Second Stage reading of the Bill.

Deputy Sean Sherlock: I welcome the fact that the Government is not opposing this Bill. I note the Government has said there may be some legal issues inherent in the Bill and there may be challenges. Our job here is to promulgate legislation and work through it. If issues arise in the courts thereafter, then so be it, but we are the Legislature. I wish to goodness the Government would not qualify its support for the passage of a Bill by coming out with language such as that. It is a culture that has pervaded this House in latter years. We should proceed on an issue such as this in a bipartisan or non-partisan manner and seek to work through any legal issues that are always euphemistically referred to.

We strongly support giving rights to renters. That is what this is about, fundamentally. We are all inundated with calls from constituents who find themselves in challenging positions, including those living in substandard, Dickensian residences - one would not even call them "residences" - and people who are trying to get on the first rung of the housing ladder. We are making an honest attempt to promulgate legislation which would seek to give a greater balance to the renter, as my colleague, Deputy Bacik, said. It reminds me of Michael Davitt and the Land League. Some 170 years ago, Davitt spoke of fixity of tenure and fair rent. When it comes to renters and citizens we are talking about the same principles. It behoves us all to try to legislate effectively so that we shift the balance and there is a paradigm shift away from the market and towards the renter, allowing for people to live happily and affordably in their own homes if they are not owner-occupiers of properties.

The inspection regime by local authorities needs to be kick-started again. I understand it went into abeyance during lockdown for obvious reasons but there are people in receipt of the housing assistance payment, HAP, and rental accommodation scheme, RAS, payment living in accommodation supported by the State that is completely substandard and not fit for anybody to live in. That inspection regime needs to be up and running again. It is vital.

Deputy Brendan Howlin: I too commend my newest Dáil colleague, Deputy Bacik, on her first legislation. This is an extremely important area and a fulfilment of her commitment.

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We all know and acknowledge that solving the biggest social issue of our time, the crisis in housing provision, is complex. It requires a suite of actions and enormous resolve and resources. Like eating an elephant, we need to do it bite by bite. We know we will not make all the changes in one fell swoop. We will have the opportunity, and we are all focused on it, to critique and measure the Government's Housing for All proposals. Most of us will approach that as an honest attempt to solve once and for all this enormous social crisis that faces our communities.

Surely the first and most important action all Members of the Oireachtas must take is to stop, insofar as we can, the daily creation of homeless individuals and families. It is like somebody who is wounded: you want to treat the problems, but the first thing is to stop the haemorrhaging. That is what we seek to do in this Bill. There are individuals and families today in rented accommodation who are being forced out of it. We know what is the single biggest driver of homelessness. It has been said again and again and looked at by a variety of researchers. Through no fault of their own, renters are losing their home. It is not a rental or investment property, but their home.

There is not a Member of this House who is not dealing today with families and individuals in despair because they face homelessness, having received a notice to quit. These are families and individuals who have paid their rent assiduously, sometimes with great struggle, sometimes paying exorbitant rents that amount to an extraordinarily large part of their income. They have received a notice to quit for a variety of reasons, most likely, in the market we are in, because the landlord, often an accidental landlord, feels the capital value of the property is something he or she wants to realise right now. Somebody's home is removed in one fell swoop and he or she looks around desperately for an alternative but there is none.

I do not represent a big urban area like Dublin, Cork or Galway but in my constituency office in Wexford today, we have six cases of families and individuals in that situation. I would say that is true for every Deputy in this House. These are people who never envisaged that they would be homeless. That is not them. They never saw that. Now they face a deadline and there is no alternative available. There is no property to rent but the landlord wants vacant possession and is legally entitled to it.

In the local government area, that could not happen. A tenant paying her or his rent and abiding by the tenancy agreement with the local authority has security of tenure permanently. We would not think of it any other way for local authority tenants. We give them a tenancy agreement and as long as they pay their rent and abide by the conditions of their tenancy, they can live there forever and their family can plan, grow and thrive there. We must act to protect renters in the private sector in exactly the same way. If we want a situation where we have private and public renters, why would we treat them so differently and leave people in the private rental sector in such a precarious position in terms of security of tenure?

It is ironic that we protect renters in the commercial sphere. A tenant buying a commercial property is protected. There is no issue with that. Why do we have this fixation with getting rid of a tenant in good standing who is paying the rent and living in a home? Why does such a tenant not have the same level of protection? Fundamentally underscoring Deputy Bacik's Bill and the work done by my colleague, Senator Moynihan, our spokeswoman in this area, is the intention to change the attitude to renting. There has been much talk about the European model of renting, whereby people, not only in Europe but in America and across the world, assume they can rent for generations. We have a different mindset here. We have created a false

tension between landlords and renters that need not exist. We need to ensure that people can rent unfurnished apartments, make them their own home, surround themselves with their own things and have their own pets in what will be their permanent home for as long as they want but that will only happen when we bring about the legislative changes that are underpinned in this legislation. It is only one of a suite of changes we need to make to address this crisis but it is a fundamental one to stop the ever-increasing tidal wave of homelessness that all Members are dealing with in our individual constituencies.

Deputy Eoin Ó Broin: I commend Deputy Bacik and Senator Moynihan on bringing forward the Bill. It is very good legislation and it has the enthusiastic support of Sinn Féin.

Deputy Ivana Bacik: I thank the Deputy.

Deputy Eoin Ó Broin: Before commenting on the Bill, I wish to respond to some of the comments by members of the Government yesterday and today. During a similar and related debate yesterday, the Tánaiste stated that one person's rent is another person's income and that it was important for the Government to strike a balance between the needs and rights of landlords and those of tenants, a comment echoed today by the Minister of State, Deputy Noonan. That comment betrays an appalling ignorance of the reality in the rental market. The very widespread reaction to the comments of the Tánaiste yesterday and today is evidence of that. There is no balance at all between the rights of landlords and those of tenants in the current market. That is why there has been a doubling in rent across the State in recent years. It is why very large numbers of tenants continue to be evicted on spurious grounds and why there are so many rental properties that do not meet minimum standards. As local authorities are not resourced enough, they are not equipped to conduct the appropriate level of inspections to ensure all rental tenancies meet those standards.

What was also remarkable about the remarks of the Tánaiste yesterday is that he tried to present himself as the champion of the small landlords. If I were an accidental or semi-professional landlord, I would be most critical not of any member of the Opposition, but of the repeated failure of Fianna Fáil and Fine Gael to do anything to stop the disorderly exit of accidental and semi-professional landlords from the market in the past five years. I and other members of the Opposition have been crying out for the Government to come up with a strategy to tackle that problem but the former Ministers responsible for housing, Deputy Coveney and Eoghan Murphy, and the current Minister, Deputy Darragh O'Brien, have all just sat on their hands. The only landlords this Government is really interested in and on the side of are the large institutional landlords. If it is seriously suggesting that the rent of a tenant in such a property should be made equivalent to the income of those institutional landlords who do not even pay any tax in the State in most cases, that speaks absolute volumes.

What do we need? What does the Bill seek to do and what does the Opposition continue to call for? We want a stable private rental sector. We want a private rental sector where tenants have security, affordability and proper standards and where landlords can make a reasonable return for the service they provide. That is what everybody on this side of the Chamber has been calling for since *Rebuilding Ireland* was first published but none of that is in place at present. Until the Government realises the need for the kind of fundamental reforms that many Opposition Deputies are calling for, as Deputy Bacik doing today, then this problem will continue.

As regards the Bill, the security of tenure provisions are very welcome, particularly the provision ending the use of sale of the property as a grounds for a notice to quit. If I were to

encourage Deputy Bacik to go one step further, all I would say is that although section 11 is good, 24% of notices to quit are currently grounded on use by a family member and the fact that this ground is not removed completely by the Bill gives me a concern that landlords who today might use vacant possession on sale to justify a notice to quit could in the future try to use what is provided for in the Bill. We may discuss that further if the Government ever allows us to get the Bill to Committee Stage.

Deputy Ivana Bacik: Absolutely.

Deputy Eoin Ó Broin: However, the proposition the Deputy has made is sound. It is really positive that the Bill deals with issues of adequacy and standards. Deputy Bacik is absolutely right to reference the report by the Irish Human Rights and Equality Commission and the Economic and Social Research Institute, ESRI, on housing adequacy and particularly looking at the groups of people systemically disadvantaged as a result of both poor access to housing and of the very poor standard of housing when they do access it. I and other Opposition Deputies have called for a Dáil debate on that report and I hope that gets the support of the Business Committee tomorrow.

Crucially, there is the issue of affordability. Nothing in what the Government has done with its five items of legislation has improved affordability. In fact, most of those five Bills that the Minister of State mentioned actually stripped tenants of the Covid-19 protections that the former Minister, Eoghan Murphy, put in place. Tenants are in as precarious a position now as they were in pre-Covid times and, with inflation continuing to rise, have no greater protection under the rent pressure zones than when those zones were originally conceived.

The final comment I wish to make is on the issue of landlords leaving the market. We have lost more than 20,000 rental tenancies in the past four years. That is a direct result of Government policy and it is also driving family homelessness, as Deputies Howlin and Bacik mentioned, with 50% of notices to quit being on those grounds. We need a strategy. Many Deputies have ideas on how to deal with that and stop that disorderly exit but until the Government decides it is going to do something about it, that exit is going to continue. What is the consequence of Fianna Fáil, Fine Gael and the Green Party housing policy for the rental sector now? It is rising rents and falling supply. Until the Government listens to the Opposition, that will continue.

Deputy Pa Daly: I wish to register my support for the Bill and commend the Labour Party on bringing it forward. On the ground in County Kerry, there has been a crisis in housing going back to 2011 when the decisions were made to stop building social housing and to abolish town councils, which exacerbated a difficult situation. I welcome in particular the provisions of the Bill relating to security and standards. It is a sound Bill overall and it is worthy of support.

Tenants and renters in County Kerry have experienced a significant degree of vulnerability in recent years. Every week or two, I meet people whose rent has been increased. They are put into panic because they anticipate that they will get a notice or they have received a notice, although, in fairness, the notice is usually in compliance with the standards as outlined. However if one is, like a man I met during the week, a separated man of 72 years of age looking for a place to live, maybe for the rest of one's days, and one has received a notice, it can make one's life come crumbling down. In 2020, Kerry experienced the largest rent increases in the country for that calendar year. According to the latest Daft.ie report, a 16.5% year-on-year increase occurred in the second quarter of this year. Rather than deflating the market, Covid-19

has stoked it.

This has not been helped by the Government's recent plan, which has seen rents increase as the Minister's plan lacks credibility. A chronic shortage of housing, combined with a large number of second homes and holiday homes, particularly in County Kerry, has given rise to this situation. The market is pitched heavily towards landlords and there is a need to rebalance and address that discrepancy through the law. The Bill will tighten the grounds for evicting current tenants under the exemptions offered for family members. In reality, this has been shoddily enforced. Major institutional landlords have used it, farcically listing their own company name as being in need of a property for a relative. For those reasons alone, I support the Bill.

Deputy Violet-Anne Wynne: In broad terms, I too stand in firm support of the provisions of the Bill which intends to rectify the power imbalance between renters and landlords that plagues the private rental sector, where acute pressure exists. The sector increased by 109% between 2002 and 2016, accounting for almost one fifth of households. Pressures in the sector are driven by rising demand, a lack of supply and the high cost that indebted landlords face in servicing their loans. Security of tenure and rent certainty are principles that my party advocates for very strongly. It has done so for decades. Sinn Féin brought forward two Bills similar to Deputy Bacik's Bill during the previous Dáil, calling for a host of protections for renters and seeking to legislate for the break they clearly deserve.

The Bill proposes a range of amendments, including to extend rent pressure zones across the country, but that is too little, too late, as we are already in the situation where individual earnings have not risen in line with the 8.9% national average of rent inflation in the past year. We in Sinn Féin would alternatively enforce a ban on rent increases, which is different from a rent freeze as it allows rent to decrease. In terms of safeguarding against evictions, I was informed by Threshold advocates in Galway, for example, that almost half of the termination of tenancy notices they investigated in 2020 were illegitimate. Sinn Féin believes the Bill could go further and provide more definitive protection for renters. We would remove the use of a family member as a ground for eviction altogether, for example.

I support the Bill, but excuse me for having doubts. In Clare, for example, renters are particularly exposed. Rents have increased by approximately 15% over the past year. The fact that the private rental market is dysfunctional has much to do with limited supply. Limited supply is directly related to the over-reliance on HAP and RAS social housing supports, which are often not long-term in nature and distort the actual social housing needs of the population. In Clare, there appears to be a conveyor belt of people threatened with homelessness. Yes, there is progress with families and people successfully stepping down from emergency accommodation, but there are always more entering. It is a constant cycle, and evidence of a deeply broken housing sector.

There are suitable sustainable solutions. Our party supports increased investment in and development of cost-rental units at scale, which is an approach given scant attention by the Government because it would destabilise the landlord class. This Bill will be helpful but may not deliver the radical system change that is necessary.

Deputy Ruairí Ó Murchú: I thank Deputy Bacik for bringing this legislative measure forward. We are dealing with "renovictions". In that context, protections are needed for people who are losing their tenancies. I agree that the accidental landlords require a professionalising of the system so they are also protected where there are cases of good landlords and tenants

with extra difficulties, etc. We also need to consider extra supports for the councils to deal with such situations.

Rent pressure zones have not worked. Linking rents to inflation as inflation goes from 3% and up is not going to cut the mustard. I am fed up talking in this House about rents in Dundalk, with people being very lucky to be able to get rent of €1,000 and others having to pay up to €1,800 per month. That is absolutely ridiculous and unsustainable. It is not going to be resolved until the supply issue is dealt with. It is as simple as that.

I am going to pursue something with the Minister of State and I expect him and his Department to revert to me on it. I am hearing about difficulties in Louth County Council that relate not only to income thresholds in respect of the housing list that need to be reviewed and increased but also the change in how assessments are dealt with, which is creating a greater level of difficulty for those carrying out the assessments and resulting in a huge number of people failing who previously would not. I will come back to the Minister of State with details in that regard. It is an absolute disaster. It is part of the poverty trap that we need to address if we are serious in any way.

Louth County Council has a massive amount of old stock. Dundalk has very old stock. We need a huge amount of money. There is insufficient money to deal with a proper programme of maintenance, particularly for windows and doors. The retrofit programme is welcome, but we are talking about less than 40 houses this year. Unless this is going to be ramped up over the next number of years, it will not cut the mustard. This is absolutely necessary.

I also refer to the planning process. We are dealing with the development plan at present and we must have a system that works. We need the Office of the Planning Regulator, the council and the Department to have real conversations and to deliver solutions that will provide supply. That is also accepting that the Government must step up to the mark. We need delivery of affordable housing, council housing, affordable mortgages and affordable rental.

Deputy Donnchadh Ó Laoghaire: It is a particularly grim time to be a renter in Cork or elsewhere. I do not believe there has ever been a good time to be a renter. Historically, the protections available to renters in this State have been very poor compared with those in other jurisdictions. This legislation, which I welcome, would go some distance towards rectifying that. However, the inequality that exists between the tenant and the owner of the property is profound. I will outline the situation in which people find themselves. Like other Deputies, I talk to many individuals, particularly young people, who are in rented accommodation. The choices they face are heartbreaking and, frankly, many of them find them very depressing. Effectively, many of them have a choice between living independently and being able to put together money to get a permanent home. That is the choice they face, especially when there is a situation in which one's rent and ability to pay the rent cannot be taken into account for a mortgage.

Rents in Cork city are now an average of almost €1,600 per month. Two years ago, they were approximately €1,400. It is not that long ago that they were €1,100. The figure is skyrocketing. It is out of control. Many individuals and families are at the pin of their collars. In addition, it is very difficult to find anything and there are queues when a house becomes available to view. There was a report last week on the challenges single parents have when they are competing for rental properties. It is completely dysfunctional and is causing profound hardship. Supply is the key part of resolving this and it must be ramped up urgently. Additional

protections must also be provided.

I wish to raise a final point with the Minister of State. I have raised this with him previously. It relates to the new circular. It is causing serious problems. I also wish to flag the Carrigaline loophole. I have raised this matter with numerous Ministers. There are three areas in the country where, due to boundary extensions, the rent pressure zones cannot be extended to places where the rents are increasing way beyond the levels necessary. Due to redrawing, that is not taken into account and cannot be captured. That must be fixed.

Deputy Johnny Mythen: I thank Deputy Bacik and her colleagues for bringing forward this Bill and for the opportunity to discuss its provisions and the scandal of the rental crisis in our country. With the Covid-19 restrictions on evictions lifted and protection measures gone, we are seeing major fallout. People come to my constituency office in County Wexford every week who are facing desolation and homelessness because of higher rents and the complete lack of social and affordable housing. Young, hard-working families are paying through the nose for rents. The cost of living has increased and inflation is heading in the highest direction for years. With the addition of the highest childcare costs in Europe, there is a complete no-hope scenario for rent security or ever having the aspiration of owning a home. Due to the massive shift to working from home, more people are moving away from big urban areas in order to rent or buy in places such as County Wexford. This drive in demand will see a corresponding increase in prices.

The rental crisis must be tackled head-on. We welcome this Bill, which would increase rent security and remove unfair restrictions. The Government's failure to get a handle on the situation means that thousands of young people are financially trapped in a property fishbowl, with no way out. The latest Daft report for the second quarter of this year showed County Wexford with an astonishing 13% year-on-year average rental price increase. This is affecting young people too. Students who cannot rely on good quality transport in the county are forced to attempt to enter the Dublin rental market to go to college. Many families simply cannot afford it, and it is causing untold stress.

As my colleagues stated, we will support the Bill. However, Sinn Féin would also like to see a ban on rent increases for three years, as provided for in two Bills we introduced during the final Dáil term of 2020 and in July 2021. This is different from a rent freeze as it allows for rents to decrease as well. We would also go further in terms of the grounds for evictions. While we support the removal of the sale of property as a ground for eviction, and we introduced the family homelessness Bill to deal with this during the last Dáil term, we would go further and remove the use of the family member ground entirely. This generation of hard-working families and young people deserve a fighting chance, which consecutive Governments have denied to them. I commend the Labour Party on bringing this Bill forward. I hope it will help to address some of the issues.

Deputy Martin Browne: Sinn Féin will support the Bill. We thank the Labour Party and Deputy Bacik for bringing it forward. However, we believe it could go further in a number of ways given the crisis situation in which people now find themselves. We are living with the consequences of the failure Fianna Fáil and Fine Gael led Governments to put citizens' welfare above that of vested interests. Imagine finding oneself in a situation where one is told that the house in which one lives is to be sold and that one's family will then have to enter a rental market with a massive shortage of supply. This is the reality for many families in County Tipperary, where rental costs have increased year on year by 12.7%, with a related reduction in the number

of available properties.

Local authority housing is of limited use as the shortage in County Tipperary is reflected in many other constituencies. Tipperary County Council's 2020 annual report put the social housing need at 3,481, with 1,868 of those in receipt of the housing assistance payment. In other words, the private rental sector, which problematically is relied on to make up for the shortfall in local authority housing, is falling through. However, even if more local authority housing was available, HAP income limits are out of date. All of these factors are forcing families to live in overcrowded family homes or to rely on friends with a spare room.

11 o'clock

I am aware of people having to move back in with former partners and spouses, which is no good for them or their children's well-being. Those who cannot get help are faced with accepting unsuitable or substandard accommodation, or worse, finding themselves with nowhere to go. Unfortunately, there is nothing that the local authority can do until the family are in fact homeless. These are the consequences of evictions right now. There are just too many families who contact me in a state of panic because their tenancy has been terminated through no fault of their own and are faced with a rental market that does not have the capacity.

Whatever capacity there is too expensive. That is why I want to give specific mention as to how this Bill deals with grounds for eviction. I welcome the proposal to remove the sale of properties as an acceptable reason for evictions. This is something that Sinn Féin introduced legislation to deal with in the previous Dáil term with our Homeless Prevention Bill.

Sinn Féin also wants to see a ban on rent increases for three years as this Bill proposes. This was also outlined in two Bills we introduced in the previous Dáil term. The difference is that Sinn Féin's Bills provided for more than just a rent freeze as it allowed for rents to also go down. This Bill contains many elements and Sinn Féin will support it although a number of parts of it that could go further. The policies of Fianna Fáil and Fine Gael over the years have damaged this country. Just ask all those families who have nowhere to call home or who are afraid they will not.

Deputy Cian O'Callaghan: First, I thank Deputy Bacik for bringing forward this Bill. The Social Democrats will support this Bill's passage to Committee Stage as there are many positive measures in the Bill. That is, of course, if the Government majority on the committee actually allow time for this to be scrutinised on Committee Stage. No time to date has been allocated and given to Opposition or Government backbencher Bills on Committee Stage yet. It is welcome that the Government is letting these Bills go forward to the Committee on Housing, Local Government and Heritage but if the majority on the committee do not allocate time we will not be able to get to this Bill and we need to get to it.

There are a number of weaknesses in the Bill to which I would like to table amendments on Committee Stage and I hope the Labour Party and Deputy Bacik would support those at that time. There are a few points that are missing in the Bill which could be dealt in other legislation but which could also be dealt with in this Bill and I want to draw attention to those.

The Minister of State in his comments referred to rent controls and the need for them to be effective. The current rent controls link to inflation, which is now running at 3% and could well go to 4%, which means these are not effective measures when we have the highest rents in Europe in this capital city, as well as some of the highest in the country. We saw yesterday,

with the Tánaiste's comments, where he really reveals that he does not understand. He understands the pressure that some landlords are under but does not seem to understand the pressure that tenants are under. This is not an equal situation, which is not to dismiss the pressures that some landlords are under. Tenants are worried about losing their home, about being evicted and about becoming homeless. Some tenants, who are paying 50% to 60% and even more of their income on rent are worried about how they could possibly afford a further rent increase. It is not the same situation that tenants are in. Yes, we have to be mindful of the pressures that all are under but there is a very significant power imbalance in this regard and Deputy Bacik was right to mention that power imbalance between tenants and landlords.

Let us be clear about this Bill on one particular point. This Bill, despite what the proposers say, will not remove all grounds for no-fault evictions. It will remove some of them and that is welcome and I support that but it does not remove no-fault evictions.

What is a no-fault eviction? If we got rid of no-fault evictions, that would mean that someone who is renting and is paying their rent, is in compliance with their tenancy agreement, could not be evicted. This Bill falls significantly short of doing that and I will be tabling amendments on Committee Stage to improve and strengthen it in that regard.

The renters need security of tenure and protection against rent increases, evictions and about their deposits. Losing one's deposit may make getting another tenancy very difficult for people who cannot afford another deposit and puts them at risk of homelessness. Rents have almost doubled over the past decade, have become unaffordable and an entire generation is trapped in renting. Many of these renters would like to be able to buy their own home.

The security of tenure provisions in this Bill are particularly important because when someone is renting, as others have said, this is their home and it is not simply a rental property, an income, or where they get their pension or a return from, which is what it may be for a landlord. For the person living there it is their home. It is where they make friends with their neighbours, settle in to a community, and where their kids go to school and get involved in the GAA club. When they get evicted and sometimes have to move out of their communities, they have to start everything from scratch again. They may have had a child, as I said before, who has had a difficulty settling in to school, such as with a learning difficulty which has been worked through with the teachers and the schools to get the resources and supports in place. They can be uprooted from all of that when they are evicted. We have to recognise when people are renting that this is their home. The Bill does not go far enough in terms of creating that balance.

For example, it is good that the tenancies of indefinite duration would be brought in, as the Government have also committed to. It is good that the sale of properties as grounds for eviction will be removed. But there are not sufficient measures in section 10 in respect of refurbishing the property. They are insufficient and I have significant concerns about these as they are too weak and are potentially open to abuse and fundamentally do not recognise that this is the tenant's home and that they should have a say as to any measures or renovations. They should definitely have a say if it means that they are potentially going to be evicted from their home. There have been a significant number of evictions using these grounds spuriously. That power imbalance between tenants and landlords should not be open to abuse.

I am also concerned about section 11 of this Bill in respect of an eviction being used to make way for a family member of the landlord. It is welcome that the measures proposed here are an improvement and they narrow the grounds for that but it still leaves this open to abuse and

still does not recognise that this is the tenant's home. This could be somewhere that the tenant is renting for years and where they celebrate their birthdays and family events. Leaving in grounds that landlord representatives fought for to get into the Bill 20 years ago, albeit reduced, does not create the kind of power balance that we need between landlords and tenants or introduce a removal of all no-fault evictions, which is what we have in place in most other northern European countries and what we should have here.

I want to mention two things that could be dealt with in this Bill that are not. There is a need for a deposit protection scheme. There is legislation already in place since 2015 to allow for that but it has not been implemented and should be. The latest figures from the Residential Tenancies Board show that 27% of disputes and complaints are around deposits and yet since 2015 we have had legislation for that but the Government has not implemented it, nor had the previous Government, or indeed had the Government before that either. It is all well and good having the legislation on the books but we need implementation of it.

Another area that is missing from this Bill is in respect of no evictions into homelessness, which is a very important part for renters. This should be in this Bill and in anything when we are talking about renters. There should not be a situation where people can be evicted into homelessness. That requires the State to step up more to provide supports and alternatives to evictions into homelessness but renters should be able to expect, at a minimum, that they will not be evicted into homelessness.

The measures in respect of pets in the Bill are important and are serious. I know that people who do not have pets may not realise the importance of those. I am concerned again that the wording in the Bill is not strong enough on this. There should not be any grounds or possibilities for blanket bans on pets. There are, of course, issues in respect of pets and they need regulation. There can be issues around noise and barking dogs and so forth, but there should not be blanket bans on pets.

I welcome this Bill and support it going on to Committee Stage. The Social Democrat will be tabling a number of amendments on which we will be looking for support on Committee Stage to strengthen the Bill.

Deputy Mick Barry: Who was it who said, "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"? Was it, "A", the Irish Property Owners Association, "B", Margaret Thatcher, "C", Micheál Martin or "D", Attila the Hun? Who wants to be a millionaire? A lot of landlords. The answer to the question is "C". It was the Taoiseach yesterday putting an investment by a landlord ahead of the right of a tenant to a home. This is not a level playing field. There are huge power imbalances. When the Taoiseach says he is balancing rights, he is clearly coming down on the side of landlords and why would he not do so? That is the class represented by Fianna Fáil and Fine Gael and are there not enough of them in the ranks of their parliamentary parties?

The maximum rent increase had been set at 4% in the rent pressure zones. The Minister decided to change that so he scrapped the 4% and said the maximum increase would be the rate of inflation. He said this at precisely the time when the rate of inflation was beginning to take off on a gallop. It has increased for ten consecutive months - something that has not happened since 2007 - and stands at 2.8%, which is the highest rate since November 2011. In fact, it is conceivable that inflation will go above 4%, perhaps before the end of the year, so in an act of incredible incompetence, the Minister would have set the maximum rate at a higher rate than it

was before in the middle of a rent crisis and the greatest housing crisis in the history of the State. This is unbelievable stuff from the Minister.

The Taoiseach rides in to defend the Minister and says “the inflation increase is only temporary; the European Central Bank says it is only temporary.” It does but there are others who say that it may not be so temporary. For example, Deutsche Bank describes rising inflation as a global time bomb. Many other capable economists and commentators reckon that this may not be a temporary phenomenon. Time will tell but it is not the point. The point is that, at a bare minimum, and I will make a point about this in a moment, rents need to be frozen. We will support this Bill but in many respects, it does not go far enough. A one-year rent freeze is extremely weak from the Labour Party. Most-----

Deputy Ivana Bacik: We are calling for a three-year rent freeze.

Deputy Mick Barry: It is calling for three years. Is it not for one year and by the inflation rate thereafter?

Deputy Ivana Bacik: No.

Deputy Mick Barry: In that case, I stand corrected. A rent freeze would need to take place over a number of years, at the very least. The debate does not need to be about rents that rise at the rate of inflation or a rent freeze when a rent freeze is a no-brainer as a minimum policy. Regarding where the debate is, we saw how the Labour Party took a fair bit of flak from renters on its social media pages yesterday. They said a rent freeze does not go far enough. A rent freeze is not good enough. What we need are rent cuts. Rents are 20% above what they were before the crisis so the discussion must be about whether we implement a rent freeze or go beyond that with rent cuts. The case for rent cuts is powerful.

Deputy Michael Collins: This Bill supports tenants and I give a cautious welcome to that because many tenants are in difficult circumstances. I notice this from week to week in my office when people come in who have been evicted from their homes and have very little recourse. If this Bill helps in some way, I will support it but we must also have respect with regard to landlords. I do not mean those who have 50 or 100 houses. I am often contacted by landlords who have a couple of houses and but find it very difficult to survive given the way many laws are being administered. They have asked me to take that into account when I speak in the Dáil because maybe they feel I speak against them. Most times, I probably do but I certainly want to take their viewpoints on board as well. If we strengthen the laws for tenants, we are beginning to squeeze landlords out of business in many ways. We must be very careful about where we are going with more and more difficult and extreme laws regarding supporting tenants. While the tenant is being made worse off in this situation, and I have seen it in many situations, I would certainly not close my eyes to how the person who owns the property has to survive as well.

This all comes back to the fact that we have a dire problem in housing. I spoke about that at length last night. Many people are caught in a trap. They might have a small wage and cannot get a mortgage to buy a house. Many young people trying to get planning permission in their local community are being refused. This is forcing people into social housing or housing through HAP, which is crazy. It is not something the State can continue to absorb without something bursting.

I am very strong on the issue of planning permission, which is almost a no-go in my constituency of Cork South-West. I call on the mayors of Cork county and Cork city, who are both

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Fianna Fáil members, to sit down with the Minister - I would be happy to sit down at the table - and forge a realistic way forward. Young people trying to get a start in life are finding it almost impossible to get planning permission. People who do not need any social housing supports are being refused planning permission for the silliest and most nonsensical reasons. At the end of the day, both mayors will have to stand over this process at the end of the year and say whether they have done something about it. One of the them has spoken to me about it and is interested in making some kind of move. In fairness, I appreciate that work.

Deputy Danny Healy-Rae: I thank the Labour Party. While I do not agree with parts of what it is proposing, I appreciate anyone trying to do anything about housing. I thank the Minister for all the work he has done but I must tell him that there is more to be done to get this off the ground.

Regarding what is being proposed, it would not be fair to stop landlords from selling their houses. Surely if they own a house, they have the right to sell it or give it to a family member if that person comes of a certain age and wants a house to live in once tenants are given proper notice. However, I also see the side that is very hurtful. It is hard when tenants are told to quit, possibly after a number of years in the property, and they are not even on the housing list. They did not think of doing that. It takes ten or 12 years to get a council house if someone is on the housing list in Killarney and rents are very high. The Government must do something in this area as well because most landlords are paying tax at 51%. When rents are going up and the Government's take is more, why does it not see fit to reduce the tax rate and spread it between the tenant and the landlord? This would be better business. The Government is saying nothing. It is taking 51% in tax while the cost of rent is outrageous.

I have spoken about the tenant purchase scheme for a long time. Between 2011 and 2017, a complete stop was put to people buying council houses. A number of people who have reached pension age are not allowed to purchase their house after possibly renting for 37 or 40 years. I know a family that is very hurt by this. There are many others. Regarding council houses built since 2015, I hear the Government. Yesterday, the Tánaiste said the Government supported the idea of everyone, or as many people as possible, owning their own homes. However, local authorities are not allowed to sell a house built after 2015 to tenants. Any house built by a local authority after 2015 cannot be purchased by a tenant. When we size up and examine closely the new Bill introduced by the Minister, Deputy Darragh O'Brien, it looks like a lot will depend on the private sector building houses, whether developers or small builders. It is impossible for many of them to build like they used to because of the VAT rates, taxes and levies that have to be paid and the rules and regulations. Small builders are being affected whereby they can no longer get stage payments. They must carry the whole cost of building a house until it is completely finished and the key is being turned in the door. This is very hard on some builders. It is putting small builders out of business.

Why not give money to the local authorities to build rural cottages where applicants have their own sites? Kerry County Council tells me that where a house has fallen into disrepair, there is a system of taking out a demountable home. This was cited by the late Gerry Collins and his team. A demountable home can be put in place within a few days and means people no longer have to be in a house with no roof, which is leaking, where things have got very bad or where there is vermin. The local authority now says it has no money for this system. Will the Minister speak to Kerry County Council about this? It is a very serious issue. Demountable homes cannot be provided to people in such a situation and who will not leave the land or place they were born. At present, the local authority may allocate them a house in the local village but

they will not leave the place they were born and reared. Will the Minister look at this?

Deputy Thomas Pringle: I am grateful for the opportunity to speak on the Residential Tenancies (Tenants' Rights) Bill. I support the Bill in its attempt to address some of the issues facing renters today, particularly in its effort to address the key areas of security of tenure, rents, deposits and quality of accommodation. These are very important issues that are in urgent need of addressing. The Government cannot go on burying its head in the sand and pretending these problems no longer exist. The Bill does a good job in addressing some of these important issues. However, I believe there are some areas that could be looked at further.

While I welcome and support the fact that the Bill addresses security of tenure, in that it would restrict the circumstances in which a landlord can terminate a tenancy, I believe there is scope to provide a mechanism whereby the grounds for evictions are removed with a mediation process in place. This would allow for assistance in cases of arrears that looks to help landlords with management and recovery while avoiding evictions. I believe this would benefit landlords and tenants.

It is vital that in a country such as Ireland, where increasing numbers of families are renters, quality of life be taken into legislative consideration. I commend the Bill as it takes this into account. One of the most distressing things a public representative faces is meeting families who have been evicted through the so-called sale of houses. Trying to get accommodation sorted for families in the current climate is impossible. While there may have been a time when renting was the domain of students and transient workers, this is no longer the reality. The pandemic had forced us all to spend more time than ever in our homes and the importance of quality of life within the home has been highlighted. We need to pull current rental rules into the 21st century and give our renters the quality of life they deserve.

I do not think anyone in the Chamber would disagree that this country is experiencing a huge rental crisis. We need only to have looked outside last week to see just how many this housing crisis is affecting. In my constituency of Donegal, I have been contacted by many students, excited to begin or to return to college, who are unable to secure any type of accommodation and are being forced to reconsider their college places. This should never be the case and we should all feel ashamed that we have forced our youth into this situation.

There is an urgent need for cost-rental homes. There are upwards of 300,000 rental homes in Ireland. Housing For All, which the Government likes to pretend does something real and substantial in addressing this issue, has provided for only 2,000 cost-rental homes. The Government likes to accuse the Opposition of criticising without offering any solution. I would like to offer a solution in the Vienna model, which is internationally utilised and provides a well-endorsed and successful working model for cost rental. This model would provide State-owned accommodation that functions to deliver affordable rental accommodation for low to middle income households. It would also assist in suppressing rent inflation. It operates in a way that reinvests any surplus money from rents in the system, in comparison with the proposed model under Housing for All which only leaves room for developers to profit. We need far more cost-rental units than the measly 2,000 the Government has suggested and they need to operate on a not-for-profit basis.

In order to further address these issues effectively, we need to empower our local authorities to oversee the planning, acquisition, registration, inspection and certification process of builds. If we did this, there would not be a need for the Land Development Agency. The Building

Control Act is a hybrid of private and public that has allowed issues such as we currently see in Donegal and Mayo with mica to arise. It is not enough that the Government provides 100% redress to those affected by deleterious materials in concrete blocks. There is scope and opportunity to empower local authorities properly to provide new and improved mechanisms to ensure homeowners are protected. We would not even need new and improved mechanisms if we just enforced the law that is already in place. It is sad that we do not have enforcement to ensure blocks are manufactured to the proper standards. We have a self-certification system in Ireland that just does not work. I believe it was designed not to work to facilitate the manufacturers and the Construction Industry Federation to make massive profits, as they have done. We see that homeowners are being left to carry the can and this is wrong. This is something the Government should consider if it is serious about not only addressing the mica issue but ensuring that this does not happen again, which is vital.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank Deputy Bacik for introducing the Private Members' Bill. It is her first Bill since she was elected in the by-election and I congratulate her on it. I thank her for bringing it forward. It gives me an opportunity to reflect on a number of the issues that have been touched on during this morning's debate.

Everyone can agree there is a need to ensure the residential sector is an attractive option for tenants and landlords. We need a sustainable and adequate supply of homes to rent to meet current and future demand. We need those rents to be at an affordable level. Tenants who are renting need to have certainty that as long as they pay their rent and meet their obligations, they will be able to stay comfortably in the property they are renting. Equally, landlords must have confidence in the long-term viability of their investment and that the rental income will be sufficient to cover their expenses over time. I remind colleagues, and I know Deputy Bacik is aware of this, that approximately 86% of landlords are individual mom and pop landlords who own one or two properties. They are the group on which I will particularly focus in my remarks.

As the Minister of State, Deputy Noonan, outlined earlier, any legal change to be introduced cannot risk weakening stability and confidence in the rental sector. No new law should intentionally or inadvertently undermine the economic viability of providing rental accommodation or negatively impact on the existing and future supply of rental units. There are knock-on effects to the wider economy to consider also. We absolutely need rents to be affordable. We also need them to be viable. Any new measure should be fair. Any new measure must be capable of withstanding legal challenge, including constitutional challenge.

With regard to supply we can all accept there are acute pressures in the rental market at present. These are driven by a number of factors but predominantly by the rise in demand for rental accommodation as we come out the other side of the pandemic and a constrained supply exacerbated further by two construction shutdowns over the past couple of years caused by the pandemic. We all know that these factors have led to significant rental price inflation over recent years. However, the long-term solution for the high levels of rent lies in increasing supply, as well as providing transparency and consistency around rent levels.

In this regard, Members know that in July I introduced, and saw enacted, the Residential Tenancies (No. 2) Bill 2021, the purpose of which is to better protect tenants with affordability challenges by extending the rent pressure zones until the end of 2024, prohibiting any rent increase in those zones from exceeding general inflation as recorded by the harmonised index of consumer prices. This measure significantly reduces the level of permissible rent increases for

approximately three quarters of all tenancies that are in rent pressure zones. In addition, until 2025, rent reviews outside the zones can occur no more frequently than biannually. They may occur on an annual basis within the rent pressure zones.

The harmonised index of consumer prices averaged approximately 0.73% over the past three years, although I am acutely aware that as our economy recovers and people return to work after the pandemic, inflation has begun to rise. When I introduced the legislation in an expeditious manner last July in order to deal with the 8% issue, I acknowledged that inflation was rising and stated that I would keep the need for an overall cap under review. That is what I have done and I have already asked my officials to re-examine the rent control provisions with a view to introducing an overall cap so rents in rent pressure zones can only go up, if necessary, in line with general inflation to a maximum cap. That is something we are working on but I wanted to move quickly in July to deal with the matter. I said at the time that we would be bringing forward a more comprehensive residential tenancies Bill, which I will allude to further in my response.

One of the cornerstones of Housing for All is the introduction of the new form of tenure, cost-rental. Between now and 2030, we intend to deliver at least 18,000 - and not 2,000 - cost-rental homes. That means the tenants would pay the cost of delivering, maintaining and managing the homes only. We did not wait for the plan to be launched. The first 25 cost-rental homes have been delivered and tenanted at Taylor Hill in Balbriggan, in a scheme managed by Clúid. Some of these homes have been delivered at a 50% reduction on the open market rates. At Enniskerry Road in Stepside, there are another 50 apartments with average monthly rents of €1,200. It is a start on a new tenure of housing. It is a model that stands very well in comparison with Vienna and in many instances it is a better model than the much talked about Vienna model. We must build this at scale to make a real difference across the rental market. The more cost-rental units out there that people can fill, the more effect there will be in reducing rents in the private sector. Cost-rental is a game changer. It is the start of a new rental system, with fair rent and certainty for tenants.

I will address a couple of specific items in the Bill brought forward by Deputy Bacik and her colleagues in Labour. On the model tenancy agreement, section 152 of the Residential Tenancies Act already provides that in the development and publication of guidelines for good practice for those involved in the rental sector, the Residential Tenancies Board can include a precedent for a model lease of a dwelling. The Residential Tenancies Board is examining the feasibility of developing a standard lease for the sector and the requisite legal provision is already in place for it to do so. I would like to see that done. We will work through this Bill with scrutiny and that could provide a further impetus for it to happen. It should happen.

On the question of expanding the definition of a landlord, I recognise that the appointment of a receiver to a dwelling may cause and has caused real difficulty and distress for tenants. It is critical the rights of tenants are protected. Going back to our time in the Seanad, I remember a former Minister with responsibility for justice telling us that measures would be brought forward in this regard. That was not today or yesterday. This must be done. Under section 5 of the strategy for the rental sector, my Department established a working group with the Departments of Justice and Enterprise, Trade and Employment to examine the scope for amending legal provision. I want to see that done and I intend to address this matter in the upcoming housing and residential tenancies Bill, which we will see later this year. It is useful that this aspect of the Bill brought forward by Deputy Bacik can feed into the pre-legislative process for the housing and residential tenancies Bill. It is something I have stated before should be done.

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On the question of deposits, the Deputy is aware that in one of the five items of tenancies legislation I have brought forward, section 7 of the Residential Tenancies (No. 2) Act 2021 inserted a new section applying to tenancies created on or after 9 August this year. A new restriction is in place for the total amount that a tenant is required to pay a landlord by way of a deposit or advance rent payment to secure a tenancy. It should be equivalent to no more than two months' rent. It comprises one month up front and one month of a deposit. That applies to students and all renters. There was a Bill from the Opposition that dealt with this matter and we made improvements to ensure the provisions would apply not just to student renters but to all renters. That legislation is now in place.

There is a section on the obligations of the landlord and this is something we must work through a little more. There is the question of a definition regarding the deposit. The legal definition of a deposit could serve as a term to be circumvented by certain parties that might wish to charge key money, for example. I know this is not what the Deputies intend. More work is required in that space. There is now an understanding of what a deposit means right now. If we define it in legislation, there may be an issue with people trying to do something by using other terms, such as charging key money.

The Residential Tenancies Board considers a security deposit to be a sum of money paid by the tenant to a landlord, usually before a tenancy commences. It is still the property of the tenant and the security deposit is considered the lawful property of that tenant until the landlord establishes a right to it, whether that is unpaid rent or damage to property.

There is the question of grounds of termination by a landlord in a Part 4 tenancy. Deputies know Part 4 rights were extended from four to six years in 2016, which was welcome. In Housing for All, the strategy I published as part of this Government's policy, security of tenure will be strengthened for tenants subject to legal advice. We must do this by legislating for tenancies of indefinite duration. There is a commitment in the programme for Government, and it is reiterated in Housing for All. An upcoming Government rental Bill - either the tenancy Bill I will deal with next or the one after that - will contain work that is ongoing in the space to look to address tenancies of indefinite duration.

I take the point completely regarding the extension of rent pressure zones nationwide. That is something the Housing Agency monitors continuously. Particularly after the Covid-19 pandemic, we may see people moving to regions, leading to further increases outside the rent pressure zones. Some rates of increase are running into double digits, which we do not want to see.

We know that the rental market is dynamic and constantly changing in response to fluctuations in supply and demand. We must be careful that abrupt legal or regulatory changes do not undermine confidence in the sector or add to uncertainty for both tenants and landlords. Unintended consequences may arise in such cases. We must be careful and all be earnest in our efforts to help secure homes for our people.

I take this Bill in the spirit in which it has been tabled. It is useful legislation and we intend to progress our own rental reforms. I will bring forward a residential tenancies Bill this autumn. It would be very useful for a committee to proceed with further scrutiny of this Bill, which is why I will not oppose it. There are useful measures in it. There are others I question, although I have not had the time to go into them here. The committee might do that. I heard Deputy Howlin speaking earlier about unfurnished properties and we should look at that.

Deputy Ivana Bacik: Hear, hear.

Deputy Darragh O'Brien: There are different approaches in other jurisdictions. All these elements serve to improve the sector but all of us know that increased supply is crucial because the market is constrained. We must also continue to push the cost rental model, which I know the Labour Party supports and supported when it was last in government. I thank the Deputies for the legislation. I have tried to address as many points from the Members opposite as I could.

Deputy Aodhán Ó Ríordáin: I thank the Minister for his comments. I acknowledge the work put into the Bill by my colleagues, Deputy Bacik, and Senator Moynihan, our housing spokesperson. We appreciate that the Minister is not opposing the Bill and some of his comments reacting to the Bill are welcome. Some of the commentary made outside this House, however, has been particularly disappointing. My colleagues referred to that earlier. It just makes us all wonder where is the priority of Government. Whom in the housing market is it actually trying to protect? There is no equivalence between the danger that the renter faces and the danger that a landlord faces. I wish the Tánaiste and Taoiseach would realise this.

It is a bit like when we have the debates on low pay and workers' rights. My colleague, Deputy Nash, will conclude the debate for the Labour Party and he knows well that whenever we talk about legislation to strengthen workers' rights, somebody always asks, "What about the employer?" We end up with 23% of workers in low pay because resisting giving a worker that right inevitably leads to that worker having less stake in the economy and not having that level of dignity because the legislation always seems to fall down on the employer's side.

In response to the comments that the Tánaiste and the Taoiseach made, I say that renters could lose their home. There is no equivalence between the danger of a renter losing his or her home and a landlord losing some money. In Irish history classes as children we are taught about the Land League and the very basic rights it was seeking of fixity of tenure and fair rent. These things are not consigned to the history books. We have history lessons in here all the time from flag-wavers in different parties. They are some of the most basic foundations of the decency that we were hoping to achieve in a republic.

There is a sense that renters are some kind of failures who have not got themselves on the property market, their lives are somehow disorganised, they have not made a success of things or they are young and will probably move out at some point. We need to recalibrate and recast our collective brains around the fact that many people will rent for their entire lives.

The Tánaiste and Taoiseach saying that we need to be mindful that a landlord might lose some money out of this makes some of us in opposition wonder if they really get it and highlights where the power really is. As Deputies, we have all spoken to people in fear of losing their homes. It is a very real fear. The potential of losing one's home is a terror. That is why I am so proud that Deputy Bacik has stood by her by-election commitment to introduce legislation in this House to protect those rights. We need to collectively rebalance our priorities in this area.

We appreciate that the Minister is not opposing the Bill. Legislation can always be improved and we take that process in good faith. However, it is a commentary on those in senior positions in this Government that when it comes to the suggestion of having absolute protections for renters what jumped into their head first was the profit margins of landlords or the money that landlords might lose out on. This is an issue the entire Government needs to reflect on.

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Deputy Ged Nash: I am very proud to wrap up this debate on the first legislation that Deputy Bacik has introduced to this House as a new Member. It is grounded very much in a history of progressive legislation that she has introduced in the Oireachtas that is designed to improve the lives of the many, as this legislation does.

We know that precarious housing leads to precarious lives, a precarious economy and a precarious society. Unfortunately, we have had five wasted years on housing, five wasted years in which fewer homes have been built, five wasted years when we could have fundamentally changed the culture of housing with our hard-won return to economic prosperity, and five wasted years when we could have provided more prosperity and security for those who find themselves renting for longer than they ever would have envisaged.

As many other Deputies have recounted this morning, a day does not pass by, whether it is in my office personally, on the street, by email or on my phone, that I do not come across a case where a constituent in Louth and east Meath presents me with a notice to quit. Given the high rental cost in my area, escalating house prices and a lack of availability of decent, secure long-term accommodation, it is no exaggeration to say that for many the notice to quit is akin to receiving news of a bad diagnosis from a doctor. This devastating news instils the same kind of fear and anxiety in an individual. It is no exaggeration to say it instils panic.

In this case the Minister has the cure at his fingertips. While being critical of elements of the Housing for All package he presented recently, we want to give it a fair wind because if it succeeds, our society will succeed and Ireland will do better as a result. However, for it to succeed Deputy Bacik's Bill will need to be enacted in full. Breathing space and a cultural shift are needed for renters to allow supply to be ramped up.

Deputy Bacik's proposals are legally sound and constitutionally robust. They are also objectively fair and grounded in the experience of residents. As the Deputy outlined in her initial contribution, they are grounded in findings reported by the Irish Human Rights and Equality Commission. This trinity of rights, if I may call them that - security of tenure, addressing rental costs and improving quality of accommodation - can change the face of housing in Ireland. Who can argue with a reasonable measure that has been in place since time immemorial about security of tenure for commercial tenants? Who could argue with the principle of applying that to residential tenants? A three-year rent freeze is entirely achievable and does not conflict with the Constitution. It can be done and the Minister knows it can be done. We have done it before, we have argued for it before and we know it is sound.

Who, too, could argue with an open transparent rental register to allow individuals who wish to rent - and possibly have to rent - to find transparent information about the previous rental costs for the property they might be interested in? That is fair and reasonable. Who should be afraid of transparency?

I note that the Government will not oppose the Bill. However, that is not the same as the Government supporting the Bill, which is the difference. I appeal to the Minister to proactively support this. Even if the Government has some philosophical or practical objections to it, the Bill is rooted in a will for housing to succeed in this country. We genuinely want housing initiatives to succeed because, as I said, if they succeed, we will all succeed and our country will become fairer and better for everybody.

I ask the Minister to give these measures a fair wind. I ask him to support them. He should

not send this Bill to the place where Bills are sent to die. It is grounded in reality, in robust research and in the real-life experience of those we all represent for whom we all want to see improvements delivered. I am delighted to support the Bill. I hope it succeeds. I again congratulate my colleague, Deputy Bacik, on this very progressive initiative to support renters.

Question put and agreed to.

Sitting suspended at 11.50 a.m. and resumed at noon.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Pádraig Mac Lochlainn: I wish to raise with the Minister the comments made by An Tánaiste, Deputy Varadkar, yesterday, when he lectured the families of Donegal and the west of Ireland whose homes have been devastated by mica and pyrite. These families have campaigned long and hard for this Government to do what is fair and deliver 100% redress. The Tánaiste lectured those families, who are going through hell, about the burden that a fair and just scheme would place on taxpayers. He included a smart alec quip about it not being the Government's money. How dare he? The Tánaiste never gave such lectures to the families in Dublin and north Leinster who rightly and justly received 100% redress when their homes were severely impacted by pyrite.

The families in the west of Ireland have been treated like second-class citizens. They have been denied a fully-funded 100% redress scheme. This is completely unacceptable and leaves families who have done nothing wrong with massive bills that they cannot afford to pay. Such glib comments, attempting to turn public opinion, have a devastating impact on these families. It creates an anxiety and a fear that those leading this Government do not hear them and will not do the right thing. Minister, you have to do the right thing. We are talking about people whose homes are literally crumbling around them. These are families who worked hard, paid their taxes and saved hard to buy their homes. Now, through no fault of their own, they find themselves in a horrific situation where their houses are cracking and coming asunder around them.

The human toll of this ordeal has been heartbreaking. This has led to unbearable mental distress for families. I know families and people who have been close to emotional breakdown. These people are close to financial ruin. They say that their very lives have crumbled around them with their homes. For them, the dream has turned into a living nightmare. I live in Bunrana, the epicentre of this disaster in north Donegal. This scandal has left deep scars on our community. It is agonising to see neighbours, friends and family suffer in this way.

I do not think I have the words to convey to the Minister the trauma these families are going through, but I need him to listen to me here and now. This needs to be brought to an end. The families have made their final submission to the working group. The Minister must surely know the key asks the campaigners and families have made. The Government cannot keep standing idly by. The families demand a scheme that covers the full cost of rebuilding their homes. That is right and just. As Minister for Public Expenditure and Reform, the Minister has the power to bring incredible positive change to the lives of families who have been through this living hell. I am asking him on behalf of those families to do the right thing. Will he tell them today that the Government will deliver 100% redress?

Minister for Public Expenditure and Reform (Deputy Michael McGrath): I thank the

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Deputy for raising this issue. There is a deep appreciation within the Government of how serious this issue is and the life-changing nature of this issue for the families who are affected by mica in Donegal, Mayo and a number of other counties where the issue has now emerged. That is why the Government has put in place a process to try to bring about a resolution to this matter. I have listened to the heartfelt stories from the families who have impacted upon. I can only imagine what they are going through and the worry they are having to carry every single day. The main point I want to make is that everything is on the table. The Government has ruled out nothing in the context of what will be needed to support those families. As the Deputy is aware, a scheme is up and running, which was broadly welcomed when the details were announced in January of last year. The scheme opened for applications in June of last year and a significant number of applications have come in. However, the shortcomings of that scheme have also been highlighted. It is important to acknowledge that the scheme was put in place in good faith by the previous Government and was a genuine effort to address an issue which is so important for many thousands of families.

The work of the working group that was set up by the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, is ongoing. As the Deputy rightly stated, the families impacted have made a submission as of last Friday to that working group. Earlier in the summer there was a request by the impacted householders for the work of the working group to be extended until the end of September, and that was agreed by the Minister. That is the timeline we are working to. The working group will now consider the submission from the householders who were affected and the Minister intends to accept the report from the working group by the end of this month, which essentially is at a point next week. He will then consider that, discuss it across Government and come to a view as to what we can do quickly to support those families. I, my Department and the whole of Government stand ready to assist in every way we can.

This is an issue the Minister for Agriculture, Food and the Marine, Deputy McConalogue, has raised on many occasions at Cabinet and the Deputies from within the Government parties from the affected counties have been raising it consistently as well. I acknowledge that Deputy Mac Lochlainn and his colleagues have done the same. We are all on the same side here. We want to get an outcome that works for the householders who have been affected. To date, there has been an exemption for them from the local property tax, which is a very small measure, but it is an important symbol and a statement of support from the Government. Last night in the House, the Minister for Finance, Deputy Donohoe, gave a commitment that he will take up the issue with the banks to see what role they can play in supporting an overall resolution to this problem. Issues such as rent, storage costs and so on, which have been raised by all the families, are all on the table. We have a process in place. We are not standing idly by. We are committed to working with the impacted householders to address this. Of course, we need to have checks and balances and certain controls in place. I do not believe people should be passing judgment in advance as to the nature of those before hearing what the Government has to say. We have to come to a considered view once we have all the information on the table. I expect we will have that very shortly. We look forward to bringing forward a proposal that I expect will represent a significant enhancement of and improvement to the existing scheme for the impacted householders.

Deputy Pádraig Mac Lochlainn: Last night, the families presented their submission to Deputies and Senators across the country. They have clearly demonstrated the solutions that will be required to turn around so many people's lives. Those families should not have had to

do all that work. Families should not have to protest or bare their hearts and souls and take journalists from up and down the country to their homes. None of that should have been required. I hope the Tánaiste will take back what he said yesterday because it was completely wrong. The Minister for Agriculture, Food and the Marine is from Inishowen, which is also at the epicentre of this. He is a Fianna Fáil Minister, as are the Ministers for Public Expenditure and Reform, and Housing, Local Government and Heritage and, of course, the Taoiseach, Deputy Micheál Martin. Collectively, they have the power to change what has been a nightmare into a moment of great hope in the weeks ahead. I appeal to the Minister to fully endorse that submission and deliver the change our families need along the west of Ireland.

Deputy Michael McGrath: I wish to reiterate that we are attaching the appropriate level of importance to this. We recognise the devastating consequences of living with mica, which too many families are experiencing at this time. This working group is chaired by the Secretary General of the Department of Housing, Local Government and Heritage. Once we have a completed working group report, my officials and I will stand ready to engage intensively to bring about a Government statement and decision, with the support of the Cabinet, on the next steps. This should not be a political football. We all want to support the families who have been impacted. The Deputy gave a broad welcome to the current scheme that was put in place at the beginning of last year. His party did not mention mica in its manifesto in the general election last year. Let us be straight and work together to bring about a resolution for the people we represent. That is what this Government is focused on. I believe the Deputy would expect us to make sure we have a full handle on the overall picture and to make a proper assessment of what exactly is at play. That work is being done and I expect to have the report next week. The Government will then act decisively and bring forward its proposals.

Deputy Róisín Shortall: In a couple of weeks' time, the Minister will come into this Chamber to announce his budget proposals. It is highly likely the Department of Health will again be awarded record levels of funding, potentially in the region of €22 billion. Given the crisis caused by Covid and the more than 900,000 people now on hospital waiting lists, this level of funding is undoubtedly required. The Social Democrats will support that funding commitment if and when it comes. However, the Social Democrats differ from the Government in one important matter when it comes to the health service, namely, we do not believe in repeatedly pumping large amounts of public money into a dysfunctional health system. Money alone will not solve the endemic problems in our broken health service. In tandem with the spending commitments, we need to see urgent reform in order that everyone who needs access to healthcare receives timely care and has the best possible outcome.

The blueprint for that reform - Sláintecare - was agreed on a cross-party basis in 2017. The Government has the plans, yet it refuses to implement them. It seems the Government is not interested in reform. All it does it pay lip service to it. The Minister does not have to take my word for that. He can listen to the two senior Sláintecare managers, Laura Magahy and Tom Keane, and the former chair of the South/South West Hospital Group, Professor Geraldine McCarthy, all of whom have now resigned. They will tell him that serious institutional resistance to essential Sláintecare reform is threatening the entire project. We know where that resistance is emanating from, namely, the HSE and the Department of Health. Critically, there is also a lack of political leadership, a lack of commitment and a lack of courage at the top from the Minister for Health and the rest of the Cabinet. We will never see reform of the health service unless the political will is there to drive it in order to take on the vested interests, wherever they come from, and to ensure that the people of this country have access to healthcare based on need

and not ability to pay. More than a decade ago, Professor Keane had staunch support from the then Minister for Health, Mary Harney, when he reformed our cancer services. It was a hugely controversial reform at the time. He would not have been able to do it otherwise. If the same level of political support existed today for the Sláintecare reform, would Professor Keane have resigned? The answer to that question is obvious.

I have three questions for the Minister. How does he expect the people to have confidence in the Government's management of Sláintecare when so many key people do not? Why is the Government refusing to acknowledge the serious problems that exist with the Sláintecare implementation? Is the Minister going to reappoint the members of the Sláintecare implementation advisory council, which has only eight days left in its term of office? As of yet, they have received no engagement from the Department of Health on their future.

Deputy Michael McGrath: I thank the Deputy for raising the issue of Sláintecare and the Government's commitment to the reform of our public health service. I reassure the Deputy, the House and the Irish people that the Government remains absolutely committed to fundamental reform of our health service. We are committed to the implementation of Sláintecare, which was not a one-year or a two-year plan; it was a ten-year plan.

In making the decision last year to invest a record amount of funding into our health service, the Government made a step change in improving the capacity of our public health system with funding being provided including, for example, more than 1,000 beds to be added to our acute hospital system, a significant increase in our critical care beds, and the sanctioning of an increase in staff resources within the public health system for approximately 16,000 professionals, pre-Covid to the end of this year. There have been some delays in recruitment but several thousand additional staff are now working in the health service as a result of that investment.

We have provided more than 5 million hours of home care in the current year, 2021. Again, this was a significant increase. Discussions are under way in relation to a public-only consultant contract. This is an important reform in our health service. On the critical public health function, which everyone has a renewed appreciation of, we have approval for the first time in the history of this State for a consultant-led public health function in our country, including a doubling of resources across our public health teams. These are significant manifestations of the Government's commitment to Sláintecare backed up with real funding of approximately €1.25 billion in the budget last year for new measures. Additionally, in the recent implementation report on Sláintecare, some 97% of deliverables were either achieved or were on track. A small number were not and we acknowledge that.

The Deputy did not even mention the elephant in the room. We have had 18 months of living with Covid-19, a global pandemic that has turned our health service upside down. The Deputy did not believe it was even worthy of a mention. Our front-line healthcare staff have been trying to get by, protect lives and save people. That is what they have been focused on. Despite all that, we have brought about significant and transformative change in our health system during that time by way of the investment made in the public health service. We are committed to working towards universal access, free at the point of delivery, in our health and social care system. We made a decisive step in that direction in budget 2021. I am now in discussion with the Minister, Deputy Stephen Donnelly, as part of the Estimates process for the upcoming budget.

Deputy Róisín Shortall: Sláintecare is an incremental ten-year programme. It is supposed to start in year 1 and build every year from then. It seems the Minister is joining his Cabinet

colleagues, in particular, the Minister for Health, in downplaying the seriousness of the crisis that now exists with Sláintecare. He refused to engage in the fundamental problems, namely, the institutional resistance to the introduction of accountability for the provision of health services and accountability for the spending of that massive budget that is in excess of €20 billion. If he persists in refusing to acknowledge that elephant in the room, we will not make any progress in this.

The Taoiseach said he wanted to meet the two senior people from Sláintecare who resigned. That was 12 days ago. No further contact has been made since then. The Committee on Health wanted the Minister to come in and explain what was going on. We have to wait three weeks for that to happen. The advisory council members met the Minister and came out saying they were no wiser. The Government needs to stop ignoring the elephant in the room.

An Ceann Comhairle: Thank you, Deputy.

Deputy Róisín Shortall: We must hear the truth in this matter and we must have political will and political leadership from the Government. If not, Sláintecare will not succeed.

Deputy Michael McGrath: Of course the Government acknowledges that the resignations were deeply disappointing. Of course we acknowledge that.

Deputy Róisín Shortall: What are you doing about it?

Deputy Michael McGrath: We need, of course, to examine the reasons that those resignations took place. The Minister, Deputy Stephen Donnelly, has spoken directly to Laura Magahy and Professor Tom Keane. He has engaged directly with the Sláintecare implementation advisory council. He will, of course, go before the Oireachtas health committee. Yes, the Government is considering the structures that are in place and will consider the request for an extension of time by the implementation advisory council in that context. If there is a requirement to strengthen the governance structures and the arrangements we have in place for the delivery of Sláintecare, then of course we will do that. We are putting the money in place. There is absolutely no resistance within Government at a political level to delivering the reforms. This is what the people want. We have agreed, on an all-party basis, to implement it, and the Government is committed to doing so.

As another example and evidence of what we are doing, under our recent national recovery and resilience plan, we got support from the European Union in the form of €1 billion in funding, some of which will go towards a range of e-health projects, which is the future for health. We have seen the development and emergence of that over the course of the pandemic.

An Ceann Comhairle: We move now to Deputy Tóibín of the Regional Group.

Deputy Peadar Tóibín: On 22 October 2019, the Tánaiste apologised for the humiliation, disrespect and deceit shown by the State to the more than 1,000 women in the cervical cancer scandal. In May 2018, he stood up in this Chamber and made a promise to the women affected by the CervicalCheck controversy that they would not have to go to court in order to get justice. Patricia Carrick from Galway sadly passed away last year, only a month after she won her case in the courts. Patricia was one of many women who had to battle in the courts for justice, often suffering from great ill health, right up to the point of losing their lives. The Taoiseach stood up in the House and apologised to Patricia on behalf of the State.

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Statistics released to me this week by the State Claims Agency show that since those apologies and promises that no woman would be forced to go through court, a total of 310 women or families have been, in fact, forced to go through the courts or take legal routes to achieve justice. Tragically, 38 of those claims relate to women who have already died. A total of 77 cases have been lodged this year alone. Meanwhile, the CervicalCheck tribunal, which was established by the Minister, Deputy Stephen Donnelly, has so far received eight claims. We all know what happened with the tribunal. The Minister ploughed ahead with it, ignoring the advice of the 221+ group. He disregarded the concerns and did not listen appropriately to the women affected. In an obvious attempt to attract more claims, the Government extended, by way of legislation before the recess, the time period by which women could make claims to the tribunal.

We are all too familiar with how cruel the court experience is for these women, with the State fighting them for months and years and, in some cases, only settling when it becomes apparent the women in question have only days to live. We are all too familiar with the names of the women. We are all too familiar with the frequent news reports featuring their images, often showing a young woman with young children, standing frailly but courageously outside a court. These women should not have to spend the last months of their lives on earth in a courtroom. They should be allowed to enjoy those months with their children and family. They should have the mental comfort and assurance that their children and family will be looked after when they are gone.

Regarding the tribunal, it is clear that women are voting with their feet. A total of 77 women this year have opted to go through the courts or legal routes. Only eight have opted to go through the tribunal. At this stage, will the Minister, Deputy Michael McGrath, not concede that the tribunal has failed abysmally?

Deputy Michael McGrath: I thank the Deputy for raising this very personal and sensitive issue. I personally know of a number of women and their families who have been impacted. I know the devastating impact it has had on their lives. The Government is here to support the women and their families. That is why we decided, with the full support of this House, to put in place a tribunal to support women to get justice without having to go through what can be the extraordinarily difficult process, in an adversarial environment, of going to a court of law. As the Deputy knows, the Government set up the tribunal on the recommendation of Mr. Justice Meenan and it is now enshrined in legislation.

I acknowledge the numbers the Deputy put on the record, which are undoubtedly very low. I think it is almost certainly the case that some women and their families are waiting to see how the process works out. If changes are required, then of course the Minister is open to any such changes to improve the system that is there. We do not want women to have to go to court to get justice on any matters relating to CervicalCheck. We can all agree in this House on the paramount importance of protecting this service, which is now back up and running. More than 6,000 women are detected and referred for early treatment each year. CervicalCheck continues to have very significant value for population health. In addition, we had the introduction last year of the HPV screening test, which is a very significant milestone for our cervical cancer screening programme.

The recent extension of the statutory deadline for making a claim to the tribunal will ensure that any woman or family eligible for the tribunal will have sufficient time to consider whether to make a claim. I know the extent of the contact and consultation the Minister, Deputy Stephen

Donnelly, had on a personal level with the 221+ group and the issues it wanted to have addressed as part of the tribunal. The Government has done all it can at this point to support that process. We want a resolution that is non-adversarial in nature and that happens quickly. We acknowledge the real-time issues that are involved here. The Government will keep the matter under review. We want to see more of these cases settled in the tribunal than in the courts. However, we also have to acknowledge that it is the constitutional right of every woman to take a case to the court and to have it adjudicated in our judicial system, if that is what she so chooses. That option remains but we want as many cases as possible to be dealt with and settled through the tribunal.

Deputy Peadar Tóibín: The Minister for Health promised the 221+ group he would pause the process of the tribunal until there was an agreement reached on how it would work. That did not happen. In fact, the 221+ group found out in the media that it was going ahead. I raised the case of Patricia Carrick in the Dáil last year and, after I raised it, the clinical director of CervicalCheck wrote a letter to me that was critical of my speech. She said women had not been wronged and the slides had not been misread. I found this extremely odd because Patricia Carrick had won her case and received a State apology. It was clear these women had been wronged.

I then sought a meeting with CervicalCheck, at which I made this point to the clinical director. She replied, “The courts were wrong.” There is complete confusion right now with regard to the Government’s approach to these women. The courts and the Government are at odds with CervicalCheck and the HSE. We have a tribunal that is being avoided wholesale by the women. The Minister’s words today, the apologies by the Tánaiste and the promises by the Taoiseach are in a completely opposite direction from what is happening with the women in reality. Will the Minister commit today to reform the tribunal, make it fit for purpose and finally fulfil the Government’s promise to these women?

Deputy Michael McGrath: I want to make the point that the purpose of the tribunal is to get cases settled quickly, in months rather than years, and to respect the deeply sensitive, private and confidential nature of the issues at hand. The hearings are, of course, held in private. There are also pre-hearing steps designed to reduce the adversarial nature of claims, including allowing women to give written statements rather than verbal testimony. This is a much more informal process than going through the court system. We acknowledge the numbers the Deputy referenced.

Deputy Peadar Tóibín: They are being ignored wholesale.

Deputy Michael McGrath: The tribunal’s rules of procedure enable it to make directions to progress urgent matters. The tribunal registrar has confirmed that urgent claims will be facilitated.

It remains the right of any woman or family to go to court. The Government wants to make the tribunal entirely user-friendly and the vehicle of choice for the settlement of these issues. We recognise the right of women to go to court if that is their choice, but the Minister for Health, Deputy Stephen Donnelly, is continuing to keep the issue under review and if improvements can be made, he will bring forward the proposals.

Deputy Catherine Connolly: Tá mé ag filleadh ar an cheist a d’ardaigh an Teachta Shortall maidir le Sláintecare. Is polasaí é a foilsíodh i mí Bhealtaine 2017 nuair a bhí an Tánaiste ina

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Thaoiseach ag an am. Bhí sé lárnach sa phróiseas. Is polasaí é atá teipthe ina iomláine ag an Rialtas go háirithe de réir fianaise na mbeirteanna sinsearacha a d'éirigh as a bpost le déanaí.

I am returning to the subject raised by Deputy Shortall. I read about it with disbelief. The resignations were shocking enough, but even more so was the manner in which the Government has dealt with them. The Minister, Deputy Michael McGrath, has come in here today and once again minimised the issue, putting the blame on Covid.

In addition to housing, health was the biggest issue for all of us in the past three elections, from 2011 onwards. In 2016, my group sent a member to the committee which worked on a cross-party basis to produce the Sláintecare report. Rather than come in and continuously complain and highlight deficiencies, which I am acutely aware of in Galway city, we went with the cross-party report, which was finally produced in May 2017. There were 46 key recommendations in the report covering many areas, one of which was the recommendation to roll out a regional framework. Since then, we have had the resignations of two senior figures and a third resignation, that of Professor McCarthy from the South/South West Hospital Group. What did Tom Keane say when he resigned? He said that “the requirements for implementing this unprecedented programme for change are seriously lacking.” We do not know what Laura Magahy said, because when she met the Minister for Health it remained secret with him, although when he came out of the meeting his spokesman described the meeting as a “standard meeting around lots of issues” and looking at “various elements of the ongoing reform.” That was the comment made about the Minister’s meeting with Laura Magahy. The Minister for Public Expenditure and Reform stated earlier that there had been a meeting with Tom Keane. When did that meeting take place? Are there minutes of it? I understand the gentleman in question is out of the country.

I come from Galway city. Many people have suffered and are suffering as a result of public-private medicine and the failure to invest in public medicine. As Deputy Shortall said, Sláintecare was to be the blueprint for reform. I have repeatedly pointed out that it is unusual for doctors and consultants to write to us, but they have done so in Galway to tell us of the extraordinarily long list of people waiting, for example, for orthopaedic surgery following bone breakages. I have lost my train of thought because so much has happened in that time. Two theatres went out of action in 2017 and I understand they are now being built.

Rather than me coming in here on a regular basis talking about trolleys, long lists and letters from doctors and unions prior to Covid, outlining to us the delicate state of the health system, could the Minister please explain to us what the Government has done about the two senior resignations and the third one from Professor McCarthy from the South/South West Hospital Group?

Deputy Michael McGrath: I mentioned Covid-19, not as an excuse, but as a reality. The reality is that 5,179 people have died in Ireland with Covid-19. There have been points over the past 18 months when our system was under real strain, and we got through that thanks to the heroic work of our front-line workers in the HSE, allied health professionals and others working across the system. Despite that extraordinary strain, which we hope is a once-in-a-century level of strain that any health system would have to withstand, we have made real progress. When one looks at the report Laura Magahy brought forward - the implementation update in respect of Sláintecare - of the 112 deliverables for the first six months, 84 were on track, 25 were being progressed with minor challenges and three were experiencing significant challenges. That is 97% of those actions either delivered or on track. In the context of what we have had

to live with, and what our system has had to coexist and grapple with over the past 18 months, that is a remarkable achievement. I look at the once-in-a-generation increase in the capacity of the health system, with the sanction provided for well over 1,000 additional beds in the acute hospital system. We do not have 20,000 beds or 30,000 beds; we have in the region of 11,000 beds. That is a dramatic increase and a step change that we have made in respect of critical care capacity as well.

The learnings of Covid have been relevant because we are going to have to future-proof our system for events like this that could well arise again. The Government is committed to the transformation of the public health system. It is not going to be easy and there will be challenges along the way. We must assess the reasons the resignations took place. That is why the Minister has had direct discussions with Laura Magahy and Professor Tom Keane and met the Sláintecare implementation advisory council. In the forthcoming budget we will see a further manifestation of the Government's commitment to delivering on the reforms.

Change is not easy but it is certainly not easy when one is living with a global pandemic that has taken more than 5,000 lives in this country. Our commitment is resolute, and it will be brought to bear and implemented through the decisions that we make working with all of the stakeholders across the health system.

Deputy Catherine Connolly: There was no Covid in 2017. When the report was launched, it was because it was urgent and necessary. When did the Minister meet Tom Keane? Will the Minister please clarify that? When did that happen?

Regarding the roll-out of this programme, I hope I never hear a Minister stand up here again and use the deaths of people from Covid as an explanation for why there was no progress on the implementation of a plan that was necessary because of the deaths and illnesses of people who were suffering as a result of a completely dysfunctional health system. That is what we are looking at here. In Galway city, two orthopaedic theatres have been out of operation since 2017. Regionalisation is necessary, although we have gone through the dance before of the circular health boards - we abandoned them, brought in a health executive, had a board, abolished the board, brought the board back and now we are going back again to regionalisation. Covid did not stop regionalisation; a lack of willpower did.

Sláintecare should be located within the Department of the Taoiseach. Where is the inter-departmental committee with oversight? Where are the minutes of that committee? How often did it meet? Who is pushing this, notwithstanding that we must deal with Covid as a country?

Deputy Michael McGrath: The Minister, Deputy Stephen Donnelly, spoke with Professor Keane over the phone because he is in Toronto. He has spoken on more than one occasion with Laura Magahy since her resignation took place. He has spoken and met with the implementation advisory council and will now consider its request for an extension of time. We will consider that in the context of the consideration of what we need to do to strengthen the governance arrangements in respect of Sláintecare implementation. We are determined to get this right, ensure the governance is as strong as it needs to be and any obstacles and roadblocks in the system are removed because they are not at a political level. That is the commitment of the Government. We are providing the resources. Why does Deputy Connolly think we do not want to implement Sláintecare? We do. The increase in the capacity of the system that we have provided lays a very solid foundation for those reforms. The lack of capacity has been the single biggest weakness in the system in recent decades and it had to be fixed first. We are now

well on the way to fixing that and we will make further progress on it across 2022.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Claire Kerrane: Yesterday in the Dáil, the Tánaiste stated in response to me that the establishment of a discretionary fund to assist households with rising utility bills and, in some cases, debt was a very good idea and would be looked at prior to the upcoming budget. I welcome that. This is a proposal that we introduced in a motion in the Dáil last February on increasing energy costs, the impact of the carbon tax increases and the need for the Government to act. Now, seven months later, the situation is even worse. Energy prices are soaring, further carbon tax increases are on the way and households are struggling. Families are rationing fuel and they are making choices between putting food on the table and turning on the heating. The Society of St. Vincent de Paul, in a major survey earlier this year, found that nearly 20% of working people are cutting back on fuel and electricity due to costs. Increasing the fuel allowance for existing recipients in the upcoming budget is not enough. We need to look at eligibility and we need to establish a fund to ensure that workers and families outside of the fuel allowance can seek assistance. As the Minister who will be overseeing spending in the upcoming budget, I ask the Minister whether he will commit to this.

Deputy Michael McGrath: I thank the Deputy and I know she raised this issue yesterday as well. Undoubtedly, the significant increase in gas prices internationally is now working through to the very high increases which we are seeing in electricity prices. That is a real concern. We are also seeing it, of course, at the pumps in the forecourts in regard to petrol and diesel. The Government will take this into account in framing budget 2022. The fuel allowance is a really important support for about 375,000 households in the country. As the Deputy knows, it kicks in next week for 28 weeks at a payment of €28 per week. Of course, the rate and the scope and the eligibility criteria for that scheme will be considered carefully by the Minister, Deputy Humphreys, and me in the context of the Estimates. We recognise that a lot of people are under pressure and we will take that into account in framing our final decisions.

Deputy Alan Kelly: On that point, it is time the Minister, Deputy Michael McGrath, and the Minister for the Environment, Climate and Communications, who is responsible for energy, look at this issue on a pan-European level. This issue is not just going to be in Ireland; it is going to be everywhere. The Minister might update the House on what the Government has done in that regard. This is coming down the track very quickly. We are going to have a crisis in this country in the coming weeks and months. It is quite obvious, with inflation and the cost of utility bills, that people are not going to be able to afford them. It is in that zone that I know the Government is going to make increases in the budget, which I welcome. Kites are flying, and that is fine. However, I want to make one thing very clear as regards the dates by which the Government will make these increases. We cannot postpone the winter. Eligibility criteria for fuel allowance increases in regard to the pension and other measures are going to have to be from budget time. They cannot be postponed until 1 January. While the Minister will not announce the budget here today and I respect that, will he at least give us an indication that he will consider that and not have it postponed until January?

Deputy Michael McGrath: I thank the Deputy. We will, of course, consider the point that he has made in regard to the commencement date of any changes that we make. As I said, for those in receipt of the fuel allowance, they will start to receive the benefit of that next week but

there are many people who do not get the fuel allowance currently, given the eligibility criteria. It is a means-tested support and people are allowed a certain level of income above the basic social welfare, as the Deputy knows. There are many people who do not get it and, certainly, we acknowledge that the timing of any changes in respect of people's incomes will be particularly important and sensitive in the forthcoming budget, and we will be taking that into account.

Deputy Jennifer Whitmore: It has been reported in the media that there are potential delays to both the MetroLink and the DART+ schemes. There is not a lot of clarity around this but there is an awful lot of concern because these two projects are major infrastructure projects that have been promised by successive Governments over very many years. Can the Minister tell me, in regard to the new national development plan, NDP, that he will be bringing forward in the next number of weeks, what is the start and end date of both of those projects under that plan? Have changes been made to those completion dates as per the current NDP and are any delays foreseen for those projects?

Deputy Michael McGrath: I thank the Deputy for raising this issue. What I can confirm is that the review of the national development plan is almost complete and will be published before the budget. We now have agreement from Cabinet in regard to the overall financial framework. It is going to be the largest public capital investment programme in the history of the State for transport. It will involve an investment of the order of €35 billion across the decade out to 2030, and the review of the NDP will involve providing an update for some of the critical projects the Deputy has outlined in regard to MetroLink, DART+ and BusConnects. I am working with the Minister, Deputy Eamon Ryan, on that and the published review of the NDP will set out the latest plans in that regard.

Deputy Paul Murphy: For over a year, Debenhams workers waged a heroic struggle against the loss of their jobs and their treatment by their employer. In many respects, their struggle epitomised the treatment of some workers by some employers in the course of the pandemic. Yesterday, the Government announced that employees who had lost their job during Covid would now be able to seek redundancy and it announced a special payment to workers who have lost out on reckonable service as a consequence of the pandemic. The statement also said that the Government would take a flexible and discretionary approach to the granting of that payment.

I have two questions for the Minister. First, will the Debenhams workers, who were very seriously affected by the pandemic, be able to apply for and access the special payment? Second, can the Government act to ensure that the €3 million training fund that was agreed at the conclusion of that dispute is actually distributed?

Deputy Michael McGrath: I thank the Deputy for again raising the issue of the former Debenhams workers. I will look into the issue of that training fund because we have sanctioned it and the fund should be up and running to provide the support for people who want to return to work, if they have not already returned to work. The decision we made yesterday, I believe, is a fair one because it would be grossly unfair, having not allowed employees to trigger a redundancy claim for a period of 18 months, to then deny them that period as being reckonable when it comes to calculating their redundancy entitlements. I cannot comment on any particular case until I have all of the details but the very intention of what the Government announced was to address that situation because people were denied the right to claim redundancy because of the statutory position underpinned by Covid. That has now changed, we are allowing people to claim and the State is going to step up and provide the funding to ensure that reckonable period

counts for their redundancy.

Deputy Matt Shanahan: I am sure everyone in the House supports the climate action target to reduce emissions by 51% by 2030. A large component of meeting this target is the development of significant onshore renewable energy and even more capital intensive offshore renewables. We are at present facing a perfect storm in terms of our energy security. In the last decade, we had 11 amber alerts on the national grid whereas we have had eight in the last 12 months, even as we phase out fossil fuels. Even so, the Government is availing of ongoing discussions regarding data centre development, which will account for up to 35% of future electricity generation. Will the Government provide a new real-time analysis regarding the present trajectory in data centre development but also in terms of meeting the infrastructure developments required to deliver on our climate targets?

Deputy Michael McGrath: I thank the Deputy for raising this issue. As he knows, the Commission for Regulation of Utilities and EirGrid are working closely with the Minister, Deputy Eamon Ryan's Department to ensure that we have security of supply across this winter and, indeed, into the future and have taken certain steps to ensure that is the case. In regard to data centres, there is a balance to be struck. We, of course, have to recognise the additional pressure that places on the system, but we also have to recognise the success we have had and continue to have in regard to foreign direct investment by companies which would be associated with this space. Sixteen of the top software companies, nine of the top ten US information and communications technology companies, the top ten "born on the web" companies and four of the top five IT services companies are all based in Ireland. There is a balance to be struck. We absolutely have to ensure we have security of supply. The Deputy is well aware of the overall policy of Government, which is ultimately to reduce our dependence on fossil fuels and to reduce carbon emissions. I think the future in respect of renewables lies offshore. We have put in place another framework that will help us deliver on that in the years ahead.

Deputy Mattie McGrath: The people of Carrick-on-Suir, south Kilkenny and east Waterford are at the gates of the Dáil now. They have 11,000 signatures signed by people on a petition, and it is no ordinary petition. It asked people if they would be happy to put their loved ones into St. Brigid's hospital, Carrick-on-Suir. The Minister, Deputy Stephen Donnelly, has refused to meet the committee and Councillor Kieran Burke, the Minister's own colleague, and Councillor David Dunne and members of Tipperary County Council. The Government has not met the action committee either. It is a wonderful institution. In the middle of Covid, it defies any logic that the Government closed this hospital. I am asking both of them now to come out to the gate and receive that petition to give respect to the people who signed it and listen to the people. They might not listen to us, but listen to the people who signed this petition and give explanations. The only explanation they want is a reopening of that hospital - a wonderful institution including hospice beds as well.

Deputy Michael McGrath: I thank Deputy Mattie McGrath for raising that question. The Minister of State, Deputy Mary Butler, met with the INMO and the local representatives in the area-----

Deputy Mattie McGrath: No.

Deputy Michael McGrath: -----in respect of St. Brigid's hospital in Carrick-on-Suir. I will allow the Minister, Deputy Stephen Donnelly, and the Minister of State, Deputy Butler, to come back to the Deputy on the detail of that.

An Ceann Comhairle: For the record, Questions on Promised Legislation also includes questions on matters relating to the programme for Government. That has traditionally been the way here.

We have nobody from the Independent Group. I call Deputy Griffin.

Deputy Brendan Griffin: I want to raise with the Minister the Right to Read Campaign by Children's Books Ireland. This is a campaign to restore the school library fund. The budget previously included a grant to help schools stock their school libraries but this was cut in 2008. It has not been restored since. There is a great opportunity now with the forthcoming budget to restore that grant. It is very important.

Reading really does matter to children. It is hugely important in their lives. I say that as a father of two young readers, as someone who has written books for children and someone who has taught children. It really makes a difference.

Approximately €5.6 million would allocate €10 in respect of every primary school child in the country and the Minister really would be bringing the books to the children. We have great public libraries but they do not catch all children. This is a great opportunity for a relatively small amount and I ask the Minister to give it serious consideration in the context of the forthcoming budget.

Deputy Michael McGrath: I thank Deputy Griffin for raising this issue. As the Deputy will be aware, the Minister for Education and the Government generally place great priority on the issue of literacy and encouraging children and, indeed, adults to constantly upskill and enjoy the undoubted benefits of reading. I note that the issue of local authority librarians providing services for primary schools is an important one.

The Minister for Education is conscious of the importance of library services. The Minister for Rural and Community Development, Deputy Humphreys, has responsibility for the support and provision of funding for library services. Therefore, I will take up the issue with both Ministers in the context of what the Deputy has raised.

An Ceann Comhairle: Deputy Connolly, my apologies. I should have called you earlier.

Deputy Catherine Connolly: Go raibh maith agat, a Cheann Comhairle. Before Covid, on 27 January 2016, the first ever national maternity strategy was launched with great fanfare and, indeed, on the pain and suffering of mothers and children. Four years later, on 12 February 2020, still before Covid, HIQA published its report. The report highlighted HIQA's concern at the overall level of progress in the implementation of the strategy. Fast forward to a motion in my name, on 2 June this year, supported entirely by every part in the Dáil and all the Independents, calling, among other things, for the immediate implementation of the plan and to produce a costed implementation plan as a matter of urgency. Can the Minister update me on the status of that urgent plan?

Deputy Michael McGrath: I thank Deputy Connolly for raising the national maternity strategy. The Minister for Health, Deputy Stephen Donnelly, was in a position to provide full funding for the plan in the current year. Very significant progress has been made in its implementation but we certainly acknowledge that more needs to be done. I will ask the Minister to come back to the Deputy formally with an update.

Deputy Steven Matthews: The programme for Government commits to a referendum on the right to housing. Such a right - coupled with the Housing for All strategy which was the whole-of-government approach which is costed and funded, and deliverable and realistic - to be enshrined in the Constitution would be the part that is missing in the Government's overall housing strategy. Can the Minister provide the House with an update on that programme for Government commitment on a constitutional right to housing?

Deputy Michael McGrath: I thank Deputy Matthews for raising this issue. As the Deputy will be aware, the recent Housing for All document commits to the establishment, consistent with the programme for Government, of a commission on housing. It is intended that the terms of reference of the commission will include consideration of the referendum on housing and it will have the opportunity to hear from a range of stakeholders as to what they believe the referendum should focus on. This is a programme for Government commitment and I look forward to seeing the commission examine this issue and make a recommendation to Government.

Deputy Patricia Ryan: As the Minister will be aware, yesterday was World Alzheimer's Day. Earlier this year, we saw the US Food and Drug Administration give approval for Aduhelm, which has shown promise, particularly in the treatment of early onset dementia. The European Medicines Agency is currently considering an application for approval which was filed last year. Is there any update on this application? Will the Government commit to funding this drug, if approved, under the GMS and drugs payment scheme?

Deputy Michael McGrath: I thank Deputy Patricia Ryan. I do not have specific details of that particular drug. As the Deputy will be aware, there is an agreed process for the approval of medicines and the consideration of value for money through the National Centre for Pharmacoeconomics. I do not know exactly what stage in the process that particular drug is at but I will ask the Minister and his officials to revert to the Deputy with a detailed reply.

Deputy Bernard J. Durkan: I wish to raise the issue of the unwelcome possibility of electricity blackouts in the next six months or so. I would ask the Minister if provision can be made to ensure that we will be sufficiently prepared for such eventualities and that every effort is being made to ensure that these unwelcome prospects do not occur.

An Ceann Comhairle: Can you keep the lights on, Minister?

Deputy Michael McGrath: I thank the Ceann Comhairle, and thank Deputy Durkan for raising the issue. As I stated a moment ago, the relevant bodies here are all working together - the Commission for Regulation of Utilities, EirGrid and the Department of the Environment, Climate and Communications. They have taken certain steps to ensure continuity of supply. The Minister, Deputy Eamon Ryan, has said he is confident that there will not be any unforeseen outages.

As the Deputy will be aware, there have been certain early warnings issued over the course of the year but on no occasion was power supply interrupted for any customer. It is important to put that on the record.

Deputy Brian Stanley: I want to raise with the Minister the crisis in the timber industry and the forestry industry. Farmers cannot get a felling licence. Over 5,000 licences are held up in the system. One case I have is three years waiting and the forestry is nearly within a stone's throw of a sawmill that is importing timber from Scotland. The reality is sawmills are importing from abroad where there are forests within a four-to-five mile radius of them that need to be

cut. It has gone past the time to do so.

Confidence has collapsed in the sector. In Laois, for example, up to 450 ha were being planted per annum. It dropped last year to 26 ha planted in County Laois.

The backlog needs to be cleared. I appeal to the Minister to take up this issue with the Minister for Agriculture, Food and the Marine, Deputy McConalogue, who was here and probably had to leave on other business. If the Minister could take this up with Deputy McConalogue, he needs to get a grip on it. We need a single consent system like other European countries for planting, thinning and harvesting and we need to get the backlog cleared. Can the Minister take this up with the Cabinet and the Minister, Deputy McConalogue? It is a real crisis.

Deputy Michael McGrath: I thank Deputy Stanley. I certainly will. The Minister, Deputy McConalogue, and the Minister of State, Senator Hackett, are active on this issue. We are, as a Government, acutely aware of the issues with the licensing of forestry operations in Ireland. This is as a result of the Department having to make changes to the appropriate assessment procedure due to European Court of Justice and Irish law rulings relating to environmental regulation. We have very significantly increased the resources in the Department with more ecologists, forestry inspectors and additional administrative staff assigned to licensing but I will convey the points the Deputy has made to the Minister, Deputy McConalogue.

Deputy Cathal Crowe: I wish to raise a pertinent issue regarding air traffic controllers. Many Members have received emails over the past week from air traffic controllers in Shannon, Cork and Dublin in which they outline a litany of industrial relations disputes they are having with the Irish Aviation Authority, IAA. There is an internal mechanism in the Irish Aviation Authority for handling disputes but most at this point agree that it will not be resolved there.

I o'clock

Given the IAA's strategic role in managing Irish airspace, including guiding aircraft in from the transatlantic routes, I ask that there be ministerial oversight and that, through the Department of Transport, we consider appointing an independent mediator to resolve this problem in everyone's interest.

Deputy Michael McGrath: I thank the Deputy for raising this issue. The Minister, Deputy Eamon Ryan, is abreast of the situation. There are established dispute resolution mechanisms and the parties concerned should seek to avail of them. The issues fall to be addressed in the first instance by the board and executive of the IAA. The Government wants to see this dispute and any outstanding grievance resolved. The Minister will support the process in any way he can to bring that about.

Deputy Carol Nolan: I wish to raise the issue of car parking charges that are still in place for cancer patients at some hospitals. In May 2018, the then Minister for Health, Deputy Harris, called for a review of hospitals' car parking charges. It is my understanding that there has been no progress since then, but it is an issue that puts considerable stress on cancer patients and their families. At a time when they are already facing significant difficulties and challenges, families having to rush to the car park to move cars in order to avoid charges causes unnecessary stress. There is inconsistency in this.

We see the same inconsistency in the restrictions applied by maternity hospitals. Many hospitals have cruel and harsh restrictions. Women who are giving birth to babies are not allowed

to have their partners with them.

An Ceann Comhairle: The Deputy is straying. She can raise only one matter.

Deputy Carol Nolan: There is inconsistency in our hospitals.

An Ceann Comhairle: Time is up.

Deputy Carol Nolan: I want to ask-----

An Ceann Comhairle: No, please. Time is up, Deputy.

Deputy Carol Nolan: -----whether the Government will abolish car parking charges for cancer patients.

Deputy Michael McGrath: I acknowledge that car parking charges in hospitals can be a burden on people, sometimes at what is a vulnerable time for them. Practices vary around the country. Some hospitals are, I believe, accommodating and have systems in place for frequent visitors, family members and so on, but that is not uniform. The Minister, Deputy Stephen Donnelly, is taking an interest in this issue and will revert to the Deputy directly on it.

Deputy Denis Naughten: Today, the National Competitiveness Council called for an increase in the pace of delivery of the national broadband plan, but the Government's plans to fast-track its delivery have been long-fingered. The Government has accepted the excuse that the roll-out is six months behind schedule due to disruptions caused by Covid-19. The programme's delivery is 50% behind schedule. This is at least in part due to the chequered engagement with public bodies, including some local authorities. The previous Government established the mobile phone and broadband task force to address these bottlenecks specifically. As a member of the then Cabinet, I chaired it. However, the task force has not met since the contract for the national broadband plan was signed. I want it re-established as a matter of urgency and chaired by a member of the Cabinet to show how serious this Government is about the delivery of this vital project.

Deputy Michael McGrath: I thank the Deputy for raising this issue, which is one in which he takes a keen interest. One of the lessons for us all from Covid is the imperative of having good connectivity all over the country. The Government wants to see the national broadband plan implemented as quickly as possible and there has been ongoing engagement between the Minister, Deputy Eamon Ryan, and National Broadband Ireland in that regard. If there are opportunities to accelerate implementation, they will be taken. I will take up with the Minister directly the issue the Deputy has raised. I will support any effort to reduce delays and backlogs and to bring the implementation forward in any way we can.

Deputy Richard Bruton: In a month's time, Irish delegates will be sitting down with their international counterparts at the UN Conference of the Parties, COP26, in Glasgow to face what is the greatest global challenge of our generation. We will be sitting down with some countries that are emitting less than one tenth of the greenhouse gas emissions of developed countries like our own. Does the Minister expect the Irish climate action plan will be published before then and will we be making a contribution in solidarity with those countries that face much greater difficulties in addressing their development needs in a sustainable way?

Deputy Michael McGrath: I thank the Deputy for raising this issue. I acknowledge the outstanding work that he has done in this area over a number of years. The Government will be

represented by the Minister, Deputy Eamon Ryan, at COP26. He is finalising the climate action plan, which is anticipated to be brought to the Government in October and published at that point. I will discuss with the Minister the points the Deputy made about developing countries, the challenges they face and what role Ireland can play as a country that is facing significant challenges itself but that has a plan and a committed government in terms of addressing the issues, building on work that has been done previously.

Deputy Pauline Tully: HSE representatives attended a meeting of the Joint Committee on Disability Matters in May to discuss the progressing disability services model. They stated that all 91 children's disabilities network teams were to be established by the end of quarter 2, that is, the end of June. We are now nearing the end of quarter 3 and they are not all established. How many of them have been established and what is the proposed date for getting the remainder up and running? In some of the teams that are up and running, there is an insufficient number of staff, low morale, with staff finding it difficult to cope, a constant turnover of staff and many children not receiving the therapies they require. Some children are being told they will have to wait two to three years for various therapies. At the committee meeting, we were also told this model would ensure that effective clinical teams would work in partnership with families, but many children are not receiving the early interventions they require and that are vital to their progression. Will the Minister provide an update on children's disabilities network teams?

Deputy Michael McGrath: I thank the Deputy for raising this issue, which is important to many families. Of the 91 progressing disability services teams, 83 are fully reconfigured and I am advised that the remaining teams will be reconfigured by the end of November. As such, work is at an advanced stage.

I wish to point out the considerable work the Minister of State, Deputy Rabbitte, has done and continues to do. She has made dramatic progress on waiting lists for assessments of need. Now, similar progress needs to be made on waiting lists for actual therapy intervention services, and she is deeply committed to doing that. In the context of the budget, I will work with her to make further progress in that regard.

Deputy Pa Daly: The crisis in University Hospital Kerry is becoming critical. Day procedures have been cancelled for the third week running, the hospital is short 100 nurses, orthopaedic services have been outsourced and ambulances are queuing up because the patients they are offloading are not being taken into the accident and emergency department. A scanning machine in the hospital can be used by only private patients. No wonder it is difficult to recruit surgeons for that hospital, given that they would be dealing with the most difficult of cases. In a county that is already disadvantaged by peripherality, a hospital that had to deal with an increased population of up to 500,000 during the summer will be stretched coming into the winter period. If University Hospital Kerry is to be downgraded, will the Government come out and say it or else will it intervene, provide the resources necessary for proper services, commit to a plan for re-establishing day procedures, as there seems to be none, and meet local representatives and consultants?

Deputy Michael McGrath: I thank the Deputy for raising this issue. I confirm that there are no plans whatsoever to downgrade University Hospital Kerry. There are significant challenges there that the Deputy has rightly highlighted. The Ministers, Deputies Stephen Donnelly and Foley, are aware of them and have been working together and engaging with the HSE on resolving the problems. I am sure the Minister, Deputy Stephen Donnelly, would be happy to engage directly with Deputy Daly and other representatives on the matter.

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Deputy Emer Higgins: Ten thousand children are home from school today, having been deemed close contacts. This stop-start approach to education is not working for children or schools. I will provide three examples. I have a constituent who was working from home until recently but who was refused that option when her son was deemed a close contact. Instead, she had to take annual leave to stay at home with her child, who received a negative test. I have another constituent whose daughter tested positive for Covid in February and is out of school today because her classmate tested positive. In one school in my constituency, there were five positive cases spread across four classrooms, with siblings in additional classrooms, thus completely maximising the disruption. I understand we need protocols in place for schools and that children and their safety needs to be put to the fore, but the requirement on a student to restrict his or her movement for ten days and to then test negative before returning to the classroom only to be told again that he or she is a close contact and, thus, has to go through that cycle again causes too much disruption. Can we expect a change in these regulations?

Deputy Michael McGrath: I thank the Deputy for raising this issue. It is on the back of the significant progress we have made with Covid and the reduced infection levels that the CMO has provided updated advice to my colleague, the Minister for Health, Deputy Donnelly. The Minister is now engaging the Minister for Education, Deputy Foley, who, in turn, is consulting the education partners in regard to this issue. The Government will make its decision and announcement in regard to any changes in due course.

An Ceann Comhairle: I thank the Minister and all Deputies who submitted questions for adhering to the timeline. By way of information, I have decided that in future I will not select Deputies who do not adhere to the one-minute allocation because it is not fair to their colleagues who are coming after them.

Companies (Corporate Enforcement Authority) Bill 2021: Referral to Select Committee

Minister of State at the Department of Justice (Deputy James Browne): I move:

That the Bill be referred to the Select Committee on Enterprise, Trade and Employment pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

Local Government (Amendment) (Transparency in Allocation of Funding) Bill 2021: First Stage

An Ceann Comhairle: We move now to First Stage of the Local Government (Amendment) (Transparency in Allocation of Funding) Bill 2021. Is this the Deputy's first Bill?

Deputy Johnny Guirke: It is.

An Ceann Comhairle: Congratulations on bringing it forward.

Deputy Johnny Guirke: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Local Govern-

ment Act 1998 and provide for a statutory review of the demographics and socio-economic profile of each local authority in order to assess required funding and determine funding allocations.

I welcome the opportunity to introduce this Bill which deals with a hugely important issue for all local authorities, none more so than my local authority in Meath West. The Bill seeks transparency in regard to local government funding. It will ensure that a review of the current demographics, projected demographic change, socioeconomic profile and infrastructural needs of each local authority is carried out with a view to identifying the level of current and future funding required by each local authority in order to meet essential service demands, that such a review is undertaken every 48 months, at a minimum, or more frequently at the discretion of the Minister, that a report of the review is laid before the Oireachtas, and that such report includes the funding provided to each local authority in the previous five years and the proposed or current allocation for the year of the review.

I was a member of Meath County Council for six years. The biggest issue every year was why Meath does not get its fair share of local government funding. The Ceann Comhairle's county is not too far behind Meath in that regard. In terms of expenditure per head of population, Meath expenditure per head is €713 and the national average is over €1,000. In terms of grant income per head of population, Meath receives the lowest level of grant support per head in the State. This has placed substantial strain on the local authority's ability to provide infrastructure and services to meet the demands of an expanding population. Population growth does not appear to be taken into account when funding is being allocated. Meath has a population of over 200,000. In the 20 years from 1996 to 2006, the population of the county increased by 78%. This is the fastest rate of growth in population in the State and it should be a significant factor in considerations regarding the allocation of funding.

Meath County Council has the lowest number of staff per 1,000 population of all local authorities in the State. Counties with low staffing levels are under the most pressure to provide a decent level of services to their citizens. If we can review this funding on a more frequent basis, we could see other local authorities, like Meath County Council, brought up to then national average.

Most of the funding sourced from central government can be grouped into broad programme categories. In regard to housing and building, Meath County Council receives 45% of the national average; for road transport and safety, 90%; water services, 60%; development management, 62%; environmental services, 48%; recreation and amenities, 43%; agriculture, health and welfare, 56%; and miscellaneous services, 77%, with an overall total of 61% of the national average. The county faces funding challenges across all service divisions and expenditure *per capita* in the county is less than the national average for all service categories. It is worrying that expenditure *per capita* for three of the eight service categories is less than 50% of the national average. Meath is not the only local authority area affected by funding issues and, consequently, I seek the support of all Members for this Bill.

An Ceann Comhairle: Is the Bill being opposed?

Minister of State at the Department of Justice (Deputy James Browne): No.

Question put and agreed to.

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

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Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

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

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

Deputy John Brady: It is unfortunate that the Minister for Agriculture, Food and the Marine, Deputy McConalogue, is not here to listen and partake in this debate. That speaks volumes as to the regard in which he holds the fishing community. This Bill is being rammed through without-----

Minister of State at the Department of Justice (Deputy James Browne): On a point of order, this matter has been brought forward in terms of today's schedule.

An Ceann Comhairle: I ask Deputy Brady to give way to the Minister of State on a point of order.

Deputy James Browne: The Minister was attending another event but he is *en route*. As the Deputy knows, there is a transcript of the debate as well and the Minister will read it. There should be less of the games. Let us focus on the key issues.

Deputy John Brady: I am glad to hear that the Minister is *en route*. Hopefully, he will be here for my contribution.

This Bill is being rammed through despite the opposition from all of the main fishing representative groups. Fishermen are yet again being told what to do rather than being consulted and listened to in order that the necessary compromises can be found. In my contribution I want to outline my serious concerns with regard to how the Minister and Government treat the fishing community. I will specifically refer to the case of a local fisherman in my constituency of Wicklow, CJ Gaffney, and the Gaffney family, and how they have been mistreated by the current Minister and Government.

The case revolves around the purchase of a vessel, the *MV Mary Kate*, by CJ Gaffney in 2007. Mr. Gaffney spent massive amounts of money on the purchase of this vessel. It was purchased in good faith and deemed fit for purpose by several surveys and passed as seaworthy by the Marine Survey Office. It was subsequently found to have a very serious stability issue, which was identified by Mr. Gaffney when the boat nearly capsized when he was out at sea. Subsequent tests revealed that there was in excess of 20 tonnes of unaccounted steel contained within the vessel. Mr. Gaffney and his family spent large amounts of money trying to rectify that serious flaw within the boat, one that had not been picked up when the vessel was deemed seaworthy. The boat was shortened and the family tried to address all of the issues. Unfortunately, money was then hard to come by and the banks intervened.

Since that time, the family has experienced serious difficulties in terms of their mental health and well-being, their welfare and, particularly, financially. Ten years ago, the current Taoiseach and leader of Fianna Fáil, when in opposition, sat down with the family in the Ark-

low Bay Hotel and stated that his hands were tied because he was not in government but that if and when he found himself in government, this was an issue to which he would give serious attention and consideration. The Minister, Deputy McConalogue, is also very aware of this particular situation because he has also spoken to the Gaffney family. The family are asking for compensation because through no fault of their own they have ended up with this mess, which is a mess that was signed off on. They are now seriously out of pocket as a result of that. This has been brought up in Europe and has been backwards and forwards with different MEPs from Fianna Fáil, Fine Gael and Sinn Féin all raising it, in fairness to them. The Fine Gael MEP, Seán Kelly, received correspondence on this from the European Commission quite recently. I will quote it because it is very interesting. It says:

In terms of addressing the loss that Mr Gaffney has suffered, on a previous occasion the possibility was outlined that the case might exceptionally be addressed through the European Fund for Maritime and Fisheries, but that this was a decision for the Irish authorities as they oversee the allocation of such funding. The Commission could not instruct them in this regard.

Quite clearly, in a letter from the European Commission, the Government has been given the solution to this crazy situation which has hung over the Gaffney family for well over a decade now. The Commission has given the Government an out in pointing to a specific funding stream that could be availed of to pay compensation to this family. Unfortunately, we have seen a Minister, Deputy McConalogue, who seems to be very good at playing pass the parcel because he does not want to take any responsibility in this. It has been passed between his Department and that of the Minister for Transport, Deputy Eamon Ryan. Neither Department is willing to take responsibility, do the right thing and use the fund that has been identified to pay out the compensation.

I listened intently to the Minister, Deputy McConalogue, when he was on “Today with Claire Byrne” on 17 September. He spoke about another very serious and important issue, namely, mica. Rightly, he said he has 100% support for the unfortunate homeowners whose houses have been blighted by mica. He went on to say the situation was not their fault, that they are living with this stress daily and nightly and that they were continuing to pay mortgages. There are great similarities between the experiences of those families and that of the Gaffney family. CJ Gaffney has a situation which is not of his making or brought about through his fault. The Government is rightly looking at the mica situation with respect to compensation for the families to help them rebuild their homes. That is the right thing to do and the process must be sped up and 100% redress given. However, the situation of CJ Gaffney is also very clear. The situation is not of his making or due to his fault. It has caused huge levels of stress and anxiety for himself and his family. Now, through Government intransigence, we have a situation where nobody in the Government is prepared to take this on and deal with it once and for all. The solution is there.

I will give the Minister of State a copy of the letter to pass on to the Minister, Deputy McConalogue. He has seen it dozens of times because Mr. Gaffney and his family have sent it on. Seán Kelly, MEP, has sent it on. There has been correspondence backwards and forwards but the Minister is refusing to take this on. At the outset, I spoke about the scepticism about how this Government and its predecessors have treated the fishing community. Is it any wonder they do not have any faith in this Government when we have fisherman in CJ Gaffney’s situation and when a solution is handed to the Government, it is not willing to actually pursue it? It is not going to cost the Government a penny to compensate this family. I will give the Minister

of State this letter. I ask that he please pass it on to the Minister. I heard what he said about the Minister being caught up. I would have preferred the Minister be here in person to have the conversation with me, but I will give it to the Minister of State. I ask that he take it forward. I call on the Taoiseach to act, given his previous comments to the family that when in power he would take this on and deal with it. It is now incumbent on the Taoiseach to sit down with the two Ministers who are refusing and are failing this family in terms of addressing it once and for all. I call on him to intervene to ensure the right thing is done, that this particular fund is drawn down and the compensation paid to the Gaffney family.

Deputy Sean Sherlock: The Library and Research Service, LRS, digest has been very useful for many of us because it has encapsulated many of the concerns that have been brought to our attention. As Members will know, it has issued a paper in response to the Bill. Certainly, many issues were raised in respect of the Bill at pre-legislative scrutiny, PLS, stage, which must be sufficiently addressed by the Government. In table 2 of the LRS digest, it has supplied a traffic light dashboard comparing the Bill as published to the committee's PLS recommendations.

I will highlight four key issues inherent in the Bill and quote directly from the report. The first issue, per the committee report, is:

Questionable fairness of allocating points system. The standard of proof required threshold is based upon balance of probabilities rather than culpability beyond a reasonable doubt.

In their PLS the Joint Committee identified the potentially problematic nature of a Determination Panel concluding on the balance of probabilities as evidenced by the report of the Authority, rather than a threshold for proof required.

All alleged serious infringements are made by means of a written report by the Authority. Section 6 of the Bill provides that a Determination Panel will be established for the purpose of determining whether a serious infringement has occurred and whether a person was, at the time, the master of the sea-fishing boat.

In addressing an appeals process, an Appeals Officer will be assigned at the Authority. A time period of 30 days is available in which to submit to the Appeals Officer. The appeal must be in writing, by the master and is subject to a fee (to be determined).

The issue raised by the committee was that "The Bill does not address concerns regarding the 'balance of probabilities' providing the required threshold of proof, nor how existing reports and/or points may or may not be considered in the Authority's assessment of further alleged infringements." That is the first issue.

The second issue is the weighing of fishery products in-factory. The committee's PLS report - and I quote again from the digest -states "The Bill as published does not cover or address this issue."

The third issue is the application of penalty points to EU and non-EU vessels. There was "particular concern that UK vessels in Irish waters are advantaged". According to the digest:

The Bill does not provide for assigning penalty points to or having a register of points assigned to foreign nationals. Instead, a provision in Section 6 (15I) includes that points assigned to a foreign master will be notified in writing to the relevant authorities of the relevant Member State. The UK is not specified. Thus the Bill does not provide for the Author-

ity dealing with serious infringements by UK fishing masters in Irish territorial waters in the same way as provided for other EU Member States.

The fourth key issue is fair administration and Sea Fisheries Protection Authority, SFPA, capacity and resourcing with regard to the register of penalty points. At the prelegislative scrutiny stage, the committee stated that the Bill did not have provisions for organisational capacity or resourcing for the SFPA.

These are just four issues. I have quoted directly from the Bill digest because its language best encapsulates some of the key issues exercising communities throughout the country. I hope that, in response to this Stage of the Bill, the Minister who is in possession might further articulate how these very pertinent and key issues are to be dealt with.

Deputy Christopher O’Sullivan: I sometimes question our priorities when it comes to the fishing sector, the fishing industry and our fishers. This has been probably the toughest 12 months to face the sector. We had the introduction of a controversial penalty points system at this time last year. It would be an understatement to say it did not go down well with the fishing sector. We had Brexit, as a result of which the sector and the Irish fleet lost 15% of its quota share. That was a great financial blow to the sector, to the fishers themselves and to coastal communities. That impact will be felt into the future. Then, earlier this year, we had the removal of the control plan. This has led to a ludicrous situation in which boats are having to weigh their fish on the pier. This has had a very significant detrimental impact on the industry. Boats are coming in and the catch, which is frozen in boxes, is having to be de-iced, taken out of the boxes, weighed on the pier, put back in the boxes and re-iced. This process sometimes takes hours, which also has an impact on quality. These are all things that have happened over the last 12 months that have led to fishers in their hundreds, if not thousands, sailing their boats into Cork Harbour and into Dublin to show their disappointment with the fishing sector’s situation.

The first thing we do when we come back to the Dáil is introduce legislation to provide for further penalty points when we should be prioritising the key issues. Where is the submission to reintroduce a control plan that would allow the fishing sector to do what it has been doing and weigh fish in factories in a transparent, traceable and visible way? That should be our priority. Our other priority should be to address the massive inequality in quota share. International boats have 85% of the quota share in Irish waters. That is where our priorities should be when we are talking about fishing and sea fisheries. Our priority should not be further penalty points. Another priority should be the fair distribution of the Brexit adjustment reserve, BAR, fund to minimise the impact of this 15% quota loss and the impact the Brexit trade agreement is having on the fishing sector. That is where our priorities should be.

We should be ensuring a fair distribution right across the board. There has been a lot of recommendations coming from talks the task force is having. There is a suggestion that the lion’s share of the portion of the BAR fund allocated to fishing will go to the big refrigerated seawater, RSW, fleets in Donegal. If that is what emerges, that is completely unacceptable. Far more than those RSW fleets have been impacted by Brexit. There are boats right throughout west Cork in the whitefish sector and the demersal sector. Fishers who have mackerel quota have been also greatly impacted by the loss of that quota. The inshore sector has been also particularly impacted. All these sectors have been impacted not only by Brexit, but by an incredibly tough two years in respect of Covid and drops in the market. That is where our priorities should be. Our priorities should be the control plan, fairly sharing fish not just in Irish waters, but in European waters, and ensuring the BAR fund is distributed in a fair way that reaches the fishing sector,

the crews on boats and coastal communities. We should not be introducing more penalty points.

On the inshore sector, I understand the Minister, Deputy McConalogue, met with members of the National Inshore Fishermen's Association, NIFA, in Tralee recently. The sector has been ignored and overlooked for years. It has some very simple requests. It wants its fair share of the Brexit adjustment reserve because it has been impacted. It also wants a *de minimis* once-off payment from the Exchequer to help its fishers through the incredibly difficult period they are having to negotiate. That is vitally important.

I will also bring up a scheme for which we are told funding has been stopped. I refer to the very innovative and very helpful scheme whereby children in communities, schools and service providers such as CoAction are introduced to fishing through Inland Fisheries Ireland, whether on the shore or in lakes and rivers. It has been an incredibly successful project but I understand its funding has been pulled. I urge the Department to reinstate that funding as soon as possible.

I have no doubt this legislation will pass. I will be voting with the Government, as I always do, but I ask the Minister, having seen how controversial the statutory instrument was, to consider those two items: the balance of probability issue and the issue of points staying with skip-pers or masters who are convicted and given penalty points even when these are overturned in a court of law. It is not right and it needs to be looked at. The Bill needs to be amended in this respect and I urge the Minister to look at that.

Deputy Holly Cairns: Before discussing the specifics of the Bill, it is important to note the background to the fisheries penalty points system. Just over a year ago, the Taoiseach, then acting Minister for the marine, signed a new system into law without consulting the sector. This was the fourth attempt to bring in such a system after High Court rulings in favour of the fishing sector and the Dáil voting down its introduction in 2018. This entire issue was mired in controversy before it even began. The lack of engagement with those affected is not only disrespectful but creates hostility to a system that is supposed to be about ensuring better practice straight away. The disregard for fishers and coastal communities further deteriorates the relationship between the Department and the sector.

Last year, many of us in the Opposition pointed out the inherent flaws in the Government's penalty points system. It lacks due process. Points can be issued on a balance of probabilities, which is a worrying threshold that has no place in any State regulatory process. The right of appeal to the High Court is very limited and, in the case of a successful appeal, the penalty points would still remain on a licence. This system seems intentionally hostile by design.

Our coastal and island communities deserve better. The fishing sector should be central to creating a viable and fair process. The only way successful and progressive policies can be developed is in genuine partnership with the communities and businesses affected. This is all incredibly frustrating because a large part of the opposition to this new system is entirely of the Government's making. A means of regulating the sector and reprimanding bad practices could have been welcomed as a means for rewarding the good work of most of the sector but instead we have this mess.

In relation to the Bill, there are a number of points I wish to raise. First, the Minister emphasised yesterday that Ireland is required to implement a points system urgently as we are subject to EU infringement proceedings and the related financial penalties. This type of rationale is deployed by the Government too regularly to justify bad policy. We are presented with a flawed

system and told we have to pass it as soon as possible. This type of approach cannot be used to vindicate unacceptable legislation.

We were due to have a system in place by 1 January 2012. Successive Governments and the Department of Agriculture, Food and the Marine have failed to do this, not fishing communities and this House. There was no mention of these failures over many years by the Minister yesterday, which leaves me with little confidence that any lessons have been learned.

Second, a key problem with this system, reflected in numerous submissions from the sector and in the joint committee's report, is that the threshold of proof required is based on a balance of probabilities rather than the usual standard of culpability, beyond reasonable doubt. This goes against normative principles of justice and creates a structure with too much scope for arbitrary and inconsistent rulings. Not only is this morally questionable, but it undermines the system. This key issue will have to be addressed.

Third, a master or skipper can only appeal to the High Court on a matter of law, not on the substance of the case. This is an extraordinary limitation on an individual's access to justice. Related to this is a situation whereby if a master is found innocent of the alleged breaches in court, the penalty points applied under this legislation would not be deleted. How can the Government justify that position? It is unbelievable. What is the rationale for this nonsensical measure?

Fourth, the sector has expressed concern over the potential for inconsistencies between the application of penalty points to EU and non-EU vessels. As matters stand, points assigned to a master who is not an Irish citizen will be notified to the authorities of the relevant member state. However, ambiguity exists concerning infringements by fishing masters of non-EU states, including the UK. This lack of clarity means that different masters, according to their nationality, could have different regulatory burdens. Again, this type of variability undercuts any faith in the system.

Fifth, the absence of any reference to weighing fishery products in the Bill is worrying. This is a major issue raised by sector representatives who are seeking the reinstatement of in-factory weighing. There are difficulties around the practicalities of the current system and its effectiveness. The Joint Committee on Agriculture, Food and the Marine highlighted this in its report but the Bill does not address it. This omission can be seen as an indication of a Government and Department out of touch with the realities on the ground.

Finally, under the EU regulation, the Minister has considerable scope in implementing a penalty points process. I am seeking that the Minister use this scope to produce a system that is based on natural justice and due process, and takes on board the many suggestions made by the sector. We are all in agreement that there needs to be a system in place to ensure compliance with fishing regulations. We should promote best practices through a fair and transparent enforcement approach. The Government's Bill is far from that.

On the subject of inadequate consultation by the Department, it is important to note that the new law on pair-trawling in the 6-mile nautical zone was overturned simply because there was not adequate consultation by the Department. I urge the Minister to reinstate that law with the adequate consultation as soon as possible.

Government Deputies have told the House today that the inshore sector has been neglected. I could not agree more. We heard a lot about the unfair deal Ireland got in relation to the quota

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and I fully agree. However, not enough attention was given to the fact that the Minister is in charge of distributing the national quota and 2% of that went to the inshore fisheries sector. The sector accounts for the vast majority of people and vessels working in fisheries and is the kind of sustainable fishing that we should all be getting behind. Instead, 98% of our national quota has gone to roughly 50 boats, which provide far less employment and engage in much less sustainable practices. That issue needs to be addressed.

Deputy Brian Leddin: While I welcome some aspects of the Bill, it is worth viewing it in the context of Irish fisheries policy and our approach to protecting our marine ecosystems. As legislators, we should always be cautious when introducing regulations that impose a bureaucratic burden on citizens. However, when we are considering the protection of the environment and ecosystems, we often frame the debate about environmental regulation as a false war between a busybody State which seeks to unfairly restrict the activities of the likes of farmers and fishermen and those who live off the land and sea who wish to carry on their activities to support their families without encumbrance. We need to wholeheartedly reject this argument. The protection of the environment and ecosystems is in all our interests. When we set up this false war one of the frequent outcomes, especially in the fisheries sector, is delay. This Bill is a result of the delay in introducing a points system in fisheries, a delay so large it resulted in the European Commission withholding funding refunds from the European Maritime and Fisheries Fund.

This is not the only area where we are in trouble for a delay in implementing measures to protect fish stocks. The European Commission has found that how we weigh catches of fish is inconsistent. We have serious faults in how we are implementing the discard ban and this is likely to be subject to a further infringement procedure.

Judicial review proceedings have been initiated to challenge the failure by the EU as a whole under the Common Fisheries Policy to meet a legally defined deadline of ending overfishing in all stocks by 2020. Irish Ministers have been found to lobby at EU level for increased overfishing and quotas beyond scientifically advised levels.

We know there are problems associated with pair trawling, a practice the Green Party wishes to see prohibited, and the marine environment continues to deteriorate due to continued release of plastic waste, including nets and fishing gear.

I understand and sympathise with the plight of the fishing industry, especially post-Brexit. I understand the desire to maintain income levels and reduce red tape. However, we simply have to change the way we approach this issue if we are to have any chance of future generations making a living from the sea. It is in all our interests to protect and restore our fish stocks and marine ecosystems. There is no future in a dead sea.

I welcome the Bill. I hope it will be the first of many Bills and initiatives in the fisheries area that will continue to protect our marine ecosystems and encourage a sustainable fishing industry.

An Ceann Comhairle: I have a number of Deputies listed to speak. I do not know what is happening in the Whip's Office. It is not my responsibility.

Deputy Michael Collins: I suppose the reason many of the Deputies are missing is because the debate is about fishing. It is the fishermen of Ireland who will be affected by the decisions the Government is going to make today. I heard what Deputy Leddin had to say and I am disappointed that he does not fully realise the suffering fishermen are experiencing. Stocks are

falling throughout the world because we are giving away our quota continuously. The Deputy is happy to stand idly by and accept that by praising this Bill. It will be an astonishingly bad deal for Irish fishers. The Bill aims to criminalise the entire fisheries sector and create an own equal and deeply unfair legal system for fishermen and fisherwomen. On that basis alone, I am completely opposed to it.

There has been an extensive consultation with the Department's legal services division, the Office of the Attorney General and external counsel on this issue to devise a system which is compatible with our legal system and existing legislation. However, there has been a completely inappropriate lack of meaningful consultation with Irish fishers. In scrutinising the general scheme of the Sea-Fisheries (Miscellaneous Provisions) Bill, the joint committee held public meetings with Department officials and engaged with representatives of the Sea-Fisheries Protection Authority, SFPA, and met with and received written submissions from fish producer organisations. The joint committee concluded pre-legislative scrutiny and submitted its findings and concerns in a report by means of a letter dated 21 June 2021, in which the Chair wrote the following.

The Joint Committee expresses its concern at the standard of proof to be used by the determination panel and the appeals officer. The balance of probabilities is to be used as a threshold for applying penalty points rather than culpability beyond a reasonable doubt. Furthermore, the Joint Committee is concerned that penalty points applied under this legislation would not be deleted even if a master is found innocent of the alleged breaches in a court of law. These issues may negatively impact the perceived fairness of the penalty points system. The Joint Committee calls on you to re-examine the standard of proof to be used in the application of penalty points and consider a means by which penalty points may be deleted if a master is found innocent of the alleged offences for which they were applied.

Again, this is an astonishing situation. Good God it was mentioned here already yesterday. If a Deputy was to get penalty points for driving a car yet he or she was actually inside here in the Dáil at the time, and it was found out that a mistake was made by the authorities, the penalty points that had been applied to the licence would be immediately withdrawn, an apology given and we would move on. In this situation, however, if a person is caught then he or she is done and if a person is innocent he she is also done. You cannot win: it is a no-win situation.

A significant issue that has been highlighted in meetings with the fish producers organisations and the Sea Fisheries Protection Authority, SFPA, is the revocation of weighing after transport. There is an urgent need for the SFPA to submit a revised control plan, one which reinstates in-factory weighing across the State, which is a level of oversight by the SFPA and the National Standards Authority of Ireland, NSAI, that is considered to be unmatched in the EU. Any inconsistency that may arise between the application of penalty points to EU and non-EU vessels must be addressed. Such an inconsistency could lead to Irish vessels facing a greater regulatory burden than the UK-registered vessels fishing in Irish waters.

The new system introducing penalty points for masters of fishing vessels is unfair and unbalanced with nonsensical elements, according to the Irish Fish Producers Organisation, IFPO. The Oireachtas committee was told last May that the EU ruling that catches must be weighed at landing rather than at factories is an absolute disaster and totally unworkable. The European Commission has said that operators did not have the weighing systems fit for purpose. In 2018 hauliers had identified manipulation of weighing systems and said the State had not taken appropriate action to address this. The move brought an immediate end to the derogation from

the obligation to weigh catches at landing. The Irish Fish Producers Organisation told the committee that it does not oppose the introduction of a points system to punish serious fishing infringements but it does argue that the Bill repeats the mistakes of earlier legislation introduced by the previous Government. The IFPO has said that the only grounds for appeal to the High Court are on a point of law, which it says is being introduced to restrict the rights of appeal of fishers who fall foul of the Sea Fisheries Protection Authority. The IFPO told the Oireachtas Joint Committee on Agriculture, Food and the Marine that it is nonsensical that penalty points will be retained by the master even if he or she is acquitted, and that the standard of balance of probability rather than reasonable doubt could potentially destroy livelihood. Anger in the industry is reflected across several other submissions from the fishery sector lobby groups. There are submissions from the Irish South and West Fish Producers Organisation, which argues that the penalty points system could remove an individual's income without that person having recourse to the courts. Potentially, we could have the farcical situation whereby the High Court rules a person as innocent but the penalty points remain on the licence.

That is the whole situation here from start to finish. This is the argument I put to the Minister, Deputy McConalogue. The Minister can see, as with the debates on fishing over past number of years, the number of speakers who have failed to turn up here today to speak on behalf of the fishers in this country. It is deflating to be a fisher to look in on this and to see what is going on here. This debate is flying through the Dáil because many of Deputies have failed to show their faces and fight for their fishers. The penalty points system is making criminals of skippers and even if they are innocent they are still deemed to be guilty. The issue of the weighing crisis at the piers is an absolute disaster, made by the SFPA, with massive losses to the pelagic fleet. The stinking rotten Brexit deal that was done last Christmas and signed up to by this Government is an absolute disgrace. The Green Party is the tail that is wagging this Government. I put it to the Minister, Deputy McConalogue, that he needs to be stronger, that he needs to stand up for these people and understand their livelihoods. The Minister was down in Castletownbere with the Fianna Fáil road show recently but he did not tell any other Oireachtas Members from that area that he was coming. It was a nice secret to go around and pat the backs of the people he has ruined. He has ruined their livelihoods. These people are contacting me and they want out. This is not a way for fishers who want to survive and make a livelihood, which is all they ever wanted all their lives. To add insult to injury the Minister had said in a press release that it was a brilliant meeting. Unfortunately it was sent out the day before he came down. This tells us the disrespect the Minister has. Not only did he fail to notify the Oireachtas Members from West Cork he also disrespected the fishers by putting out a statement on the wrong day that stated he had a very successful discussion with them when he had not discussed anything at all and had not yet even arrived. That is the situation that fishers find themselves in. They get no respect from start to finish.

This has been going on with the current Minister and his predecessors. One after another they have failed to protect the fishers. The Government Deputies are coming in here to back this because the Green Party and the Minister say that it must be done. It is time for someone in Fianna Fáil or Fine Gael to stand up for the people who elected them. That is what they must do. This is a raw deal. It has been one raw deal down on top of the other raw deal, but there is a way out. When the British had to bring in a penalty points system in their time they certainly had to hold negotiations. They were proper negotiations with their fishers, when they were in the EU, with regard to a penalty points system. We did no negotiation. We are asking how high do they want us to jump so we can comply with the rules. Will we ask them how much more of a quota we will need to lose again next year so we can comply with the rules? I called for

a senior Ministry within Government for the negotiations for the marine sector and he failed miserably to get that senior Ministry. It has cost us dearly. This is a great industry we have on our doorstep.

We have a task force in place at the moment. I attended the Irish South and West Fish Producers Organisation AGM on Saturday and they told me that they put many amendments forward to try to put a better system in place. They were concerned that this task force was not allowed to take on board their amendments. What is going on out there? What is the point of a task force if nobody can have an input to try to see if they can fight for the survival of their fellow fishers? This situation also rolls on down with regard to the inshore fishermen. They certainly are feeling the pinch as well. Many of them feel they are being neglected. We have a weighing crisis at the piers that is an absolute disaster. We have SFPA that seems to protect everybody else but the Irish fishers. We now have this issue of penalty points so we can drag in our innocent fishers who work hard out there, and who might not be guilty of an infringement. A few months ago, however, when there was a ramming incident of a Castletownbere trawler by a Spanish trawler that was fishing illegally in Irish waters nobody could go out to help them. They were left there. It tells us what side of the world we are living in and tells us on what side is the Government.

The Green Party's Deputy Leddin comes in here and is delighted about it. The Deputy has not read about it and he does not understand how hard it has been for the Irish fishers. The Deputy talks about quotas. Ireland is not throwing away its quotas, they are being given to the foreign fleets who are robbing the fish out of our waters. We have allowed it continuously. I and each and every Deputy from Fianna Fail and Fine Gael and the Green Party need to stand up here today to oppose this Bill from start to finish.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk about this very important matter. It affects issues from west Cork to Kerry, Dingle to Cahersiveen, and all the way up the west of Ireland to Donegal. Deputies Collins, Ferris and I met with the former Minister, Deputy Creed, when he was introducing the statutory instrument. He did not listen to us. Gladly, Pat the Cope Gallagher, the Minister's former fellow Deputy from County Donegal, annulled the statutory instrument but when the Taoiseach, Deputy Micheál Martin, got into power he introduced the statutory instrument again.

The way that these penalty points are being meted out is not fair. If a person contests them in the courts and proves the case he or she will not get those points removed from their licence. This legislation makes no sense because the UK vessels will not get points in Irish waters. There is no fairness in the courts system. The Killybegs Fishermen's Organisation argues that the penalty points system could remove an individual's income without that person having recourse to the courts. This is a farcical situation. The courts may say that a person is innocent but the points still remain.

2 o'clock

The Minister is from County Donegal. Is he going to stand over what is happening here and hurting fishermen from Killybegs, all along the west coast down to Dingle and Cahersiveen and along the west coast of Cork? After all, the Minister is from a county that is very much like ours.

The weighing of fisheries products is not covered by this Bill, even though the Government

knows that this has been a serious issue since new rules were introduced on 13 April last with immediate effect. In short, the difficulties arise around whether weighing can take place before or after transport, that is, at piers rather than in factories, and in the context of removing ice packaging and having to put it all back in place again. This is totally unfair. Individual weighing and repacking as part of the weighing control system and the problem resulting from this process will not result in better fish quality.

Why apply penalty points to Irish fishermen while UK fishermen fishing in Irish territorial waters are not to be tackled at all? What are the Minister and the Government doing? Can they not stand up for fair play? Rather than penalising our fishermen, why do the Minister and Government not fight for more quotas for them and give them a chance to live? It is affecting the rural communities as well as the fishermen.

Deputy Michael Healy-Rae: It says enough about what is being proposed in the Bill that the Green Party is stating that it is quite happy with it. That should be enough about it and make what is before us totally abhorrent to the Minister. How he or anyone else in the governing parties can support this is beyond belief.

We are all here to do our best for the different sectors we represent. I cannot for the life of me understand how anybody could agree with what is before us today because it is hurting our fishermen. That is a fact. Can the Minister make a case, on the record of the Dáil, as to why this is good for our fishermen and the people I represent, regardless of whether they live on the coast of Kerry, in the west of Ireland or where he is from? I am absolutely shocked to think that of all the people in the world, the Minister could actually support this. I will listen very carefully to any argument by the Minister or anyone else in the Green Party, for example, to the effect that this is good for fishermen. Our fishermen have been downtrodden for many years and I cannot understand why. They are part of our heritage and culture. They are part of what we want to keep going and all they want to do is survive, whether they are fishing on a full-time or part-time basis.

Last weekend I met with groups of fishermen who told me about the way they are hurting so bad. These are people who have small operations. Some are even just individuals on their own going out fishing. They say that it is getting more and more difficult all the time. I cannot understand why the Minister or anybody else would want to impose something that is actually crazy. We can spend the whole day debating the intricacies of what is being proposed, whereby we could have a situation where penalty points would be applied and still stand even though they would be deemed to have been applied in the wrong in the first instance. Why do we have to treat these people like their criminals? It does not make sense. We can have fishermen coming in from other countries and what they will do is fine. Again, I-----

Acting Chairman (Deputy Alan Farrell): I thank the Deputy.

Deputy Michael Healy-Rae: My time is not up. What I want to get across is this. I am standing here pleading with the Minister at this late hour to for God's sake do something to help these people to be able to make their livelihoods.

I was very glad that the Minister visited to my county recently. On a personal basis, he is a very nice gentleman, but how in the name of God did he or anyone in his Department think this was a good idea? My office is located in Agriculture House and I was delighted to see him come in as Minister. I was one of the first people to say that I wanted our new Minister to come

to County Kerry. Since when did the Government bring in what I would call an extremely discourteous thing whereby the itinerary of a Minister, when he is coming into a county where other people are there to represent, is like a big secret. The Minister did the exact same thing and I did not realise that until I heard Deputy Michael Collins talking about it. The Minister might think it means nothing but, on a personal basis, it is hurtful. There have been Healy-Raes in County Kerry for a long time, and when a Minister ever came to Kerry, that Minister would always tell us what he or she was doing and where he or she was going. I know every one of the people the Minister met. I was talking to every one of them. Again, I apologise; I did not get to meet the Minister because I had scheduled clinics but, then again, how could I know what he was doing when he or his office did not tell me exactly what he was doing? It is only a matter of courtesy. Is it that the Minister does not want to meet other public representatives if he is doing a roadshow? On a personal basis, and just so the Minister realises, it is a hurtful thing to do. I thought that in politics-----

Deputy Charlie McConalogue: All Deputies are notified in advance.

Deputy Michael Healy-Rae: -----we were bigger and better than that. I want to get that across to the Minister.

(Interruptions).

Deputy Michael Healy-Rae: I do not want to eat into Deputy Mattie McGrath's time.

Deputy Mattie McGrath: I, too, rise to wish a silent lament that former Deputy Pat The Cope Gallagher is not here. He stopped this by way of statutory instruments. The Taoiseach, Deputy Micheál Martin, who, when he in the Department of Agriculture, Food and the Marine on an acting basis - having unceremoniously disposed of two of his Ministers - signed it only to reverse his decision. He would do anything to grovel to the Green Party. The Green Party is butchering this. How can we have a situation where the courts of the land can clear people of a charge or of anything and the penalty points will still remain? Has the Government learned nothing from the closure and loss of our sugar industry?

I am not a fishing person at all but I support my colleagues. I compliment Deputies Michael and Danny Healy-Rae and Michael Collins, who have been tirelessly representing the fishermen here. To think that the Minister did not notify them that he was going down to west Cork. The Minister was in Cahir as well and called to the mart in my hometown, but he did not even notify his colleague, Deputy Cahill. He brought a Fine Gael Senator with him. I do not know if the Minister knew the fish from the cattle or what he was doing because the press release about Castletownbere went out even before he arrived.

How patronising and insulting, and how awful for families who are being forced out of business and being expected to take compensation. It is an awful way to treat people - just give them money and get rid of this industry. We got rid of the bees. We are getting rid of our peat. There is no room for ordinary people. The plain people of Ireland cannot work, heat their houses or fish for themselves or for their livelihoods. It is to hell or to Connacht, like Cromwell had it when he came into Tipperary all those years ago. It is to hell with rural Ireland now for Fianna Fáil. I cannot believe it.

When former Deputy Mary Coughlan was Minister for Agriculture, Fisheries and Food,

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she involved every public representative when she visited places. She wrote a letter and said let them come if they can come. What is happening now is cloak-and-dagger stuff. I know the Minister is hiding from the people of County Donegal. He is spending a lot of time all over the country because he cannot face his own people but he is going to have to face them. They are waiting for him in the long grass. He will have to face them in the next election. Hopefully, the former Deputy, Minister, Leas-Cheann Comhairle and MEP, Pat The Cope Gallagher, will return and represent the people of County Donegal and the fishermen. He will represent the people of Donegal across the board and he will not be abandoning them like the Minister, Deputy McConalogue, is and selling his soul for 60 shillings.

Acting Chairman (Deputy Alan Farrell): I thank the Deputy. We now move back to the Government slot. I call Deputy Cathal Crowe.

Deputy Cathal Crowe: I thank the Acting Chairman. I came in at the tail-end of the previous contribution, which Deputy Mattie McGrath over-personalised. I do not think that is necessary. This debate and the work of the House should be above that. We are here today to deal with important legislation that has many positive elements to it. The personal charges that are thrown across sometimes happen too often in here. When I watched Dáil Éireann as a young fellow over the years and said that this was the career I wanted to have, it was certainly not that model of politics that I-----

Deputy Mattie McGrath: Is the heat too hot in the kitchen for the Deputy?

Acting Chairman (Deputy Alan Farrell): Deputy, please.

Deputy Mattie McGrath: The heat is too hot in the kitchen for him. It is a fact.

Acting Chairman (Deputy Alan Farrell): Please, Deputy. I am sorry, Deputy Crowe.

Deputy Mattie McGrath: The Minister did not notify anybody that he was coming to Tipperary.

Acting Chairman (Deputy Alan Farrell): Deputy McGrath, take your seat this instant. I gave you a fair bit of latitude.

Deputy Mattie McGrath: Yes, you did.

Acting Chairman (Deputy Alan Farrell): You went way off what is acceptable during a Second Stage speech.

Deputy Mattie McGrath: Did I?

Acting Chairman (Deputy Alan Farrell): Yes, you did, and you know it.

Deputy Mattie McGrath: I do not know.

Acting Chairman (Deputy Alan Farrell): I allowed you some latitude. Show some courtesy to another Member of the House who has the floor. Deputy Crowe, please continue.

Deputy Cathal Crowe: I will conclude that introductory remark by saying that I have the utmost respect for my colleague, Deputy Mattie McGrath. We share a corridor on which we are neighbours but I take exception to seeing personal stuff being thrown into the Chamber. It is below where we need to be in terms of the quality of debate on a particularly important matter.

This is an important Bill that provides for a number of amendments to the Sea-Fisheries and Maritime Jurisdiction Act, which dates back to 2006. It legislates for a points system for Irish masters of sea-fishing boats. I understand that we are the only country that does not have that system yet. It has been misrepresented over the past few days as being some kind of punitive system equated at times, perhaps, to what happens when a person commits an offence when driving a car. This is quite a different system and needs to be seen for what it is. What I really want to say is that for all the good this Bill does and which we should all support, it is important to have a more broadened debate about the fishing industry. It is an industry in County Clare and an employer in parts of our county, such as Doonbeg and along the coast. It is, of course, much bigger in the Minister's constituency and even bigger again, when one goes down along the coast towards Castletownbere and some of those harbours in County Cork. What I have been hearing time and time again and what I saw first hand only a few months ago when I had an hour or so free time, boarded trawlers docked outside the convention centre in protest and met trawlermen from Clare, Cork, Kerry, Donegal, Mayo and along the western seaboard, was that one after one they told me how difficult it is for them to survive.

I cannot remember the name of the app they asked me to follow but it is similar to flight radar. There is a phone app by which one can cast an eye over the Irish Sea or the Atlantic and see what vessels are at sea. They asked me to monitor it over one or two weeks and I did. What I could see off our coast were fleets of Spanish vessels time and time again. I am not an expert on the jurisdiction of waters, but I was also told by some people working in Shannon Airport that there was an offshore Spanish hospital ship out in the Atlantic at one point. Given there were so many trawlers from the Spanish fleet out there, they had a hospital ship out at sea to service that large crew of people on board trawlers.

We need to look at the regulatory regime under which we fall. We are in a large European bloc. It seems illogical at times that our fishing industry is struggling when Spanish and other Mediterranean fishing industries seem to be booming. I support this legislation, but there is a need for a wider dialogue on supporting our fisheries. It is close to the heart of the Minister, Deputy McConalogue. Despite what some have tried to insinuate here today, he has at all times not hidden from the fishing industry or any other industry that his Department represents. He is engaging with them and there needs to be more and deeper engagement to support him.

Deputy Johnny Mythen: I welcome the opportunity to speak on this Bill. County Wexford has a strong maritime tradition, a strong fishing community and a strong sense of justice, stemming from our proud history of resistance to colonialism and oppressive laws. It is no surprise that this Bill is not welcome in County Wexford or throughout all coastal communities on this island and despite the Government being informed by all major stakeholders in the fishing industry that this law is bad. The fishing industry now faces major issues from Brexit and the loss of 15% of our quotas. This industry is just about surviving. This Bill has many faults. It is imperative to apply the law of the land as in a manner equal to the law of the sea. However, this is not the case. The law of the land states one is innocent until proven guilty, but this Bill is contrary to that sacred principle, because it holds the legal threshold of the balance of probabilities over the principle of reasonable doubt. Another major flaw in this Bill is that penalty points remain on the licence, even when the accused has successfully appealed to the courts. We are calling for this legislation to be redrafted. We need a complete renegotiation of the Common Fisheries Policy that would rebuild the valuable Irish fishing industry, which contributes millions of euro to the Irish economy every year and employs thousands of people.

Deputy Thomas Pringle: I am sharing time with Deputy Connolly. I start off by referenc-

ing some of the other speakers. I am not aware of any notification having come forward of the Minister's visits to the ports. I could be wrong but I am not sure that they have. There could be something wrong with the communication in the Minister's Department, because I am not aware of an invitation having come forward. I just checked with my office and there was not one. The other Members are right in what they have said about being notified. We need to address that.

It is always interesting that when the news will be bad, the invitations will be widened out. Everybody else will see this with regard to mica, which is not related to this Bill, in that we get invited when there will be bad news in order that it is deflected. If it will be good news or something else, only the Government will be invited. Looking at the contribution yesterday by the Minister of State, Deputy Heydon, he talked about the need for this Bill. There is no need for it. The Bill is fatally flawed, because it does not provide proper outlets for people who have a problem with it, to go to the courts and have their cases met there. This Bill will end up in the courts after it is passed. This Bill will be passed because the Minister has numbers and it will probably end up in the courts to see where the provisions are proper and right. That is, unfortunately, fair enough, because this House, by proportion of numbers, cannot do it anyway.

A Bill that provides further on the balance of probabilities for something to take place is grand and would be if it were only this administrative procedure taking place, but a criminal procedure also runs alongside this. The mixture of legal positions that we have is probably unique in European terms and maybe that should be dealt with. Perhaps if it was all administrative functions, that might be more acceptable to the industry. There is no doubt the industry is going through a difficult period at the minute of which this Bill is symbolic.

I take issue with some of the previous speakers saying that former Deputy Pat the Cope Gallagher stopped this when he was in opposition. That is right. It did. That motion put forward was supported by all the Members, but the key part of that was "when he was in opposition", because I am sure that when Fianna Fáil went into government, it would have been implemented anyway, whether Pat The Cope was here or not. That is the reality of the situation. It is easier to stop things when one is in opposition and then one goes into government and does the exact opposite. We have seen that too often, across the board, in this Parliament, to know it will be any different. While I have much respect for Pat the Cope Gallagher and the work he did in this House, it would have made a difference when he went back into government, because this system would have been implemented regardless.

When the Minister of State spoke about the Bill, he said that serious financial implications arise from the non-implementation of the points system. He went on to say that approximately €24 million, to date, has been lost because of this and that will reach €37 million in 2022. That does not represent serious financial implications. There is no doubt that €24 million and €37 million are significant sums of money. It is a lot of money to any individual in the country, but when the State is talking in tens of billions of euro, as we do for everything, it is not a huge amount of money, nor is it a justification to say we should be doing that because we are losing out on this money. We should be doing it because it is the right thing to do. The Government has agreed it is the right thing to do because it has agreed all this with Europe and it will implement anyway. I do not agree with the outline that the Bill has to be passed and that it will be open to challenge.

The system is unfair. It will be difficult for masters of vessels to manage and it will be interesting to see how it will be implemented, because that will be the crux of it. Many fisher-

men will be looking to see how the implementation of this will take place and whether it will be done in a fair way. The experience, rightly or wrongly, of many fishermen has been that the Government does not work with them, it works against them, in terms of how they go about their business. That may be wrong but that is the experience and it cannot be discounted, in that they feel that way when dealing with the Government. That is vitally important.

There is no doubt that fishing is and has been at a difficult stage, with Brexit and the implementation of these penalty points. Fishing has always been at a difficult stage. It has always been put on the back burner and left there. For many years, fishermen developed the fishing industry and worked on, in spite of Government policy, rather than because of it, or working with it. If this will be dealt with and if fishing will be put on a sustainable footing into the future, the only way is a complete and utter review of the Common Fisheries Policy. The Irish Government, whether it is one with a Fianna Fáil Minister, a Fine Gael Minister, a Sinn Féin Minister or whoever is there in the future, is going to have to accept that wrongs have been done going back to the early 1980s. In fact, before we even joined the EU the wrongs had started. The European Union made the conservation of fishing stocks the sole responsibility of the European Commission while our negotiations were taking place. At the time it was the only item that was the sole responsibility of the European Commission. Why was that? It was because Europe was fully aware of what we were bringing to the table and we were not. That is the reality of the situation. We were not aware for a number of different reasons, namely, because the Government was not up to speed on it and because fishermen were not talking to the Government and letting the Government know. Anecdotally, I have heard that the Government would not believe fishermen when they said what they could catch and it reduced that number when it went to Europe to negotiate the Common Fisheries Policy, whereas in France, the French Government increased what the fishermen told it they could catch so they ended up with a bigger total allowable catch.

From that point on we have had a problem and it is coming to a head now. It is coming to the point where there is no more road. No more change can take place and there are no more ways that the emissaries or the Government can turn a blind eye and allow things to happen. There has to be a recognition that the fishing industry has been shafted by Europe and by lack of Government response and support for it over the years. It is not any one Government's fault or any one individual's fault; it is just the fault of the whole system, which has worked against the fishermen. If we are going to put this industry on a sustainable footing we need that acceptance and we need the Government to go out to Brussels and Europe and fight on behalf of the fishing industry, rather than this charade of going out before Christmas every year and coming back with less again and dressing it up as being a success. We have to go out and change the balance of how things are decided so we do not have to do this every year, so the Government is not always fighting for Hague principles and stuff like that to make sure they are in place and maintained. That is the only option for the fishing industry. If we do not do that, unfortunately it is going to continue to decline. It will decline and decline in Killybegs and Greencastle. Burtonport is wiped out already anyway. Right along the coast it is all going to decline and coastal communities will not be able to survive. That will be very detrimental for the whole country. This Dublin-centric development that has always been there is just going to increase and go further and further if the Government allows it to happen. That is sadly what the Government seems to have been prepared to allow to happen. We need to stop that and the only way we can do that is by the Government saying that it has to stop. It must fight in Europe to make sure these things change, stand up and fight properly by saying it is unacceptable and that we want this change and are going to demand it. Then things will come back. Everybody in this House

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will stand behind the Government and support it in making those changes properly. That is vitally important.

It is symptomatic of the problems that exist that there has been so much resistance to this legislation. This legislation is flawed and it needs to be rehashed and looked at again. There has to be an option for people to have a fall-back and go to the courts if they are not happy. It will cost them a lot of money and they will probably have to fight this again in the courts when it gets through these Houses. That will be very detrimental and will be a retrograde step if that is the case. The Government has had a poor approach to dealing with these issues. The Minister and the Government have let down Donegal farmers and fishermen. Hopefully we will not be let down with regard to the mica situation in the weeks to come but I would not hold out much hope. We have an opportunity now in relation to fishing. If we can do this over the next couple of years we can work together to make this happen. Unfortunately, I do not think the political will is there on the Government's side to make that happen.

Deputy Catherine Connolly: Táim sásta páirt a ghlacadh sa díospóireacht seo. Tá an t-ábhar seo thar a bheith tábhachtach d'iascairí na tíre. Aontaím le mo chomhghleacaí go bhfuil neamhaird agus dochar déanta don earnáil de réir polasaithe leanúnacha ó na Rialtais éagsúla. I agree with the my colleague's comments about the fishing industry and how Ireland has completely and utterly lost out with the Common Fisheries Policy. I do not have the time to go into that today except to say on the record that I agree with him.

I want to look at what is before us. I have taken the trouble to read the Bill. I will preface my remarks by saying I am no expert in this area but I have done my best to get my head around what is happening here. The Bill has 15 sections. It is very late coming and we are in trouble with the EU again so it is withholding money. The Minister might clarify that. I see a reference to money being withheld. Does that mean that if we are good boys in the class we will get that money back, or is that money lost? The word "withheld" was used. The EU has sent us a reasoned opinion telling us we have no choice but to act and this is the action we have taken. The action is definitely faulty and I will come back to why that is. The Commission decided to send a reasoned opinion to Ireland over its failure to fulfil its obligations under the 2009 directive. It states, "Specifically, Ireland has failed to comply with European Union rules on establishing a point system for fisheries-related serious infringements committed by masters and licence holders of vessels flying the flag of Ireland." The Minister might come back to that point about "masters and licence holders". It goes on to say, interestingly, that Ireland has "also failed to put into operation the current national legislation [which is the 2006 Act] implementing the point system for licence holders." Let me try to simplify that for myself. We are bringing in a new points system for skippers parallel to a points system that was brought in in 2006 for licence holders, although it seems that due to a typo or an error in the legislation that system was never implemented. Perhaps the Minister might clarify that for me. I would have thought we would have learned from the existing points system and reviewed it and checked it to see what were the good points and bad points before rolling out another points system. Is the current licence system and the points system for licence holders of boats that was brought in in 2006 in operation, or is my understanding correct?

I thank the Library and Research Service once again for producing a Bills digest under pressure. I think they are great. Most of the amendments are technical ones, according to page 7 of the library's digest. It states, "The most significant proposed amendment relates to Section 28 of the 2006 Act which deals with penalties for certain indictable fishery offences. The amendment is intended to address a typographical error in this Section which effectively means

that there is currently no way to prosecute anybody detected fishing without a valid Sea-fishing Boat Licence.” I ask the Minister to come back to that. It is not that I want to be a voice for prosecutions but I want to know about that parallel system that has been in place since 2006. It is now 2021 and we are now correcting a typo. We all make errors; I have no difficulty with that. However, I do have a difficulty with the length of time it has taken to correct a typo, and not learning from it or explaining to us today what the consequences of that typo were. Is there a points system in place or is there not? It is unforgivable that that has not been explained to us today. I ask the Minister to please explain it in his wrap-up.

We are introducing a points system for skippers and as well as having a civil side giving them points if there is a serious infringement, there is also a criminal side. I am not sure why we need both. I would appreciate if the Minister could clarify that. What seriously troubles me is that we are going to doubly punish the skipper. We are going to give the skipper points then we are going to prosecute him or her. However, if that prosecution fails and the person is found innocent they are still left with the points. None of that makes sense. If somebody could explain that to me I would be delighted to try to explain it to the fishermen on the ground. That is something I am able to do when I grasp an issue but I cannot grasp this so I cannot explain it except to say it is absolutely contradictory, unfair and unacceptable. That is a major problem for me.

This is a short Bill with 15 sections. However, there is a major role here for the Sea-Fisheries Protection Authority. I took the trouble of looking at the final report, Review of the Organisational Capability of the Sea-Fisheries Protection Authority, from April 2020. It highlights the most serious issues and has six core themes: strategic management; organisational structure and design; internal structures and staffing arrangements; industrial relation working environment and processes; earning and development; and internal and external communications. The headquarters is in Clonakilty. I am told there is no connection, rapport or communication between Clonakilty and the ports. I am putting this into my own words but there is a clear gap between Clonakilty and the ports. The report, dated April 2020, states, “the SFPA is not working effectively and requires urgent attention” and “Relationships and trust have been impacted”. There were long-standing industrial relations issues. which were identified as early as 2009 in a report on the analysis of the employee opinion survey of the SFPA carried out by Joe Wolfe & Associates. The SFPA report states the organisation “needs to be reset and unified with a clear and agreed articulation of its mandate”; “needs to focus ... on its primary functions”; “needs a clear focus on an accepted vision and core mission, with agreed objectives”; and needs “a clear and accepted framework of responsibility, accountability, behaviours and authority in order to drive management effectiveness”. There are three more pages and I have three minutes. I will not use my remaining time on it all. The report states “An Oversight Group will be needed to oversee delivery, supported by Portfolio Management Approach” - it includes all these lovely words of the 21st century - and that the SFPA is consistently not meeting targets across fisheries control and seafood safety.

I will be precise and will use the wording straight from the report. It states “the SFPA lacks cohesiveness and there is a fundamental disconnect between the port offices and management in HQ”. That is the summary, in my words, of the report which is a damning indictment of the situation in regard to the authority. I lay blame on nobody; I am simply highlighting the report in order to say there is something seriously wrong here. There will now be a penalty point system administered by that authority, while no action has been taken in resolving the problems in that authority.

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This Bill was sent to the committee. It wrote to the Minister on 21 June 2021 - many Members have pointed this out already - highlighting four bullet points which were crystal clear, focused and to the point. None of those points have been addressed in the Bill. In highlighting them again, they include a standard of proof on the balance of probabilities. I understand the use of the balance of proof because “beyond reasonable doubt” is used in the courts. I ask that the other systems are explained to me. I would have thought the 2006 system would have been the best one to look at. However, I could not look at it because it seems it never came into operation.

I wish to raise the weighing issue and the debacle over the action taken by the EU. It is the EU’s right to do an audit and highlight the problems. However, when the consequences of the sins of the few are visited on the many, it is most unjust. A decision was made to stop the weighing of fish in the manner that was previously allowed whereby it was done in the factory. Weighing must now be done on the quayside, which is extremely difficult throughout Connemara, Ros an Mhíl, and Carna, and where they land fish. The EU was unjust in making that unilateral decision in that manner. It should have been more nuanced.

There were two other points highlighted by the cross-party committee, that was completely ignored, including inconsistencies. It highlighted there should be no inconsistency of penalty points to EU and non-EU vessels, particularly in the context of Brexit and England. The final point, which I have focused on, the joint committee calls on the Minister to support and resource the implementations of the recommendations of the report by the accountants. Having considered all that, I would have expected a Minister - it is difficult not to lose hope sometimes but democracy is difficulty and we have a duty to make it work - to explain the problems with the 2006 Act. Why was it not operational? Was there a points system? Was this parallel with it? Where are we going with it? We should not build an arbitrariness into this Bill or an unjust system that we cannot stand over.

Deputy Verona Murphy: The main purpose of this legislation is to enshrine European regulations into Irish law. The Irish fishing community must shudder with dread when it hears the phrase “new EU regulations”. There have been many EU regulations placed on the fishing community and very rarely have they been introduced with the intention of making it easier to make a living from fishing.

The first thing to catch my eye in this Bill was the Irish fishing master register. The Bill contains details of all the information to be kept on each registered owner. It only allows for registration when the person is an Irish citizen and has fewer than 90 penalty points. It is, of course, welcome that we will have a registration system that does not allow foreign rogue traders or serial offenders, but what about those who will be required to register as skippers on work permits? Like many sectors at this time, there is a difficulty in sourcing staff of all kinds. We must not limit their availability to recruit on a work-visa basis when there is no one in Ireland who is available or who wants the job. The Bill also requires the master to furnish the Minister with such information as he or she may reasonably require and it will be up to the Minister to specify the format of applications. I urge the Minister in this regard, if this Bill passes, such information required will be kept to only the information that is absolutely necessary. I would not like to see a situation where honourable and genuine people are made to jump through unnecessary bureaucratic hoops in order to become a registered master or where they turn away from the prospect of registering if it becomes too onerous in nature and more about the paperwork than the master’s ability. I hope the form and manner of the application process will be made user friendly, and multiple options, including online and traditional application methods,

will be provided as this is a problem in many other sectors, not least the heavy goods vehicle driver licence sector.

In broad terms, I fundamentally support the idea that we need controls over those allowed to operate with a fishing licence in our waters. However, there are points in this Bill - many of my colleagues have raised them today - that are causing my fishing constituents great concern. I draw Members' attention to the section entitled "Assignment of points by Authority". When an infringement occurs, the Bill makes a distinction between how an Irish citizen should be treated as compared with a citizen of another EU member state. It states:

(a) in a case where the master concerned is an Irish citizen, notify the master in writing—

(i) of it having been so notified, and

(ii) of the proposal to assign the appropriate points in accordance with Annex XXX to the Commission Regulation to the master for the serious infringement,

(b) in a case where the master concerned is a national of another Member State, notify the master—

(i) of it having been so notified, and

ii) that it is proposed to notify the competent authority of the Member State of which the master is a national of the detection of the serious infringement.

The Minister will see immediately that a non-level playing field will exist if this Bill is passed in its present format. An Irish citizen who commits an infringement in Irish waters will have penalty points applied by the Irish authorities. However, if a foreign master commits an infringement in Irish waters, he or she will not have penalty points applied by the Irish authorities. All we can do is notify the authority in the foreign master's country of origin. What mechanism will be used and how proportionate will the policing of foreign fishing boats be compared to Irish boats? We should have the authority to police our own waters as we see fit, rather than only being able to refer offences to other jurisdictions. It should not just be referred to the police force of the country of origin, offences committed in our waters or on our lands should be dealt with here. It should be the case in all matters. This is a fundamental issue. If this Bill passes, we will not have a level playing field as I have stated. We will not have the right to police our waters and we will not have the right to punish offenders in our waters. This is a very concerning state of affairs and I will not support it.

The Bill highlights the different levels of suspensions based on the number of penalty points accumulated. I wish to reiterate that I have no problem with Irish rule breakers facing sanctions. However, we could have a situation where foreign registered vessels that continually break the rules will continue to fish in our waters because we have no powers to deal with them. That is not proportionate. If the authority in the country of origin does not take action or is not as zealous as our own authority, the SFPA, or as it should be, we will have a two-tier system of regulation. That cannot be tolerated. We must be able to penalise any vessels fishing in our waters.

I want to put a question to all my colleagues in the House who claim to represent fishing communities. Would they feel comfortable visiting their local quayside and explaining to the hard-working fishermen there that the Irish authorities have no power to penalise foreign ves-

sels engaged in misbehaviour in our waters? Those fishers watch every day as SFPA staff board Irish vessels but leave alone the foreign-registered boats that unload beside them on the quay. It is totally demoralising for Irish fishers to see the Irish enforcement agency coming down on them while foreign boats go unnoticed. If colleagues would feel uncomfortable breaking that news, recognising that it clearly creates an unlevel playing field, then they must surely vote against this Bill as it currently stands. For Deputies who do not represent fishing communities or are not familiar with the fishing industry, I will use an analogy. Would they feel comfortable visiting a victim of a burglary and explaining to the distraught homeowner that even though gardaí know who the culprits are, they cannot punish those culprits because they are not Irish citizens? Homeowners would not accept that. Ordinary, everyday, hard-working people would not accept it. Fishermen, likewise, should not be forced to accept this Bill.

There has been much said about the Minister's visits to various places. I was invited to attend when he visited Wexford, but I have been left out of other Ministers' trips to the county. I entirely understand the feelings of my fellow Deputies in that regard. When a ministerial visit is happening in a county, every Deputy in the constituency should be invited. I appreciate that the fact this does not happen may have absolutely nothing to do with the Minister, Deputy McConalogue. However, I have spent some time in the House this morning trying to make public services and public servants accountable. The Minister has had his own personal debacle, where a press release detailing what happened during a visit was issued prior to the visit. I am sure he well understands the ridiculousness of something like that happening.

The fishermen and fisherwomen he met in Kilmore were very appreciative of his visit. He gave them more than two hours of his time. I am aware, indeed, that the visit did not come to a halt until 10 o'clock that night and the Minister was left looking for somewhere to eat. I know his job is not easy; nor is mine. We are all well-paid for what we do but that does not make it easy. However, I can say with certainty that the fisherman's job is extremely difficult. It is done in all weathers, facing all dangers, away from family and often onboard small or cramped vessels where fishers are mixing, working and living with people for days at a time. They must reap a reward for that because of the reward they bring to us. As I said last week in the debate on the Maritime Area Planning Bill, they feed us and they make our coastal communities what they are. We have renowned fish restaurants in this country. For a county of its size, Ireland has a tourism industry in which counties like Donegal and Wexford can equally share because we have such good restaurants. We are able to provide wholesome, tasty food from our natural resources. The Minister knows this is the case, as do I, because we are from fishing counties.

I know there are certain measures being brought upon us by the EU with which he does not agree. I do not agree with them and I do not think they should be forced upon us. At some point, we will have to renegotiate them, whether as part of a new Common Fisheries Policies, which I hope is imminent, or otherwise. We certainly must start to recognise the importance of our natural resources. We may have a small number of fishermen but their activity expands into a much wider community. They make possible the provision of fresh fish from our waters into our restaurants, thereby supporting the hospitality and tourism sector, which is massive. That is the community in which I live. I may be a long way from Gorey but although there is no fishing community there, that town certainly bears the fruits of the fish that come out of our waters and into its restaurants. It is the same in Donegal and every other county. I do not want to see our fishing industry denigrated by the EU because it thinks it is creating a level playing field. It is not doing so. Everything that is happening today, particularly in regard to fisheries, is having an impact. We must get on with developing our wind farm sector and that will also have an impact.

Unfortunately, I must take this opportunity to raise a more localised issue. During his visit, I introduced the Minister to Captain Phil Murphy, who works on behalf of Wexford County Council looking after the county's harbours. When I asked what was happening in terms of a health and safety audit of the harbour in Duncannon, I was told nothing has happened. It is as if it was never requested. I have met four times with the fishermen in Duncannon. They are very busy men whose schedule does not lend itself to having mass meetings of all the fishermen with officials, let alone Deputies. We compiled a list of things that are required to be done in the harbour on a health and safety basis. I have twice emailed the Minister and his Department detailing accidents that have involved near-death experiences for jet-skiers. Fortunately, the jet-skiers were saved in both incidents but there could easily have been two fatalities. Not a thing has been done and the issue has not been addressed in any manner. I have seen an email from the harbour master to a representative of the fishermen telling them that some moneys that were provided by the Department are at risk of being lost because the fishermen have not turned up to a meeting. I will take this matter up with the Minister after this debate. I do not want to have to raise issues like this on the floor of the Dáil but, unfortunately, it seems to be the only way we can get our public servants to do what is required of them by fishermen at a local level. What we are discussing here today, involving EU legislation, is probably beyond the powers of what is need in these matters. We need to be able to look after our fishers and compensate them where we can at local level.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I thank Deputies for their many and varied contributions on Second Stage of the Bill. In the main, they have a strong understanding of, and commitment to, the need for a timely introduction and implementation of an effective, proportionate and dissuasive points system for masters of fishing vessels. This is an important measure to support a level playing field on control and to support sustainable fishing in compliance with the rules in the waters around Ireland on which our fishing fleet is strongly dependent. As Deputies know, fishing industry representatives raised certain concerns about SI 318/2020, relating to the licence holders' points system, when it was signed into force in August 2020. It is understandable that those concerns would arise again in light of the similarity between the procedures adopted under that statutory instrument and those proposed in the Bill.

A number of Deputies raised concerns this evening, as well as in the context of pre-legislative scrutiny, about the standard of proof to be used by the determination panel and the appeals officer, which will be based on the balance of probabilities. The legal standard of beyond a reasonable doubt is almost entirely confined to criminal trials and is not applicable to proceedings of a civil nature, where the standard used is the balance of probabilities. The latter is the standard to be used for the points system and the legal position is that it is the appropriate legal standard. Furthermore, the legal position is that the Supreme Court did not, in either the Crayden or O'Sullivan cases, in which a forerunner to SI 318/2020 was challenged successfully, make a single reference to beyond a reasonable doubt. That was not part of either judgment. The Supreme Court had no issue with the balance of probabilities standard of proof in any of the statutory instruments it considered. Thus, there is no support in the Supreme Court judgments for the proposition that the "balance of probabilities" standard of proof should be raised to the criminal standard of "beyond a reasonable doubt".

Regarding points being removed following a not-guilty finding in the courts, the issue of points being removed where the master is found not guilty in criminal proceedings in respect of the infringement has been raised, both here and at pre-legislative scrutiny stage. This proposal

would involve both systems being interlinked, and they would not stand alone from each other, that is, the criminal approach and the administrative approach, which is the one the penalty points is based on. There are separate systems involving separate standards of proof between the points and a criminal prosecution. It would lead to the confusion and conflation of evidence and render elements inadmissible. In addition, the legal position is that points under EU regulation are intended as additional to a criminal prosecution. Accordingly, it could not be argued that Ireland has both a criminal and points system, as required under EU regulation, if we operated the system in a manner whereby the criminal proceedings completely eclipsed the points system. This is something that has been given a lot of consideration at all stages, not just now but in the course of preparing the penalty points' statutory instrument concerning the owners of a ship. The matter has been teased out in great detail. Were we to do that, it would simply not be possible for us to become compliant with the EU regulation.

It has also been suggested by a number of Deputies in this and previous debates that the master should have a right to a full re-hearing of the case before the High Court. The legal position is that under the Constitution, the High Court has "full original jurisdiction" and can hear all matters of law brought before it. The legal position further is that it would be highly anomalous, if not unprecedented, to provide such a full High Court re-hearing of a matter first governed by the procedures which were set down in the 2020 statutory instrument for licenceholders and in the Bill for masters. In addition, it would delay the application of points, which would run up against the timeline set down in the EU regulation, whereby points apply for three years, with the commencement date being the date of detection. To that extent, it would hinder the effective implementation of this EU law and would not meet Ireland's obligations to implement the EU provisions. Again, were we to do that, we would not be bringing ourselves into compliance, as is the requirement on us under EU regulation and law. We are the sole member state within the Common Fisheries Policy not to have yet applied this.

The High Court retains a supervisory and review capacity which provides for an appeal on a point of law to the High Court, which is entirely in keeping with statutory review and appeal procedures of this nature. Accordingly, the legal position is that while the High Court retains the constitutional authority to enjoy full original jurisdiction over any legal proceedings, this authority has been circumscribed by the specific appeals mechanisms set down in primary and secondary legislation, which overwhelmingly limit High Court appeals to reviews on a point of law.

I wish to address a claim made by the Opposition yesterday on Second Stage to the effect that if a master successfully appeals to the High Court on a point of law, then points would nevertheless remain assigned to him or her. A number of Deputies reiterated the point again today. It is something I have corrected on numerous occasions but people choose not to take on board and absorb the points I have made in that regard. To be clear, that is not correct. The legal position is that if a High Court challenge is successful on a point of law, then the court may make the appropriate order quashing any earlier decision to assign points. This is entirely independent of the separate provision in the Bill that points assigned to a master remain assigned regardless of any criminal proceedings pending, or the outcome of any such proceedings, in respect of the serious infringement concerned.

I will further tease out the points-on-conviction model. Fishing industry representatives point out that, prior to Brexit, the United Kingdom operated a system for its licenceholders whereby points would only be applied following a conviction in the courts for the serious infringement concerned. It has been queried why this model could not be adopted in Ireland for

the masters' points system. The Supreme Court delivered its judgments on SI 3/2014 in December 2017. Those judgments found in favour of the State's position that for licenceholders, it is permissible to have a stand-alone points system separate to a prosecution through the courts and that it is permissible to provide for a stand-alone system pursuant to a statutory instrument.

The Supreme Court judgment makes it clear that one of the obvious purposes behind the EU regulations is to ensure that the system of sanctions and dissuasive measures designed to disincentivise illegal fishing is that the system should operate efficiently and without undue delay. It is also clear from the judgment that the court understands that criminal prosecutions could take at least two years, making the points for licenceholders ineffective in many cases because they lapse three years after detection. The legal position is that it is not possible to deliver on an effective and dissuasive points system by assigning points upon successful prosecution. For instance, a delay in the prosecution of an offence could render the assignment of points meaningless, as points must be backdated to commence on the date of detection of the serious infringement and expire three years after that date. We all know from observing the weekly situation in the courts about the time cases can take. That would simply be ineffective and would not be workable. Neither would we be in compliance with the EU regulations.

Whereas the Supreme Court judgments related to the licenceholders' system, it is considered that the court's analysis applied equally in the context of the masters' points system provided for in the Bill, given the intention therein to replicate the existing licenceholders' system insofar as possible or necessary, including in relation to the lapse of points three years after detection.

Other amendments to SI 318/2020 on licenceholders' points were previously proposed by the industry. In addition to the above main issues, which I have just outlined, the industry also raised previously the following proposed amendments in the context of the statutory instrument on licenceholders' points. The first proposed amendment is that the Attorney General should establish and regulate the determination panel and that members of the determination panel be removed or resign by or via the Attorney General's office. The attribution of points for serious infringements, as required under the EU regulations, is an operational issue. The Attorney General's constitutional role as the Government's legal adviser is incompatible with this suggestion. Accordingly, it was not possible to accept the suggestion.

A second concern raised in respect of the proposal is that if the Attorney General were to establish the determination panel, he would be discharging just part of the duties set out at Article 125(a) of Commission Implementing Regulation No. 404/2011, namely, the setting up of the system for the attribution of points under Article 92 of the control regulation. Noting that SI 318/2020 has left the Minister as the body who appoints the appeals officer, the legal position is that the proposed amendment effectively subdivides the responsibilities set out at Article 125(a), a course not congruent with the text of that article. The legal position is that the Attorney General would have to set up the entire points system if he is to set up or regulate the determination panel.

Next, I wish to touch on the proposed amendment that the Minister, as opposed to the SFPA, appoints the determination panel. SI 318/2020 provides for the establishment by the SFPA of a determination panel comprised of three independent legal professionals, nominated by the Attorney General, to determine if, on the balance of probabilities, a serious infringement of the rules of the Common Fisheries Policy occurred. The SFPA only makes an appointment of named legal professionals nominated by the Attorney General's office. It has no role whatsoever in the nomination process.

3 o'clock

The legal position is that it would not be advisable to permit the Minister, rather than the SFPA, to appoint the determination panel.

A further proposal is to add the wording “and not minor in nature giving due regard to all the facts of the case”, and this was another amendment considered. This suggestion is in regard to the appeals officer confirming that the points shall be assigned where he or she considers that the alleged serious infringement involved an infringement that was serious. The serious infringement referred to is already defined in the 2020 statutory instrument. The legal position is that this amendment confuses EU law and Irish law, as well as civil law and criminal law, and the difference between “serious” and “non-minor” offences in Irish law. The two standards referred to are entirely different and the amendment serves only to confuse the issue. Accordingly, this proposal was not accepted in the context of SI 318/2020 as regards the licence holders points system.

Two amendments which were accepted and incorporated into the licence holders points system and the Bill are as follows. The first is an oral hearing in all circumstances at both determination panel stage and appeal stage. SI 318/2020 and the Bill provide that an oral hearing must be granted if the applicant so wishes at both the determination panel and appeals officer stages. The second is proposals to increase certain timescales in SI 89/2018, for example, that the licence holder be given 30 working days, as distinct from ten previously, to make submissions to the determination panel; and that an application to the High Court shall be made no later than 28 working days, as distinct from 14 days, after relevant notification. SI 318/2020 and the Bill provide that the licence holder shall have the opportunity to make submissions in writing to the determination panel and the appeals officer within 30 working days from the date of the relevant notification.

I now turn to the application of points to third country vessels. Fishing industry representatives have also expressed concern regarding the non-application of points to third country vessels, which of course now includes UK vessels post-Brexit. This issue also arose at pre-legislative scrutiny stage and was mentioned by Deputies in the debate on Second Stage. The Bill provides that an official can prepare a report regarding an alleged serious infringement involving a foreign sea fishing boat in the exclusive fishery limits of the State or an Irish sea fishing boat, wherever it may be. The person who is alleged to be the master of the boat concerned must be an Irish citizen or a national of another member state, so points cannot be assigned to a third country master, for example, a UK master, notwithstanding the fact that third country vessels do fish in the exclusive fishery limits of the State. This is because the masters points system is an EU scheme deriving exclusively from EU law and so can only apply to masters who are Irish citizens or a national of another member state. It is not open to the Minister to make the EU masters points system applicable to third country masters.

I will now touch on other issues raised at pre-legislative scrutiny stage at the joint Oireachtas committee. The first point is the joint committee call to support and resource the implementation of the recommendations of the PwC review of the organisational capacity of the Sea-Fisheries Protection Authority, SFPA. The committee’s view was that it is imperative that penalty points for masters of vessels are applied in the context of a robust and fair system of fisheries controls, and that the lack of capacity at present within the SFPA must not have the effect of constraining the activities of the fisheries sector. In response, I note the SFPA is implementing the recommendations of an independent review of the organisational capability of the

SFPA carried out in 2019 and completed by PwC. The principal objective of the review was to contribute to the ongoing and future development of the SFPA. The review concentrates on the organisational capabilities of the SFPA to deliver on its mission for the effective and fair regulation of the sea fishing and seafood sectors that fall within its mandate. As Minister, I am satisfied that the SFPA is committed to delivering on the recommendations of the review report which, when implemented, will address issues identified to improve the effectiveness of the organisation. Responsibility for implementation of the recommendations rests with the SFPA, which is an independent agency as set down in the 2006 Act.

To conclude, this Bill is necessary to protect law-abiding operators, who make up the vast majority of those in the industry, and to preserve this precious and valuable resource for all Irish fishermen and for future generations. I am confident that the new points system provided for under 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. The points system is necessary as an effective measure against the small number of operators, either foreign or Irish, who break the rules. It is necessary to protect law-abiding operators and preserve fish stocks. I have no doubt that all sides of the House will appreciate this Bill is a vital piece of legislation which requires full scrutiny in its passage through the Oireachtas. Accordingly, I am grateful to Deputies for their thoughtful and considered contributions on Second Stage yesterday and today. I look forward to a more detailed scrutiny of the provisions of the Bill on Committee stage in the near future.

Question put.

Acting Chairman (Deputy Alan Farrell): In accordance with Standing Order 80(2), the division is postponed until next week.

Garda Síochána (Functions and Operational Areas) Bill 2021: Second Stage

Minister for Justice (Deputy Heather Humphreys): I move: “That the Bill be now read a Second Time.”

I am pleased to introduce this Bill to the House. The purpose of the Bill is to make some technical changes necessary to facilitate the roll-out of a new Garda operating model. In September 2018, the Report of the Commission on the Future of Policing in Ireland was published. The report presents a clear vision for the future of An Garda Síochána. The consultation by the commission led to the development of ten key principles for the future of policing in Ireland and a comprehensive set of recommendations to meet not just current but also future challenges. A plan entitled “A Policing Service for the Future” which sets out the approach to implementation was subsequently published. The many actions set out in the plan include several significant pieces of legislation.

This Bill relates to one part of the “A Policing Service for the Future” plan, that is, the implementation of a new organisational operating model for An Garda Síochána. An earlier report from the Garda Inspectorate, “Changing Policing in Ireland”, had also made recommendations for reform. In particular, it underlined the advantages of a smaller number of divisions and regions. The new operating model was announced by the Garda Commissioner in August 2019. The main aim of the model is to introduce structural changes to provide more front-line

gardaí, increased Garda visibility and a wider range of policing services for local communities. The new divisional model of policing means that all services will be managed and co-ordinated at divisional level. This allows divisions to be more operationally autonomous and responsive to local needs. The model will also enhance the investigation of crime through the delivery of a greater range of specialised services in local areas, such as the investigation of sexual crime, domestic violence, cybercrime and economic crime.

Moving from a district model to a functional model will allow for specialisation, which means that services can be more effective. Streamlining administration and bureaucracy, alongside the ongoing process of civilianisation, will result in more front-line gardaí. This also involves the deployment of more Garda sergeants and inspectors to the front line, where they can lead and supervise their teams. At present, there are 28 divisions, each divided into districts. Each district is headed by a superintendent. Under the new model, Garda districts will no longer exist and, instead, there will be 19 divisions. A division will have four functional areas, covering: community engagement, including roads and community policing; crime, including serious crime, security intelligence and immigration; performance assurance, including performance standards, internal discipline and engagement with the Garda Síochána Ombudsman Commission; and business services, including finance and logistics, human resources and general administration. Superintendents will head up each of the functional areas of community engagement, crime and performance assurance. The business services area will be headed up by a civilian.

The introduction of the operating model is not just a legislative matter. It is being introduced as part of the Commissioner's role under the Garda Síochána Act 2005 for the general management and administration of the Garda organisation, including the deployment of members of An Garda Síochána throughout the State. Work has been under way in An Garda Síochána for some time to prepare for and implement the new organisational structure. There are, however, a number of technical legislative changes that need to be made in order to allow the operating model to be fully rolled out. As I mentioned, the new model will mean that districts will no longer form part of the organisational structure. There are numerous references across the Statute Book to Garda districts. All of these references need to be amended. There were also regulations made in 1924 stating that the organisation is to be divided into districts and divisions. These regulations will need to be revoked. The main purpose of this Bill is to make those changes.

In addition, there are responsibilities assigned in numerous statutes to Garda members at superintendent rank. Given that roles at superintendent level are to be allocated on a functional rather than a geographical basis, some statutory functions assigned to superintendents under the current model would be concentrated in a single superintendent for a division under the new structure. The workload this entails could impact on the delivery of the relevant services. One of the aims behind the Bill is to remove these legislative obstacles so as to enable the operating model to be fully rolled out. The Bill removes references to Garda district from the Statute Book. Most of these references will be replaced with references to Garda division. The Bill will also amend the rank at which certain responsibilities are assigned, to ensure that the delivery of relevant services are not affected by the new structures.

Turning now to the individual provisions of the Bill, section 1 is a standard provision relating to the commencement and Short Title of the Bill. Section 2 provides definitions for terms used in the Bill.

Section 3 provides for the revocation of the Garda Síochána (Designations, Appointments and Discipline) Regulations 1924, which set out that the Garda Síochána is to be divided into districts and divisions. There are saving provisions in this section which will address the fact that the model is to be rolled out on a phased basis for different divisions.

Section 4 provides for the amendment of 32 Acts set out in Schedule 1 and the amendment of seven statutory instruments set out in Schedule 2. References in that legislation to Garda districts will be replaced with references to divisions or other appropriate wording. It will also amend references to the superintendent of a district. In most cases this will be replaced with references to a superintendent in a division. This is necessary under the new model where there will be multiple superintendents in a division. In some cases, as I have said, this will be replaced with reference to an inspector.

This transfer of responsibilities is being made, as I have outlined, to ensure that the new structure does not have an impact on the delivery of the relevant services. The Bill makes this change in relation to gaming and lotteries, in the context of the issue of fitness-and-probity certificates for the purposes of betting licences and for managers and beneficial owners of private members' gaming clubs. Where the function concerned is administrative in nature, for example, where notice of a court application is to be given, the Bill also assigns those functions at inspector level.

While not directly related to the introduction of the new operating model, during the drafting process an issue was identified whereby a number of items of legislation refer to the Dublin metropolitan area. The latter is not used by An Garda Síochána and is not defined in legislation. The Bill, therefore, also makes amendments to clarify that references to the Dublin metropolitan area are to be read as references to the Dublin metropolitan region, which is a region of An Garda Síochána.

I will outline some examples to illustrate the nature of the changes being made. Under section 25 of the Petty Sessions (Ireland) Act 1851, warrants in criminal proceedings are to be addressed to the superintendent or an inspector of the Garda district where the person resides or where the warrant was issued. This is being amended in the Schedule to the Bill so that the warrant is to be addressed to: "a superintendent or an inspector in a Garda division where the person resides or where the warrant was issued."

There are amendments to the Betting Act 1931. The amendments to this Act relate to applications for certificates of fitness and probity, which licensed betting operators are required to have. Applications are currently made to the superintendent in the district in which the person resides or carries out business. Under this amendment, applications will be made to an inspector in the division in which the person resides or carries on business.

Section 5 provides for the amendment of miscellaneous provisions listed in Schedule 3 and Schedule 4 to replace the phrase "district or place" with "area or place". There are several provisions across the Statute Book that use this phrase. They generally allow a requirement to be imposed on a person that he or she reside in a particular district or place. This is the case, for example, when a person is released on bail. As the term "district" here could be understood to be a Garda district, it is being replaced with the word "area".

Section 6 provides for the amendment of the Firearms Act 1925 to provide a power for a superintendent to delegate specific functions. Under this section, a superintendent may appoint

an inspector to perform certain licensing functions of the superintendent under the Act of 1925. These functions will remain at superintendent level. However, the proposed legislation also facilitates the delegation by a superintendent of those functions - other than revocation functions - to an inspector. As the new Garda divisions will be larger in geographical size and population than they were previously, it is envisaged that the delegation mechanism will be used to avoid the build-up of backlogs under the new operating model.

Section 7 amends the Sex Offenders Act 2001. That Act requires persons to whom the legislation applies to make certain specified notifications at a district or divisional headquarters. There will, of course, no longer be district headquarters. Under this amendment, the Commissioner may designate stations at which notifications can be made instead of district headquarters. The new subsection (8A) will require that any Garda Síochána stations designated shall be in writing and a list of designated stations shall be published.

Section 8 makes a similar amendment to the Criminal Justice Act 2006. That Act requires persons to whom the legislation applies - those convicted of drug trafficking offences - to make certain specified notifications at a district or divisional headquarters.

Section 9 provides a power for the Minister to amend specific references to a Garda district or Garda rank in statutory instruments, and to make certain other amendments, to give effect to a determination of the Commissioner of the Garda Síochána under section 33(1) of the Garda Síochána Act 2005. Section 33(1) of that Act provides that the Garda Commissioner shall determine the manner in which the Garda Síochána are to be distributed and stationed throughout the State. The purpose of this section is to allow the Minister to make a statutory instrument to amend other statutory instruments which refer to district. The amendment will be along the same lines as those in the Bill.

Section 10 is a general provision designed to capture any references to Garda districts in the Statute Book that are not amended by the Bill. It clarifies that references to district on the Statute Book can be construed as references to the equivalent division. It also provides that any references to superintendent in the context of a district are to be construed as references to a superintendent of the Garda Síochána in the equivalent division.

Section 11 clarifies the meaning of Garda division in enactments being amended by the Bill and any enactment made after the date the section comes into operation. Garda divisions are not defined in statute currently and this will add clarity.

Section 12 provides for the construction of references to Royal Irish Constabulary or Civic Guard districts as Garda Síochána divisions. There are several references to police districts in legislation dating from before the establishment of An Garda Síochána. This provision makes it clear that they are now to be understood as references to Garda divisions.

Sections 13 to 27, inclusive, are transitional provisions relating to the amendments being made by section 4. The transitional provisions address situations where, for example, court proceedings relating to an Act being amended are ongoing at the time the legislation comes into force. They will also address situations where an application has been submitted before the date of commencement but has not yet been determined. The purpose of the section is to ensure that court processes or applications will not be adversely affected by the amendments being made to legislation.

Section 13 is a general transitional section.

Sections 14 to 26 each relate to particular legislative measures.

Returning to the examples I gave earlier, section 14 is a transitional provision relating to the Petty Sessions (Ireland) Act 1851. If a warrant is issued before the amendment comes into force, it will have been addressed to a superintendent or inspector in a district. This section ensures that it will still be valid after amendment even though the legislation will now state that the warrant must be addressed to a superintendent in a division.

Section 16 is a transitional provision relating to the Betting Act 1931. Applications are currently made to a superintendent. Under the amendment, applications will be made to an inspector. This transitional provision will deal with, for example, applications that have been made to a superintendent before the amendment is made. The application will be deemed to have been made to an inspector instead for the purpose of subsequent provisions of the section.

I note section 27, which is a transitional provision that addresses the fact that the operating model is to be rolled out on a phased basis. Some of the new divisions are due to be created at a later date.

I look forward to the debate on this Bill. It is very technical but will enable a key piece of the policing reform programme, which is something to which the Government is committed. I commend the Bill to the House and look forward to working with Deputies as it progresses.

Acting Chairman (Deputy Alan Farrell): Next is Deputy Martin Kenny, who I understand is sharing time with Deputies Munster and Quinlivan.

Deputy Martin Kenny: I thank the Minister for her detailed opening remarks on this technical Bill, which will impact on a series of legislative measures, many of them dating back to well before the formation of the State, particularly in respect of Garda districts, which will now become part of Garda divisions. All of this is coming from the Commission on the Future of Policing in Ireland's recommendations on modernising the force and making it more nimble and better able to cope with the demands of modern policing and criminal justice. We will support the Bill. This is not to say that there are not elements that we believe need to be examined more closely, probably on Committee Stage when we see what amendments need to be made.

There are some concerns, of which I am sure the Minister is aware, that the new model will take time to bed in. For members of the Garda, it will take time to adjust to this new set-up. Superintendents will not have geographical areas to look after. Instead, they will have particular sets of duties. It will be like a division of job descriptions rather than territories. There is some merit in that. It has been found in modern organisations that managements work better when they are in such set-ups as opposed to how roles were traditionally divided up in the Garda Síochána.

Much of how progress under this legislation and its outworkings is judged will depend on results on the ground, for example, whether communities feel safer, get better responses and see that the Garda is more reactive and performing better. That is what we all want to happen, but much of it will require more resources and a greater emphasis on community policing in particular. One of the roles of one superintendent in each division will relate to community policing. It is the view of all the people we speak to, be they representatives of victims of crime or of various organisations that deal with people who have been involved in crime in the past and are now trying to get back on a better track in life, that, at the end of the day, it comes down to having the police officer in the community who knows and works with the people and is a part

of that community. In fairness, the Minister comes from a rural district and understands how important it is for the community to feel a connection with the police. I am afraid that is not the case in many rural areas at the moment, though. There is a sense of disjointedness and of local gardaí not being as connected as they were in the past but, I hope, will be again in future.

We must ensure that there are units in each area that are concerned with connecting and dealing with people. At a committee hearing, the Commissioner stated that every garda was a community garda. That may be true to an extent, but it does not stand up completely when one thinks about it. In most cases, gardaí are divided into units of expertise, for example, drugs squads, serious crime units and roads policing. Each of them may have an element of dealing with and being part of the community, but if we are to crack the problem we have in many areas and relieve communities that have been blighted by serious crime, we will have to get gardaí on the ground who are part of those communities and designated as community police. I welcome the part of this Bill that will try to make that happen.

The performance assurance element is one of the measures that many would see as a step in the right direction. There has been poor accountability previously. This is not to be critical of anyone in particular, but the system has not delivered the kind of accountability that we would like to see. There are many high-profile examples of this. There are people who come to my office - I am sure people regularly go to the offices of other Deputies - who have had negative experiences that have been magnified by a sense of non-engagement and of no one being held to account, and a feeling that they were talking into a dark cavern that was not whispering anything back. Performance assurance will form part of one of the roles of a superintendent in each division. It may be a way in which this part of the problem can be resolved.

Issues will be different in each area. Many areas, particularly built-up urban ones, have serious problems with drug gangs and the criminality that surrounds all of that. It is a plague on those communities and additional resources need to be invested to deal with it. Every effort needs to be made to ensure that we not only have gardaí on the street and part of the community, but that we also have specialised units that target where those drug gangs are operating and what they are doing to destroy communities. These gangs are not just in built-up urban areas. We might think of Dublin, Drogheda, Dundalk and the like that have clear problems, but these problems arise across the State. There are so-called wannabe gangsters in every small community in the country. We must recognise this and deal with it. Even in the very rural area that I come from, I hear about issues on the grapevine. I speak to local gardaí regularly about all of these issues. They are aware of them and there is a sense that they want to intervene and do something at times, but they sometimes do not have the resources to sit on top of and emphasise the small groups of people on whom they must mount constant surveillance in order to close them down. If additional resources are required in that regard, then I hope the savings that will be made through the new model can be invested in those resources and in delivering real change on the ground.

We all support the civilianisation of the Garda Síochána, which sees civilians doing a large amount of the back office work that does not require a garda. This civilianisation is worthy and a great deal of work is being done in that regard. However, it is something we all need to consider. I do not think it is any harm that when people attend a Garda station to have a passport signed, make an inquiry or whatever, they meet and deal with a member of An Garda Síochána in that regard because it means they become used to meeting and dealing with gardaí and understand that they are not a group of people that are outside of society or separate from them. It is important to ensure that it remains the case that people can have that type of interaction on

an ongoing basis.

As we move forward, we have a great deal of work to do in specific areas. I often hear that crime is a problem in some areas. It is a problem in many areas, but it is not a problem everywhere. In general, we have a society that is obedient of the law. People do their best. That needs to be recognised. At the same time, where the big problems exist, they need to be dealt with and that will require additional resources as well as reorganisation.

I look forward to working on the Bill on Committee Stage and to its eventual enactment. As I said, because it is so technical in nature, there are some aspects that may need to be reviewed and amended.

Deputy Imelda Munster: As stated by my colleague, Deputy Martin Kenny, my party will be supporting this Bill. We do, however, have some significant concerns, especially around the move away from community policing and the fact that some areas, particularly rural areas, will likely lose out on Garda resources.

I will focus on my area of Louth and east Meath. Under the new model, Louth will be amalgamated with Cavan-Monaghan, whereas east Meath will be an entirely separate division. The Minister is aware of all of the problems we have had in Drogheda and the surrounding areas in recent years, particularly that the town was subjected to a vicious feud by drug gangs and with that came violence, intimidation and murder. People were living in fear as drug gangs destroyed communities and the lives of many young people and attacked and intimidated families. The Garda presence was increase and, following hard work on the part of gardaí and the community, the violence related to the feud calmed down somewhat.

We now have the Guerin report, with which the Minister is familiar. It is a roadmap as to how we can improve services and opportunities in the town to avoid something like that happening again. Policing is central to that. Equally central is increased service provision, increased funding for additional supports and increased funding for community supports, sporting projects for our youth and infrastructural projects for the town. That funding has not been ring-fenced, however. During the summer, I attended an initial meeting involving those tasked with setting up the implementation board. At that meeting, it was stated that funding could be an issue in that other groups would be applying for the same funding streams. The Minister stated previously that this is to be prioritised. The question then is why was the funding not ring-fenced. In the context of the funding that was announced for several support network organisations, as of last Friday they have not received that funding. Despite the fanfare around the announcement, those community groups have not received that funding. I ask the Minister to clarify that.

There are also concerns around the loss of resources. Under the new model, the number of Garda superintendents in Louth, Cavan and Monaghan, is to be cut from eight to five. Commissioner Harris has stated that there will be additional inspectors, sergeants and officers. We need to know the detail in that regard. I welcome that Drogheda is expected to be the new divisional headquarters for the new Louth-Cavan-Monaghan division, but the new plan cuts of east Meath completely. I want to engage with the Minister in that regard. I acknowledge that I have seen reports that some parts of Meath currently served by Drogheda Garda station are to be covered by the Louth-Cavan-Monaghan division. That is welcome, but we also need east Meath to be included. Anyone who is familiar with the problems in Drogheda will know that it does not just involve the town, it involves the surrounding villages in east Meath. They were also badly

affected. Under this plan, east Meath will continue to be served by Ashbourne Garda station rather than Drogheda Garda station. We know that is completely unworkable. The Garda Commissioner needs to listen to the people on the ground.

In addition, we have the ridiculous situation whereby the Laytown-Bettystown area is policed on a part-time basis despite a significant increase in anti-social behaviour, drug crime and serious unprovoked attacks over the last few months. People in east Meath feel completely abandoned. They are served by a Garda station that is not fit for purpose and only provides a policing service for 20 hours per week. This part-time police presence of the area has been operational since 2008 and since then the population of the area has quadrupled. There are now 22,000 people living in east Meath yet the Garda presence has not increased. People in the area, when frantically looking for help, have to rely on Ashbourne Garda station, which is 33 km away. Who in their right mind could stand over or justify that?

The Commissioner has promised increased Garda visibility and a more localised service. If east Meath remains in a separate division or is dealt with separately to Louth, and it remains under-resourced, as it currently is, the complete opposite will happen. I have contacted the Commissioner about the part-time Garda presence of 20 hours per week in east Meath. He is aware of the situation but he continues to ignore it. I also raised the issue with the Taoiseach earlier this summer and asked him to commit to the inclusion of a full-time Garda station for the Laytown-Bettystown area in the capital plan. His response was that the matter was under review and he would raise it with the Minister for Justice. I am curious to know if the Taoiseach did so. I suspect he did not because I have heard nothing positive back, or certainly no commitment to do so. That is not acceptable. We have an opportunity to solve the existing problems in Louth and east Meath. Unfortunately, this Bill does not address most of them. The Garda Commissioner needs to listen to people on the ground. The Minister and the Government also need to listen to people on the ground and make a start to try to put things right and to do so properly. If east Meath is stuck with a part-time Garda station an increase in population to 22,000 nothing will ever change. All of that needs to be put right.

Deputy Maurice Quinlivan: This is an important Bill, one which my party will be supporting. Our regret is in regard to the need to rush it through. Unfortunately, this need arises because the Government has yet again failed to plan. The new divisions are to begin operations at the end of the year and this debate is occurring as we approach the end of September. This is not a good way to be doing our business.

This is a technical Bill that deals with the introduction of a new operational model. There are several technical and terminology changes that are necessary and should be supported. The new Garda operating model requires that some specific commitments that are crucially important are adhered to, that is, an increase in the number of gardaí on front-line duties and the creation of larger divisions that, crucially, have a wider range of specialised policing skills. There are some positive outcomes resulting from the adjustments made in this Bill. It has been championed that the new district model will allow for greater capacity and organisation of operations at local level. This should allow for a speedier allocation of necessary resources in a particular area as a need arises. The reduction of the Garda division from 28 to 19 should allow for the implementation of a more uniform policing model in geographical areas.

As outlined by my colleagues, there are some risks associated with the Bill. The removal of the district model and its replacement with Garda divisions will bring challenges. We must be cognisant of the concerns raised by the GRA about the risk of longer response times and

reduced Garda presence in particular areas given their geographical distance from divisional headquarters. I am concerned that there could be a further dilution of the model of community policing in that this Bill is only keeping trend with community policing numbers across the State.

I refer to the effect these cuts have had in my own city of Limerick. In 2008, there were 92 community garda in Limerick city. As of July 2020, that number had reduced to 31. This is a huge drop and the effect of it is being felt across Limerick, especially in some its more difficult and troubled areas. Over the past year, we saw the near takeover of one housing estate by criminal drug gangs. The good people of that area needed community support. It was only after much political pressure that a joint Garda and council operation was put in place to curb the activities of the particular gang of criminals. While good work was done, the problems in the area remain. If we had had within that estate the presence of a garda who knew the community, some of those who have been attracted to a criminal lifestyle may have chosen a different path. I am in no doubt that if members of the community had had a better relationship with the community gardaí, the effects of some of these criminal activities might have been mitigated.

While we have seen a steady decline in the number of community gardaí in Limerick, we have also seen a large number of civilian staff employed by the Garda. As of July 2020 there were 68 such staff in Limerick Garda stations. My understanding was the presence of civilian staff would free up gardaí from paperwork and office duties, allowing them more time to be out and about in the community. This does not seem to have taken place. Since 2010 the number of civilian staff has risen by 15, yet we continue to see declining numbers of gardaí on community policing duty. Crime prevention is a fundamental task of An Garda Síochána but we are not deploying members where they can best carry out this function. Early intervention and outreach can save some from crime. Community policing creates an opportunity to identify and engage with young people who may be at risk of going down the wrong road. It also helps strengthen relationships between the Garda and communities by building trust and respect. In essence, we must see gardaí back in their communities.

The north side of Limerick, where I live, has faced numerous challenges over the years, with the local station at Mayorstone not even open 24 hours a day, seven days a week. The north side has suffered serious losses. In 2008 there were 104 gardaí stationed on the north side. Now, there are only 50. Three sergeants were lost from Mayorstone in the past year. I believe some of these positions have not yet been filled.

When the Limerick regeneration process was launched, the John Fitzgerald report stated at the time that the regeneration areas alone required an additional 100 gardaí. They never got them. Instead Limerick received 100 extra gardaí, while over the same period 99 people left the police force due to redundancy, giving a net increase of one garda. This is the problem. Gardaí are not being deployed to the areas they are needed in, they are not being sent to the communities that need them and gardaí are reacting to crime rather than preventing it. I talk to people in the city all the time and some of them have given up contacting the Garda. They have no confidence in the Garda to respond to their calls. One resident told me just last night of being told by An Garda Síochána not to call the station but rather to call 999, no matter what the seriousness of the issue, as that was the only way to ensure the call was actually logged.

The members of the Garda in Limerick by and large do a very good job. Generally they are approachable and dedicated servants of the State but there is a fear the trust and confidence of some in them is ebbing away. Remedial action must be taken to ensure trust is not lost. We

need more gardaí in the community and greater follow-up in responding to calls.

Deputy Brendan Howlin: I am very glad to have the opportunity to speak on the legislation before the House. As the Minister has rightly indicated, this is part of a comprehensive reform agenda. It is a technical measure, but is part of a suite of very substantial change. The Minister will know I have been advocating change in An Garda Síochána for a very long time, since my involvement in various inquiries. The Garda itself wants a fundamental shift in its structures and so on. Thus, I very much welcome the establishment of the overall and detailed policing review entailed and reported by the commission.

This particular measure creates a new operational model for An Garda Síochána. The objective, as stated, has been part of the general objective of the reforms, namely, to provide more front-line gardaí who are visible to, and accessible to, the community. If that does not come to pass, the whole reform agenda will not have been successful, because people want to see gardaí in their own areas, in their own communities; they want to be able to recognise them and have frank conversations with them. Co-ordination and management under these proposals is now to be done at the larger divisional level. As we have heard, there are to be no more Garda districts. Like the trawl that my own former Department, that of Public Expenditure and Reform, had to go through, one must go through every statute to find where there is reference to a Garda division. That throws up hundreds of statutes, often going back to Victorian times. That is why the Bill is a little convoluted and technical. Most people are familiar with the old Garda district headed up by the old structure of a local superintendent in charge. It will take a while to have the public understand a different model and an allegedly more sophisticated management structure is now to be put in place. It is a more sophisticated structure for a more sophisticated and indeed more challenging time. Instead of 28 Garda districts we are going to have 19 Garda divisions. Each division, instead of being divided geographically into Garda districts under the charge of a superintendent, will be divided by function.

Four specific functions are set out. Community engagement is the first, along with the vital element of community policing and the more contentious issue of roads policing. In many ways community and roads policing comprise the function that most impacts on people. That is where most normal people who are not criminals interact with An Garda Síochána. As such it is a pivotally important one.

The second area is the one of crime, including criminality, security and intelligence. It struck me as odd that immigration is to be placed in this crime function area. Why is immigration in with crime, as opposed to being in with community engagement? It seems to me that is the wrong place for it. If I may be forgiven for saying so, it indicates a mindset I do not think is particularly positive. The whole issue of immigration should not be a matter of saying these people are potential criminals to be vetted but rather that they are part of a new community to be integrated. We will debate this issue late but it strikes me the issue of immigration would certainly fit more properly into the community subset rather than the crime one.

The third area is performance assurance, which is extremely important. That comprises standards evaluation, internal discipline and engagement with the Garda Síochána Ombudsman Commission, GSOC, or its successor organisation. Openness to public engagement and explanation is critically important. In my period in this House, I have had numerous cases where there was an unfortunate interaction between a member of the public and An Garda Síochána. I am talking about law-abiding people who had an unfortunate experience. A simple explanation and often, a very simple apology, would have sorted the problem but everybody must become

technical about this, if I can put it like that. I can give chapter and verse about a number of instances where law-abiding, respectful people had their confidence in An Garda Síochána fundamentally undermined for want of someone simply acknowledging a mistake and saying: “we shouldn’t have done that and we apologise”. I hope the performance assurance division will take on board these sort of measures and ensure there is a proper modern face to An Garda Síochána. It is the same for people going into a Garda station. Obviously, in Covid times we now have screens and things but if you go into any modern interaction with business, the whole idea is that you are not behind a screen, that you actually talk to people and you have your privacy respected, and that is not the case currently. That also links to the issue of having proper built infrastructure such that there is private space. Thankfully, in Wexford we now have a brand-new Garda divisional headquarters but we had a miserable one. Thankfully, I was in a position to advocate for it in government. I remember going in and trying to have private conversations while there was a queue of people waiting to talk at the hatch. A sergeant had to be put out of his office so I could go in and talk to a Garda officer. That is crazy stuff and I am afraid such situations still prevail in many stations. Thus the capital investment side must be done in parallel to ensure the performance assurance we are talking about actually comes to pass.

Another element is the area of business services, which I understand is to be headed up by a civilian. It comprises finance, logistics and human resource management. That is a good thing. The notion, either in the Civil Service or in local government, that one gets promoted and becomes a human resource specialist is fanciful in modern times. It is a skill set one must be trained and specialist in. One does not become a HR person or a financial expert simply because one gets promoted. That is daft. There is also an issue we can talk about again, that is, the notion a person must go into An Garda Síochána as a recruit in Templemore. I have met people who are specialists in other areas who would love to come back to Ireland and join An Garda Síochána but they cannot do so because people must go in at base level to join the force. There is to be change now, whereby people can come in at the most senior levels and I would like to see that pan out.

Change is always difficult, as I know from my time as a Minister for five years charged with public service reform. My experience is that it is not only difficult, it is also very challenging because, by and large, everybody sees how everybody else can change for the better but not themselves, somehow. There is an innate and often undermining resistance to change. There needs to be a determination about this and I am very glad the structure is there to drive this change, headed by the Taoiseach. There have been a few attempts at this reform that have never quite made it to completion. The approach to the ongoing change must also be constantly communicated to everybody in the community. Quite often what we do in here and indeed, what An Garda Síochána and other State agencies do, is debated internally at great length. We talk about it, documentation is circulated, we have updated reports and implementation reviews and we are all very well versed but nobody outside knows anything about it. We need to ensure that we bring communities with us. Most of all, these changes must pay visible dividends. We must ensure that we are not changing for the sake of change but because we have a vision for a better police force in this country. We must be able to give assurances to people about how that will be manifest and visible to them.

Ireland, by international comparison, has a relatively low crime rate but the most debilitating thing for most citizens, both young and old, is the fear of crime. There are many people who actually trade on fear and some do so commercially. We witness occasional outrageous attacks on both young people and old people. It could be a young person walking home from work or

from a place of entertainment at night who is viciously attacked, and we have seen cases like that recently, or it could be an old person being attacked in the home. The implication of that, not just for the victims directly involved but for everybody, is very serious. I know how old people live in fear when they read about such incidents; it changes the quality of their life fundamentally. That is something on which we all need to be focused. The very understandable fear of crime does immeasurable damage to people's quality of life and we need to be able to assuage such fear by having contact points and response times. I know the Minister has a lot of responsibility now as she is overseeing more than one Department, but when we hear of 999 calls not being responded to, that is shocking for people and cannot be allowed. I am concerned about the reviews we have had in recent times of what have been classified as "scandals", like the breath-test issue. Whatever came of it? Who is ever accountable? It is shocking. We all do our hand-wringing but who is ever held responsible for these things? If nobody is responsible, then nobody is accountable.

The Bill is described as technical in nature and I have it described it thus myself. It is a really important step towards the change that we need to bring about. The structural change to be implemented is one that I support and welcome. I am obviously glad that the divisional headquarters for my own area of Wexford and Wicklow will be in Wexford town. That is a matter of geography, the fact that there is a very fine, brand new divisional headquarters there and also the fact that there is a very good road system between those particular areas. The proximity of Rosslare Port is also important, now and into the future, as a strategic link with Europe and also because of the dangers that obviously come from that.

On the issue of liaison with local communities, as the Minister knows, joint policing committees were provided for under the 2005 Garda Síochána Act and were a truly important innovation. They are going to be modified now but the work they do addresses some of the concerns I have expressed. The committees allow local communities and their representatives to say what is important to them, what is causing fear among people and to ask what An Garda Síochána is going to do about it. The fact that the committees are public fora and are responded to by An Garda Síochána is extremely important. I hope they will be strengthened in this process and not diluted. I have been contacted by councillors who are fearful that there will be fewer councillors, for example, involved in the new police liaison committees and I would like the assurance of the Minister that this will not be the case. Currently, the district superintendent usually attends meetings of the joint policing committees to explain what is going on in his or her geographical district. Obviously, divisions will now cover a much wider geographical area so there is no geographical superintendent to attend. Who is to attend? Will it be, in every case, the chief superintendent? Probably not, I would think. Is it to be a designated superintendent like, for example, the superintendent involved in community policing for the entire division or is it to be a lesser ranked individual? I hope it is not downgraded.

As we make profound changes to modernise An Garda Síochána, I seek assurances from the Minister that we will explain those changes to people in very great detail, that there will be tangible benefits to local policing that people can see on the ground and that local representatives will be able to articulate their particular concerns at a local level to a senior member of An Garda Síochána and have those concerns answered in a public forum. That is really important. How that is to be done is not clear from the documentation that has been circulated to date. I do not think it would be a good thing if a less senior person was simply to attend, *pro forma*. We need to have people with authority to speak authoritatively on behalf of An Garda Síochána in those discussions.

While I welcome the general changes recommended, there is one change about which I am very concerned. I have signalled this at every opportunity and do so again now. After the Commission on the Future of Policing in Ireland reported, I met the chairperson, Ms Kathleen O'Toole, to discuss a specific issue. One of the fundamental aspects of the reforms that were carried out in terms of giving confidence to people was to take the system of appointing senior members of the force out of the hands of An Garda Síochána and give it to the Policing Authority. It is now proposed to give it back to An Garda Síochána. Without reference to anybody in An Garda Síochána, which is made up of exemplary men and women, the notion that they would make senior appointments themselves is invidious and wrong. It creates a club wherein people must comply with the rules within the organisation if they want to get promotion. That would be a significant and retrograde step and in terms of that recommendation, I hope the Minister will think again.

I am very supportive of the rest of the recommendations. I do not know whether the Minister will be there to present this but I ask her to convey my view that it is really important this is done by an independent entity. There is some talk about using the Public Appointments Service.

4 o'clock

The process must be completely independent and must not involve the senior echelons of An Garda Síochána making internal senior promotions because that provides a conformity where one either conforms to the rules of the club if one wants promotion or one does not and is excluded from promotion. I look forward to debating with the Minister all of these points and all the other proposals for reform.

Sitting suspended at 4.01 p.m. and resumed at 5 p.m.

Deputy Jennifer Murnane O'Connor: A new Garda operational model is one of the key projects being advanced under A Policing Service for our Future, the implementation plan for the report of the Commission on the Future of Policing in Ireland. It is also a priority in the programme for Government. We all support having a small number of division and regions. People in rural Ireland want An Garda Síochána to respond with increased visibility and effectiveness. They want more front-line gardaí, they want to see gardaí in the community and they want to experience a wide range of policing services in their local area. Under the divisional policing model being introduced of 19 divisions, all services will be managed and co-ordinated at division level to allow greater specialisation and centralised office functions. This will allow gardaí to be released from office functions and means Garda districts will no longer form part of the organisational structure.

Between now and the end of the year, Garda strength will increase by 600 bringing numbers up to 15,000. More than 800 gardaí will be deployed on the front line, with 640 garda already having been deployed to the front line from administrative roles in recent weeks.

Before the summer recess, I spoke about Carlow Garda station. I am concerned that the station is not wheelchair accessible. In 2021, someone in a wheelchair cannot access Carlow Garda station. These issues need to be addressed. I have not heard anything about Carlow Garda station from the Minister but I know the Minister of State will address the issue. It is a huge concern to me that the station is not wheelchair accessible.

Carlow Garda station is short-staffed, which is of great concern to me. I welcome the 19 divisions but the staffing shortage in my area needs to be addressed before the system can work.

22 September 2021

I want to compliment gardaí in Carlow. I know them and how hard they work. I always attend the joint policing meetings held every few months because part of the role of Deputies is to listen to the concerns of the gardaí who are doing great work in the community.

I now turn to what is probably my biggest concern. Carlow is in the third phase of implementing the new divisions. The division, which always covered counties Carlow and Kilkenny, will now cover counties Waterford, Kilkenny and Carlow. Carlow is on the back foot straight away because the divisional headquarters will move from Kilkenny to Waterford, an hour from Carlow. Are these issues being looked at? Will Carlow be left on the back foot the whole time because we are the smallest of the three counties in the division? I want a guarantee from the Minister of State that this will not happen and that Carlow Garda station will get the gardaí it needs.

I am also concerned about Leighlinbridge Garda station which closed some years ago. Leighlinbridge is a lovely rural community. I have been told for past two or three years that the station will reopen. I am so disappointed that this has not happened yet. I am seeking a commitment that Leighlinbridge Garda station will be reopened very soon. I keep being told it will reopen but it has not happened.

All areas, not only my local area, have seen an increase in domestic violence incidents this year. As I stated previously, 3,000 additional incidents were reported during the pandemic. We need to look at better investigation of crimes of this nature. Another problem in Carlow is that we do not have a women's refuge. That needs to be addressed. These are issues about which I am very passionate. I always feel that Carlow is being left out. I am a Deputy representing the Carlow-Kilkenny constituency. While I am glad to see that Kilkenny is getting things that Carlow does not have, it is unfair again that the people of Carlow do not have the services they deserve. I ask that the Minister, Deputy Humphreys, would look at this and that she come back to me with some good information on what is going to happen. I ask her to write to me on all of these issues, which are of major concern to me. We have one sergeant in Carlow Garda station when we should have two. There are so many issues that I feel need to be addressed.

It is important for me to say to all gardaí that we know the past 18 months have been very hard. We know that they have been on the front line. I know that they have been doing their best. If a garda is in a station where there is not enough staff, morale can be affected. We must make sure that we look after our gardaí and that every Garda station is properly staffed. I ask, in particular, that the Minister make sure that the Carlow Garda station is made wheelchair accessible, gets the extra staff it needs and that we get the Leighlinbridge station reopened for the community of Carlow. Leighlinbridge is small rural community. We must make sure that we also get a women's refuge. I thank the Minister.

An Ceann Comhairle: That is an impressive shopping list.

Deputy Jennifer Murnane O'Connor: I thank the Ceann Comhairle.

Deputy Donnchadh Ó Laoghaire: This Bill is about the restructuring of divisions and districts, a lot of which flows from the Commission on the Future of Policing in Ireland. While I did not agree with all of the commission's recommendations, by and large the thrust of what was put forward made an awful lot of sense in the context of the reorientation towards community policing. I have previously paid tribute to the fact that when resources were very tight, there was a great effort to try to protect community policing in the Cork city division and in the

county. One of the points made to me during the course of some of the promotions to community policing in recent times, as the force as a whole has maybe become more reoriented in that direction, is that where somebody is appointed as a community garda they are typically promoted from the core units. While we have seen additional community gardaí and sergeants appointed, in Cork city and elsewhere, the positions of those gardaí who had been promoted have been left absent and those positions have not been back filled. Consider what this has meant for a standard Garda station. As we have seen, the dynamic in nearly every Garda division is that the staff complement in divisional headquarters has grown as community gardaí and the specialist units have increased, but a lot of the suburban and urban Garda stations have actually seen a decrease in staffing in recent times. This needs to be addressed.

In the little time that I have, I want to flag for the Minister, Deputy Humphreys, an aspect that we need to be very watchful for over the coming time. Some rapidly growing urban areas that not so long ago might have been small villages or towns but have seen rapid growth, are very often profoundly under-resourced in Garda numbers because the town or the suburb has changed so radically in ten, 15 or 20 years. That is something we need of which we need to be aware. There were incidents before in Douglas and Ballincollig, but I want to flag in particular the case of Carrigaline. Within living memory there were fewer than 1,000 people in Carrigaline and now there are almost 20,000 people, which is up by some 8,000 people in the past six or seven years. This presents a number of issues. The Garda station is rarely open. Even when the station is in use, there is an issue in relation to the fact that it does not have a computer-aided dispatch, CAD, system. When a garda in Carrigaline reports an incident over the telephone, he or she must then ring it into the district headquarters. It is absurd for a town of that size to not have a Garda station that is properly equipped. I would say that this situation is replicated in a number of other cases. The station has fewer gardaí than it had a year ago. It also does not have a prisoner transport. These issues are replicated across similar Garda stations. I urge the Minister to consider the thematic issue that we need to monitor places that are growing rapidly, where garda numbers are not keeping pace with that, and where the number of incidents in those locations are not keeping pace with that. When the Garda College in Templemore was closed, a period of time was lost. We are now plugging gaps, usually where demand is greatest, but sometimes this misses places that have experienced rapid growth.

Deputy Catherine Murphy: Obviously, this new operational model for An Garda Síochána is a very big restructuring and modernisation for the force. Modernisation is sorely needed, and an increased focus on integrated community policing is incredibly welcome. The removal of Garda districts under the divisional model is done with the understanding that it will allow for a more efficient distribution of human resources and will allow for greater specialisation within the force. I have had several experiences of this over my political lifetime so while I am hopeful, I am also sceptical. The Garda administrative boundaries for Kildare have changed a number of times. On one occasion, Kildare was under three different divisions. Then we had the one-county divisional model. Now we are to be amalgamated with Laois and Offaly in a single division. The headquarters for this division will be located in Portlaoise. I want to note for the Official Report that in 2016 the population of Laois was 84,000, the population of Offaly was 77,000 and the population of Kildare was 222,000 and growing rapidly. I would like to know why the larger centre of population was not the location selected for the headquarters building and what criteria were used. It is only natural that people who are further away from the Garda headquarters have concerns over the allocation of resources in their local communities. More than one in five Garda divisions had fewer gardaí at the end of 2020 than they had at the start of the year despite an overall increase in the total numbers in the force. For reflective

policing, we need the right amount of resources in the right areas. The allocation of resources within the Garda needs to be done in an evidence-based manner. The Garda Síochána has stated that the allocation of resources is currently based on a number of factors including population, crime trends, operational strategies, and the policing needs of an individual Garda division. The use of crime statistics to allocate resources on the face of it would seem logical, but the CSO puts the Garda PULSE system as “under reservation” because the quality of the data does not meet the standards required for official statistics. This makes it very difficult to compile data on crime trends. It is absolutely essential that this matter is resolved in order that we can be confident in the crime statistics and in how resources are allocated.

Policing plans have been done over the years. I have watched what happened before and after a census. It is a copy-and-paste job. The plans do not change even if there are big shifts in population. I have gone on about this for years, if not decades. Under the operational model, who exactly is responsible for the collection and centralisation of the data? It must be done in a professional manner. IT systems need to be in place everywhere and training needs to be given to ensure that information is inputted promptly and correctly. The days of paper records should be behind us. We must be able to rely on accurate information if there is going to be a fair distribution of resources.

I have carried out an analysis, which I do every few years, in respect of Garda resources. It looks at where community policing is, where other resources are such as cars, and where are other ancillary aspects of resources placed. It was interesting that Deputy Ó Laoghaire had made the same point. Consistently we found that just because an area has a growth in population it does not mean that an area gets the resources to go with that. It is no surprise that the big growth over the past 20 years has been in an arc around Fingal, Meath and Kildare. It is no big surprise that counties Meath and Kildare are the two lowest in terms of Garda strength. I am very hopeful that the Minister for Justice, Deputy McEntee, who represents one of the constituencies, will take that into account. Indeed, the Minister who is currently in the position, Deputy Humphreys, is from an area that has been growing in recent years. County Meath has the lowest ratio of gardaí to population followed by Kildare. That has consistently been the case. We are getting a growth in population but not a comparable growth in facilities and services. I have been talking about that for decades, a fact of which the Ceann Comhairle will be aware.

Over the past two decades, Ireland’s population has grown by more than 31%, primarily within urban centres and commuter areas, and it is forecast to increase to between 5.3 million and 5.8 million by 2036. The growth in population will seriously affect the demand on policing services. It is vital that the Garda Síochána can meet the rising demand for services. In order to do so, it must have the necessary tools to identify and predict demand for services as well as having the appropriate resources, staffing and structures to address the demand.

As it stands, the distribution of gardaí across divisions is extremely unbalanced, particularly in the greater Dublin area, as I have highlighted. I have drawn attention to counties Meath and Kildare, which have experienced the highest rate of population growth over the past 20 years, rising by 78% and 65%, respectively. This growth has been clear and consistent in the CSO data, yet it has not been met with an adequate increase in Garda resources, and, indeed, other resources in terms of the counties now ranking lowest in the number of gardaí per person despite repeated recommendations and reports that there is no evidence-based resource allocation method used by An Garda Síochána. That has been quite obvious to the Policing Authority as well.

This can have a bearing on the under-detection of particular crimes. It can also put gardaí at risk. I have come across gardaí who have been put in harm's way by virtue of the fact that they are so stretched, they respond to an incident on their own. I am certainly aware of situations where they have been lucky not to end up in some difficulty as a consequence of that. There is, therefore, a problem on several levels here.

The Garda Síochána Inspectorate made such a recommendation in 2009 but its 2018 Policing with Local Communities report found that the service is still lacking the ability to determine the staffing and resources needs for each division. It found that due to low staffing levels, there were often insufficient gardaí on duty to deal with the needs of their local communities. This was most prominent in rural communities. The restructuring of the Garda will have many benefits. It is important that it does not infringe on the connection of the gardaí to their local communities, however. While the Garda has committed to the community policing model repeatedly over the years, the community police force has not yet recovered from the crash when we saw the numbers of community policing units slashed. Every organisation and stakeholder involved in Irish policing will stress that community policing must be at the very centre of the ethos of An Garda Síochána. It is vital that the numbers of community police are restored to their 2010 levels as a matter of urgency.

Since 2010, Dublin alone has experienced a 39.4% reduction in community policing levels, dropping from 508 officers in 2010 to 308 in 2021. Of the current 28 divisions, 22 still have not recovered from the staffing levels set in 2010. Ten of these divisions remain at 50% or less of the necessary capacity. Eight of the ten divisions with the lowest numbers of community gardaí are located in the top ten counties for population growth. Meath, Kildare, Wicklow, Wexford, Galway, Westmeath and Laois-Offaly are included in that group of ten counties. This indicates once again a clear lack of evidence-based resourcing of staff, and some of the most populous areas in the country are lacking an adequately resourced community policing unit. To provide effective community-based policing, it is essential that An Garda Síochána matches demand for services with the right skills and resources. Public confidence in policing is essential and this is linked to the viability and accessibility of gardaí.

On a positive note, there is a high degree of trust within the general population for the gardaí. The latest Garda public attitudes survey reported 91% of respondents had medium to high levels of trust in the Garda. The majority reported dissatisfaction with the degree of Garda presence in their local communities, however, and only 39% were aware of Garda patrols in their area. The main reasons provided for dissatisfaction were that the gardaí were seen rarely, if ever, according to 65% of respondents, or that they were only ever seen in their cars. That will all always be the case in some areas. In remote areas one can understand that. This demonstrates a clear need for increased Garda visibility by increasing foot and cycle patrols, and, moreover, for an intelligence-based approach to the overall policing strategy.

It has been stated a number of times in this House but bears repeating that the figures from earlier this year have shown that half of all the Covid-19 fines administered in Dublin were given out in the Ballymun and Blanchardstown districts, compared with much lower numbers in the suburbs or in south Dublin. Community policing goes beyond the number of gardaí in the community. It is a relationship between the two, and this relationship does not and cannot function if the attitude is adversarial. The benefits of the community policing model we are seeking to achieve with this reorganisation fall away completely when the relationship turns sour. It is really important that we pay attention to that.

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We will see many front-line gardaí under this new operational model, which is sorely needed and very welcome. Plenty of promotions will be occurring as labour is redirected and superintendents are given more responsibility in their divisions. There have been some contradictory announcements in the press and in the context of the proposed legislation as to what exactly governs and who exactly is managing the promotion of gardaí. *The Irish Times* published a report which stated that the Public Appointments Service is set to take over the management of promotions to the positions of sergeant and inspector, which is a welcome move towards a more transparent and fair process that will be in line with the rest of the Civil Service. In the general scheme of the policing, security and community safety Bill, however, it is stated that the Garda Commissioner will have direct responsibility for the appointment of superintendents, inspectors and sergeants. Appointments to the rank of superintendent and above currently come under the remit of the Policing Authority. It would be useful if the Minister of State would clarify exactly how that will be managed. Some of these positions are very important. The rank of sergeant is incredibly important. That is the organisational level beyond which, for example, the community gardaí will be assigned work. It is really important in the context of the Bill before us.

With the decentralisation of the force under the new divisional model, it is vital that we ensure the promotion of gardaí is done in a modern, fair and transparent way. Last December, 50 Garda inspectors were appointed without going through the normal competition approach. This was bypassed due to an urgent need for sergeants and inspectors but it cannot become the standard process whenever a need for gardaí of a certain rank becomes apparent. That had been a pent-up process. I kept asking when certain ranks were going to be filled and then we found out that they bypassed the normal route. I know last year was very different and I acknowledge that.

Given the significant role senior officers have in implementing this new operational model, the pay dispute with Garda superintendents and chief superintendents is very concerning. Without the co-operation of senior officers, I find it hard to see how this reform will be possible. The pay dispute relates to a 25% increase in the availability allowances for being available outside of office hours. The senior officers are refusing to work outside of their main duties in protest at the non-payment of this increase. It is incredibly concerning that the pay dispute is impacting ongoing GSOC investigations, as senior officers are refusing to conduct these investigations, some of which are pretty serious. It is not that there is any case which will not be serious, but some would be put on the higher end. This dispute is ongoing and both sides are engaged in talks with the Workplace Relations Commission, WRC. Can the Minister of State clarify the situation and the impact on the rollout of the new operational model on current GSOC investigations?

Reform of the Garda is vital. Significant legislation is making its way through the Minister's Department on this topic and reform has been the subject of many reports and commissions, over the years. The Garda Commissioner, Drew Harris, was appointed as a reforming commissioner. It is therefore concerning to hear the Policing Authority express doubts as to the Garda's ability to reform. The authority identified some serious strategic shortcomings, which meant specialist units were hamstrung in their efforts to respond to cyber and economic crime. We were debating the corporate enforcement authority Bill yesterday, to which gardaí will have to be seconded. I have my doubts about whether that is the right way to go. Gardaí should be embedded there.

The Policing Authority has been waiting on a strategic workforce plan since 2019, which would identify where skills were needed and when those skills would arise. How exactly will

we have this major reorganisation of the force without that basic information? I would have thought that would have come first. The authority also identified a lack of capacity, leadership, direction and prioritisation with regard to training, with a long-standing vacancy in the position of learning and development director. Other concerns identified included significant delays in the Garda's response to requests for information, which hampers the Policing Authority and its ability to do its job.

The Policing Authority believes it has built up a good relationship with the Garda's senior members and staff over the past few years and that the gardaí are increasingly accepting the oversight. However, concerns were raised over the authority's relationship with frontline gardaí and middle-management grades. Given that we are about to have many more rank and file gardaí and middle management, under this operational model, this should be concerning for all of us. Oversight of the gardaí is vital and not optional. A good working relationship between the Policing Authority and the gardaí is incredibly important but, according to the Policing Authority's report, there seems to be an endless number of obstacles put in their way. This is really serious, when we all accept there is a need for a reformed force. We need a transparent and accountable culture, at the heart of which is community policing.

I am hopeful, but sceptical, of this delivering a fair distribution of resources. There is not only one metric. Population should not be the only one. Different areas have different challenges, but you cannot ignore population. I cannot see any evidence and it has been accepted at committees, including the Committee of Public Accounts, in front of which the previous Garda Commissioner has been and accepted the arguments I made on the allocation of resources and accepted that parts of the country, including Kildare and Meath, are put at a major disadvantage because of their significant population growth, but do not get the comparable growth when it comes to facilities and services and An Garda Síochána personnel. That is an absolute must. The community policing aspect of this cannot work without the allocation of resources to do so. I hope some serious attention is paid to that aspect.

Deputy Jennifer Carroll MacNeill: I am please to speak on this, as part of the overall of policing in Ireland, which is an important programme of modernisation. My first point is on the geographical challenge and the communications around it. Clearly, the new divisional structure envisaged is different in the Dublin area to the Galway and Mayo areas. I reflect on colleagues working in constituencies such as County Mayo and the sheer size and scale to look after, as a Deputy. An Garda Síochána looking after it on a divisional basis, with the distribution of specific functions across that is interesting, but there is a communications challenge around how that will work. Just as we have seen the importance of communication in the vaccine rollout, we need to be able to explain to people what this means and where they go. If part of it is in Wexford but the crime end is down in Bray and I have a shop in Wexford which has been broken into three times and have to go to Bray to talk to the crime specialist. It may work better and that is fine, but we need to carefully explain how that will work and why it is better. It is very different in Dublin.

With regard to what Deputies Murphy and Murnane O'Connor have said, in my area of Killiney-Shankill-Dún Laoghaire area, a new town is being built beside me. Some 30,000 people are expected to live there, in Cherrywood. It is right beside the M50, on the LUAS line and we are extending the DART line to it. It is an extraordinary piece of infrastructure. It is full of retail. Huge apartments are going up and it is a good project, from a house perspective, but there is absolutely no policing plan for it, which I cannot understand. If any other Deputy came in here and said there was a town of 30,000 in his or her community and there is no policing

plan for it or even the identification of a site for a station - I do not see how my constituency is different in what it needs. I have raised it again and again through the joint policing committee. I have spoken with local gardaí about it. I know what their needs are, but there is no plan. I must raise that today and ask the Minister of State to check that out and see what is envisaged.

Look at how this will be done in the future; you have the idea of a Garda Commissioner as a CEO, looking after all of the different assets; you have approximately 19,000 and possibly €2 billion worth of funds going into An Garda Síochána and also has a vast estate management function. It has a huge property estate and how will that be managed? I look around my area for examples of this. Dalkey Garda station was closed down, which is fine, but it is just sitting there and going to rack and ruin. It is not being used for anything. We have a significant administrative pressure in the Dún Laoghaire area. An Garda Síochána needs place for administrative staff, which it is looking at renting in various places.

Dalkey station does not have to be a Garda station, but it could just as easily be a place for administrative work. It is under the aegis of the Office of Public Works and could be used as brownfield housing. The same is happening in the Kill of the Grange station. These stations are going to rack and ruin. Meanwhile, Cabinteely station where I recently was to visit members of An Garda Síochána to see the conditions in which they work. They do great work, but I do not understand how they work out of such a small and insufficient premises, relative to the area they are required to cover. Cabinteely is understood to cover the Cherrywood area. I am highlighting for my area but it points to the challenge and I do not yet understand, from what has been published, how the estate management will work. What is the link between An Garda Síochána, the ownership or otherwise of its assets, the OPW, the planning for policing and converting and using properties? It may be there, but I have not yet seen a good explanation of how that will work.

I have a long-standing interest in the Garda youth diversion office. I declare an interest, in that I used to be a member of the section 44 committee, which oversees the implementation of the Garda youth diversion programme. It is an interesting office because, in a way, it is a centralised office of expertise. It is also a quasi-judicial office, in the sense that with regard to everything related to youth crime or offending, or when young people come into contact with An Garda Síochána - clearly, we try to keep them out of the criminal justice system as much as possible - the director there is making decisions about whether to prosecute. It is already a specialist function. Given its quasi-judicial nature and extraordinary importance in crime prevention and diverting young people from the criminal justice system, it seemed curious to me - more than curious, problematic - and we put it into the annual report year after year, how it seemed to be invisible in the organisational structure of An Garda Síochána. I recall that one year, I think it was 2015 or 2016, it simply did not feature on the organisational chart of An Garda Síochána. That may have been an oversight but I do not believe it was because we were raising it again and again. That spoke to me about a cultural problem at the time. I think that has been rectified somewhat but the reason I raise it is because it is a centre of excellence. It is what we are talking about, that is, dividing up functions and making it more professional and focused on the various areas. This is already a functional office but I am just not sure how that is replicated around the country. Is that function going to be in every division or in some? Given the level of expertise needed, the judgments needed about whether to prosecute, the already insufficient links it has to Tusla, and the fact that it does not have anybody from the Office of the Director of Public Prosecutions, DPP, office to help make prosecution decisions, which lengthens the time needed to make those decisions, I wonder how that is going to work. If a decision is made

not to prosecute a child because what that child really needs is a therapeutic intervention, anger management or training in relation to sexual violence or whatever it happens to be, he or she is referred into the Tusla system but there are not sufficient links there for An Garda Síochána, which made that referral, to be sure that the child got that therapy. These are important crime prevention measures. It is already insufficient and this is a centre of excellence. Similarly, the reason I make the DPP point is that when prosecuting a child - or not - time is very important. A child who was in an incident at 14 cannot be prosecuted at 17. All of these things are drawn out. I am using my chance to raise this with the Minister of State. I appreciate that I am out of time but I hope we can get more clarity on that point as the Bill goes through.

Deputy Thomas Gould: We are supporting this Bill but we may bring amendments later on. A new Garda unit was set up in Cork city and as a result there was a 13% increase in drug seizures for sale and supply, as well as success in tackling knife crime and knife seizures. This is only the tip of the iceberg but it goes to show what can be accomplished when resources, like a sergeant and eight gardaí are put into an area. Unfortunately, this is only one good news story when we need many more. I am looking for those types of specialised units to be deployed right across Cork city and in my own constituency of Cork North-Central in particular. My office in Shandon Street is at the heart of Cork city's historic and cultural centre but on a regular, even weekly, basis I and people in my office have to ring the Garda about drug dealing, antisocial behaviour and criminality taking place. If this can happen in Shandon Street, which is one of the main streets in Cork, it must be happening right across Cork city. I am very proud of Cork. It is a beautiful place to work and live, with great businesses, communities and people but when criminals feel they can get away with this, it shows the weakness and the need for more resources for the Garda. We have only 33 community gardaí in Cork city and considering the population and size of the city, it is not enough.

Other Deputies touched on how community gardaí nationally have not been restored to the 2010 levels. We are saying that 32 community gardaí in Cork is not enough to tackle the antisocial behaviour and the criminality. Community gardaí have a very important role to play working with young people to keep them out of trouble, to try to keep them on the straight and narrow. The whole concept of community gardaí is a great idea and we are missing a trick in not supporting it. We have issues with community gardaí not having access to cars, or being taken away and put in different roles. If we are going to treat community gardaí properly and if we want this to work, they must be given the job and kept on it. They need the resources and the manpower because a lot of people do not feel safe in their homes. We are lucky in this State that the vast majority of people trust the Garda, but they do not believe there are enough gardaí and they do not believe they are on the ground where they are needed. With the budget coming up, will the Minister and the Government please ensure that the Garda has the resources and the numbers it needs to carry out the work? That is what we all want.

Deputy Neale Richmond: I thank the Minister for bringing this vitally important legislation to the House and I appreciate the opportunity to briefly contribute to some of the points on Second Stage. Like others, I look forward to coming in on Report and Committee Stages as this is developed further. There is widespread support for this legislation in this House, for very good reasons. This is vitally important to ensuring that the work of An Garda Síochána is completely modernised and restructured in a way that can reflect the modern demands on policing. A lot of the changes we have seen in the approach of An Garda Síochána have been extremely beneficial but they are, quite frankly, only the tip of the iceberg. As regards structuring, the increased role of civilian staff in administrative work within the organisation has huge

potential but we have to ensure that those civilian recruits are trained properly, given continued professional development and are genuinely alleviating the administrative burden of members of the Garda, in order to allow gardaí to get back to doing the jobs they are trained to do.

Over recent weeks and months we have, sadly, heard a lot about antisocial behaviour, particularly in Dublin. A colleague of mine in Fine Gael took a walk down O'Connell Street the other evening with his young child and noticed only one garda on duty on the entire street. This is our main thoroughfare in our capital city. I do not think that is acceptable. We need to ensure that the resources, as Deputy Gould said, are put in place to ensure we have that level of high-visibility community guarding, that people are safe and secure and know that the gardaí are deployed on foot and in person, particularly in the city centre of our nation's capital, or other major urban areas such as Cork, Galway, Limerick or elsewhere. That is so important when tackling rising levels of antisocial behaviour, much of which was brought about through the pandemic. We are ensuring that people continue to have that relationship with our gardaí that we are rightly so proud of in this State.

People always say we need to look at other jurisdictions and the work that is going on elsewhere. There are instances around the world where some of the work of policing can be cherry-picked and brought in to enhance the work of An Garda Síochána but we have to be honest. We have an extremely well-trained well-functioning police force in this country, something that we should all be very proud of. We have all had engagement with that, both as public representatives and as ordinary citizens, particularly in the very difficult last 18 months. Looking at the structures of An Garda Síochána and the workload it has, particularly as regards rostering and the changes that were made to accommodate changes in work practice due to Covid-19 to ensure that level of high-visibility policing was there, where changes have worked we must ensure they are maintained. It should not simply be a case of because the pandemic is over we will go back to what was there before. We should ensure that members of An Garda Síochána are operating and working to the best of their abilities, in circumstances and arrangements that suit them. We need to be able to retain that and this legislation provides for all those opportunities. I look forward to speaking on a further Stage. I thank the Minister and again commend this legislation to the House.

Deputy Jim O'Callaghan: One of the reasons Irish independence succeeded was that we were able to establish an independent police force very quickly after we got independence and that police force secured the support and consent of the Irish public it policed. That was a major achievement of the State. Other countries that gained their independence did not always manage to transfer power to a police force that operated in a non-partisan manner. An Garda Síochána did that. We are now coming towards the centenary of An Garda Síochána. We also need to recognise that when the new force was established, it inherited many of the procedures that were in place in the RIC and the Dublin Metropolitan Police. The old districts were always the form upon which policing was to be carried out. I welcome the fact that the legislation we are discussing today is going to change that because there is no doubt but that the procedures and structures within An Garda Síochána require reform. The Commission on the Future of Policing in Ireland recommended a new operating model for An Garda Síochána, and the Garda Inspectorate recommended a new structure for it, and I am pleased to say that back in 2019, the Garda Commissioner recognised that and announced a new operating model. For too long there have been situations in Garda districts and stations where superintendents' time is taken up filling out forms or signing documents, or being forced to fulfil statutory obligations placed on them by legislation enacted by the Oireachtas. According to the Schedule to this Bill, the pur-

pose of the legislation we are enacting is to transfer responsibility away from superintendents in districts to inspectors or other superintendents who do not have to be from that district. I welcome that but we need to recognise the purpose of us doing this. What is the reason the Garda Commissioner recommends that we introduce and implement a new Garda operating model? The reason is so we can have more gardaí on the streets. The reason is so that Garda policing can be done in a more efficient and effective way. Obviously, there are a limited number of gardaí we can hire at any particular time. Every Member in this House would like to see much higher numbers in An Garda Síochána. We need to recognise that we have a responsibility to ensure the gardaí we have are used more efficiently. We all recognise and see the importance of community policing and the community garda in our community. In order to see more of that, we need to change the operating model in order that a higher proportion of the force can be on the streets. I represent an inner-city part of Dublin and I would like to see more gardaí on the streets. While the level of crime sometimes can be represented as being higher than it is, there is a problem in Dublin at present with antisocial behaviour and crime. It may be as a consequence of the pandemic and the limitations imposed on people. The public want to see, as do I and every Member of this House, more gardaí on the street engaging with community policing. The presence of gardaí on our streets has a much more effective impact than simply deterring criminals from committing crimes. It also has the impact of making people in society feel safer. That is something which we all wish to ensure occurs in the future.

I welcome the legislation and I hope to play a part in the debate on Committee Stage. This is an important part of the reform process of An Garda Síochána that has been recommended for nearly five years.

Deputy Johnny Mythen: Sinn Féin is broadly in favour of this Bill. It includes major changes in the structures of An Garda Síochána and it is complex, to say the least. Moving from districts to divisions is a significant step which will see changes among the rank and file and in respect of some duties, functions and supports in each division. However, I am from County Wexford, as is the Minister of State. It is a county that has a large rural hinterland. I feel there is a shift in the model of community policing, which at present has only 12 community gardaí in the Wexford Garda division to cover a population of almost 150,000. In 2010, the number of community gardaí in Wexford was 24. That amounts to a halving of the number of community gardaí in the county over a ten-year period. There is no doubt that this has the potential to leave rural communities without their community-based policing. How can we expect half the number of personnel to cover the same large area?

I know the gardaí are undermanned. They cannot fight crime without a stronger force or proper funding. People in rural Ireland have seen their credit unions, small bank branches, post offices, small schools and local Garda stations close. We seem to be bent on forcing people from the countryside into large urban areas. The small village is the cornerstone of the community in rural Ireland. Will the Minister of State give a commitment today that a change from districts to divisions will not result in further loss of resources from these rural areas?

I wish to raise one other point. We hear of many reports from front-line workers and NGOs on the increase of domestic violence during the pandemic and as we emerge from it. I urge the Minister of State to remember that this is as much a threat in rural areas as it is in urban areas. Sometimes, the large travel distance to reach a Garda station is a deterrent to report a crime. Community gardaí are often the first or the only opportunity for victims to reach out for help. This needs to be kept in mind when resourcing decisions are being made.

Overall, we welcome this Bill and hope the Minister of State will take on board the concerns we have raised.

Deputy Michael Lowry: The aims of this Bill are to introduce structural changes to provide more front-line gardaí. The plan is to increase Garda visibility and provide a wider range of policing services for local communities. In simple terms, this Bill aims to streamline services. Its objective is to facilitate the roll-out of the new Garda operating model as part of the overall reform of An Garda Síochána. It does nothing to increase the number of gardaí. It merely serves the purpose of altering how they carry out their work. We need deployment of additional gardaí. When speaking about additional gardaí, I speak about places like Roscrea and Templemore in County Tipperary. The stations there have been undermanned, which has created additional problems for the local community as a result of the lack of policing. I ask the Minister of State to speak to the Garda authorities about how this situation can be improved.

The reform of the Garda operating model is welcome. The review of any key service is essential. In cases where the need for improvement is identified, it is necessary to examine them and take appropriate actions to implement them. A review should and must provide an improvement in such an essential public service. Plans to centralise Garda call-outs must be closely examined and trialled and should not be introduced as a permanent change, as has happened unsuccessfully with the National Ambulance Service.

It is not clear in this Bill what the specific plan will be to address the Garda operating in rural areas. Garda stations across rural Ireland have been closed or downgraded in recent years to the detriment of the communities they served. These were not just stations in our small rural villages. They were stations that served busy rural towns where the permanent presence of gardaí is essential. The idea was to replace the stations with mobile policing of rural and isolated areas. The illusion was created that Garda patrol cars were touring areas on the lookout for suspicious activity. In some cases, the gardaí maintained a presence in the station, which usually included just one garda on phone duty. In the event of a call-out, this garda alerted the nearest 24-hour station or contacted the nearest patrol car that would provide assistance if and when it was able to reach the location. This type of policy was music to the ears of the organised criminal gangs, which saw easy pickings in rural towns and villages. It became easier for the criminals to monitor the movements of patrol cars and to calculate how long it took members of the Garda to respond to an incident. Rural areas very quickly became the favoured choice for house break-ins and opportunistic crime.

People in rural areas live in fear, particularly during wintertime. Their only peace of mind comes from community alerts whereby neighbours contact neighbours if anything of concern is noticed. These neighbourhood watch schemes are to be applauded and they have proven to be effective, but they do not replace the peace of mind that having a nearby Garda presence creates. It is no coincidence that there was a considerable fall in the number of reported incidents of a wide variety of offences during the pandemic lockdown. Travelling criminal gangs found it more difficult to get around due to the greatly increased number of Garda checkpoints, particularly in rural areas. In 2020, reported thefts fell by 24%, robberies fell by 23% and assaults and related offences also declined dramatically compared to rates in the previous year. However, as the economic impact of the pandemic bites, concern is growing that rural theft will again escalate significantly and people in rural Ireland will remain ill-equipped to protect themselves.

The ever-growing problem of drug abuse in rural Ireland is yet another stark reality of why gardaí are needed on the ground. Every town, village and crossroad in the country has

witnessed a worrying increase in drug dealing and drug use, and the associated tragedies they bring. In my own constituency of Tipperary, at the start of the year, the superintendent in Clonmel - the largest town in our county - was forced to make the decision to temporarily dissolve his community police unit for six months to concentrate resources on targeting the sale and supply of drugs. Problems with drugs are replicated across all our towns and villages. Gardaí are needed on the ground to prevent, detect and, ultimately, help those who find themselves caught up in the dangerous world of drugs.

What is also not highlighted in this or any other Bill is the increasing disrespect and abuse members of the Garda face from members of the public. We ask a lot from the members of An Garda Síochána. They are required to be present at times of tragedy. We demand they keep us, our families, our possessions and the places we live safe.

6 o'clock

We ask them to work with communities to meet myriad needs and requests. We expect them to respond immediately when we fall victim to any form of crime. When they cannot live up to people's excessive expectations by being instantly available and solving whatever problem they may have, the public berates them. We complain about them, report them to their superiors and, in growing numbers, verbally and, on occasion, physically, assault them. Lack of respect for members of the Garda is growing. It grew exponentially throughout the pandemic lockdowns. Gardaí were physically and verbally attacked, taunted, threatened, undermined and sometimes ridiculed, all for simply doing their job.

On the other side of the coin, gardaí are subjected to more internal scrutiny within their workplace than ever before. It stands to reason that they must be held accountable for their actions. This is nothing more than the public expects and gardaí, in general, accept that. As things stand, however, there are no fewer than three agencies tasked with overseeing the work of the Garda. That will change when the policing, security and community safety Bill becomes law. It provides for the most extensive programme of Garda reform in decades, involving a total restructuring of the overseeing of the work of gardaí at all levels. The new policing and community safety authority, unlike its predecessors, will have the power to announce and conduct inspections. It will also have the power to conduct broad-ranging assessments of Garda performance. In theory, this is a welcome development; in practice, it will heap more pressure on the already stressed members of the Garda Síochána as they work to carry out their duties in the ever-changing society in which we live. Every aspect of their work will be microscopically scrutinised.

The Bill will go a stage further. It will bring into force a system under which it will be possible to take complaints from Garda members as well as members of the public. That is hugely important. Once a complaint is made by a garda, it will have to be fully investigated. Once the outcome is decided, the appropriate action will be taken. While the reasoning behind this may be understandable, that will not ease the anxiety it will cause for gardaí. They will constantly feel the need to be looking over their shoulder. A complaint, no matter the outcome, will never be forgotten and will leave the future career of the garda about whom the complaint was made in jeopardy.

Policing the police is necessary. That is an acknowledged fact that few would dispute. However, it must go hand in hand with providing a robust support system to ensure fairness. That system must protect the mental health and morale of those who have chosen to dedicate

their lives to being members of An Garda Síochána. In this context, the 2018 Garda Representative Association well-being survey, and the analysis of its findings by the psychologist who carried out the survey among members at that time, makes for stark reading. The report stated that, based on the findings of the survey and given the prevailing institutional context of the organisation for rank-and-file members, it appears that An Garda Síochána is a cauldron for adversity in regard to trauma and well-being.

Gardaí perform a difficult public job. The intense scrutiny of their work by oversight bodies adds yet another layer of pressure to the burden. It is no surprise that the combination of those worries, the constant battering of their worthiness and the need to consistently prove their merit results in a lowering of Garda morale. Gardaí need a support system that focuses solely on their mental health and well-being and guarantees them the support they need when they need it. If the mental health of members of the force is not prioritised, every passing year will see Garda numbers depleted. As it stands, there are gardaí reaching retirement who are ticking off the days until they can leave the force. At the other end of the age spectrum, young gardaí are working for ridiculously low wages that go nowhere near compensating them for the work they are expected to carry out.

Our gardaí are a precious resource. They provide a vital service to the public that allows each of us to live with a sense of security that we often fail to recognise or appreciate. The health, well-being and morale of these individuals must be protected. Our security lies in their strength.

Deputy Seán Canney: I welcome the opportunity to speak on this Bill and make some comments on the situation of the Garda. It is a very serious concern to me that policing in Ireland is changing so much and so fast. It has changed dramatically in recent years. The concept of the garda on the beat or on the street has more or less disappeared. Community policing has been very much scaled back, unnecessarily so. The sight of one or two gardaí walking down the street in a town or village, or out in a patrol car, is long gone. The abandonment of rural Garda barracks over the past ten years was a retrograde step for policing in Ireland. It has left our rural areas devoid of the presence of gardaí, who are our friends, our custodians and the people who knew exactly what was happening, and when and where. This has led to an increase in rural crime, notably robberies of property and animals. Gangs are marauding across the country using the motorways we have built, targeting places to rob. Unfortunately, there is also a huge increase in the presence of drugs, which are now available in every town and village in the country. They are no longer a plague within cities; they are a plague throughout the whole country. This increase in crime coincides with the removal of rural Garda stations.

Many speakers referred to the role of the Garda. Things have really changed for members of the force and that is because there is a greater emphasis now on paperwork and the need to comply with the system. Gardaí spend more time in front of a computer trying to account for what they do rather than being out doing all the things they should be doing. This is not the fault of gardaí. These changes were put in place by management, on the basis of policy, without an understanding of the practicalities of much of that change. Like Deputy Lowry, I have met many gardaí who are longing for the day they have their time served and can get out of the force. That is not right. They still do their job to the best of their ability but they are looking forward to getting out, and “getting out” is what they call it.

When I was a young fellow, my father always used to say that prevention is the best cure. A bullock, for example, would be dosed before it got sick. The key to policing is prevention.

When I was young, that prevention was done by the local garda, who knew everybody in the village and to whom they were connected. He knew if you were out late the night before and he knew what time you would be home before you knew it yourself. He knew if you were doing something wrong. He did nothing to us only have a quick word to ask where we were the previous night. That was prevention. You knew you would not get away with things. Now, however, people know they can get away with things because the gardaí are not there.

Another aspect of policing is the sophistication that has crept into crime and the technologies available to criminals. Gardaí must be trained properly to deal with all those technologies. A fully dedicated cybercrime unit is needed, by which I do not mean a room with a door on which there is a nameplate stating “Cybersecurity Office”. There must be a team of dedicated gardaí working with international counterparts, with civilian digital specialists working alongside them, to make sure cyberattacks and all that goes with them are detected and policed at the level that is now required, whether we like it or not.

We set up a community alert programme in my village of Belclare and we have more than 350 contacts on the list. Every village in the area has the same type of community text-alert system. It is used to good effect, but it is not policing; it is just a way of making sure people are connected with one another to alert them to what might be going on. It is no substitute for the garda on the beat or policing. The question is what we do. We are introducing a reform Bill and my take on it is that the Bill is fine, but we must be prepared to put the resources into the Garda and to make sure that we have enough gardaí so that the job is an attractive career for people to join. We will not go anywhere by changing the laws.

Over the years, management structures within the Garda were changed. Divisions were changed around to generate more efficiencies. Ultimately, the efficiencies were not achieved because all we were doing was stretching the cord a bit longer and trying to get more out of a garda, who perhaps did not have a squad car to use in order to go and check on something when it went wrong. Gardaí tell us they are frustrated and that it is not like it was previously. The bottom line is that we need more gardaí in every division across the country. It is our duty as legislators to ensure that the Garda are treated with respect. The best way to do that is to make sure they are fully resourced to do their job properly. It is no longer good enough to pay lip service to gardaí.

Over the years, respect for the Garda has dwindled. Gardaí are being attacked and reported, in some cases, rightly so, but we are asking a lot of people. They are good, young people who want to do a service to the State, but we are asking them to do this work without rewarding them and making sure that they are properly protected or that they have the necessary tools to carry out their work in the interests of society. It is important that we deal with the Bill, but it is also important that the funding comes with it, and that we do not again pay lip service to the Garda and say they will be all right. We must do it. If there is ever an economic downturn again, the last thing we should do is cut the resources to the Garda like we did before. That has been a retrograde step. I will finish on that point.

An Ceann Comhairle: Deputy Costello is sharing with Deputy Cathal Crowe. Is that agreed? Agreed.

Deputy Patrick Costello: Like previous speakers, I agree that this is a welcome Bill in terms of its reform of Garda structures. Many Members have spoken about the lack of community gardaí and the lack of gardaí on the ground in general. The Dublin metropolitan region has

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made a lot of strides over the years towards small-area policing. This needs proper resources and more community gardaí. According to the figures from the Department of Justice, the number of community gardaí in Dublin was at a high of 510 in 2009. The figure currently stands at 332. While in recent years there has been a rise in the total number of community gardaí across the country, the number in Dublin has remained stagnant or is declining. We are setting up an ambition for An Garda Síochána to be more community focused. Many Members have spoken about the benefits of that, which we all understand, but we are not necessarily giving gardaí the resources they need.

Many people in my constituency, Dublin South-Central, have contacted me to complain about crime and antisocial behaviour. Much of it is harassment of people passing and low-level attacks along the canal, some of which have been horrific. The perpetrators are very young and mobile. They move around quickly and gardaí are not necessarily able to respond. We definitely need more gardaí, but as well as a Garda solution, we also need to look at some of the youth work and community-building exercises. Now is the time to talk about extending the age of people referred to Garda youth diversion projects from 18 years to 24. The 18 to 24 cohort comprises 11% of the population, but is responsible for 21% of committals. It would certainly help if we were to extend the scope of Garda youth diversion projects.

One initiative in recent years that I would like to single out for praise is the development of the district protective services units. These are excellent specialist units designed to deal with more sensitive issues such as domestic violence. They provide an excellent way forward for community outreach for the Garda. One point I always make in the context of these units is that we need Tusla social workers seconded into them in order that they can offer a wider range of services. That is an issue with which I have regularly bored the Minister for Children, Equality, Disability, Integration and Youth. Sometimes people need to be asked to dance. We need the Department of Justice to reach out to Tusla and say: “Our services would be better if you were in them, so come on in.”

Deputy Cathal Crowe: I fully support the Garda Síochána (Functions and Operational Areas) Bill 2021. Most people will support it. I hope it will deliver more front-line policing, which everyone wants.

I wish to make a number of points. The Limerick Garda division covers the county and city of Limerick, but a considerable part of it stretches into County Clare and many of the gardaí that are stationed in Limerick live in County Clare also. One could almost call the Limerick Garda division “Salem” because a form of witch trial has been ongoing there for the past two years. Eight members have been suspended, 60 Garda phones have been confiscated and morale has never been lower. Of the eight members on suspension, some have been waiting up to two years to be interviewed by the National Bureau of Criminal Investigation. All of this centres around discretion. I am sure we all have a tendency every so often to go a little bit heavy on the accelerator and when we see a blue light, we pull in. In the moment a garda pulls you over, he or she has the power of discretion. That has been a feature of An Garda Síochána’s approach of policing by consent and by discretion. It is taught as part of the curriculum in Templemore, going right back to the foundation of the force in 1922. Discretion is just discretion, it is not defined and therein lies the problem. What has happened in Limerick in the past two years is that gardaí are being told they were wrong to use discretion. They were suspended because they flouted the Road Traffic Act and did not implement it properly. We must move way beyond the model of squaring off a ticket for a monsignor, a politician or a county hurler. Everyone agrees that we must get beyond that, but we do not want a witch trial, which has been happening in

Limerick in the past two years. We are talking about putting more gardaí on the streets, but we have taken a lot off the streets. They are sitting at home and morale is low. This has placed stress on and caused anguish for wives, husbands and children because of the shame that it carries. People have not been afforded the opportunity to clear their names.

I have gone a little bit left of centre in my contribution today. I know there is another Member for Limerick in the Chamber and perhaps he will echo some of what I said, as it is familiar to representatives in the mid-west. As stated, 80 phones have been confiscated. Many people have been brought into this net, and that is fundamentally wrong. We have always had policing by consent in Ireland. The type of policing we need is such that if there is a crime in the locality the local gardaí should be able to approach local people, as they have done for decades, glean information and use it to secure prosecutions in the courts. If we are creating bad will, which is what all of this leads to, then policing by consent no longer works.

Drew Harris is a good man, but the model of policing he is seeking to replicate is that which operates in the Six Counties of Northern Ireland. It is quite a different model. The police there drive down roads at night in armoured vehicles and are armed. It is very different to the model of policing we have in Ireland where the gardaí come into schools, are involved in local clubs, and are enmeshed in our communities. It is a very different model. We are in a rat race and going the wrong way with all of this.

I must conclude but, in my limited time, I will make two final points. There is something wrong with the criminal law in Ireland. It is the body politic, not the current Government or the last Government. The body politic has let down the criminal law for many decades. The reality in Ireland is that if anyone creates a small misdemeanour, they are hauled in and they will be in the District Court in a few months' time. However, we have allowed a system in Ireland since the 1980s where someone can get into small drug dealing and spiral their way up to be the baron of drug dealing in all of Europe, never to be reined in. There is something wrong with the criminal law that we are not reining in these people, who start off like rats in the stairwells of flats and down alleyways, moving from small-time drug dealing to become barons in Ireland and in Europe. There is something fundamentally wrong and it is for the body politic to correct.

I will finish by saying this legislation is going to delete an implied reference to the Royal Irish Constabulary. Let us get a grip. The Garda Síochána is not a legacy force of the Royal Irish Constabulary. It boils my blood every time it is said. It is not, no more than the Irish Army is the legacy force of British forces who were here up to 99 years ago. Let us not always tip the cap like that. We have a good force and we back it with good legislation. We back our gardaí on the street but let us not always tip the cap.

Deputy Chris Andrews: I would like to acknowledge the huge importance of community gardaí. I would also like to acknowledge the work and professionalism of former Superintendent Joe Gannon, who has recently retired from his role in Pearse Street. I also acknowledge the huge good work that community Garda Derek Dempsey has done over 34 years of service in Ringsend, Irishtown and Sandymount. I wish them both well in their retirement.

We all accept that we cannot have a garda standing on every corner. I also feel it is important to acknowledge we will not police our way out of the almost daily and ongoing violence that occurs in areas like Hanover Street East, where a local crèche regularly has to evacuate staff and children from its outdoor areas because of gangs fighting. We need to improve education and job opportunities for young people and we need to invest in assertive youth work.

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I recently met the Talk About Youth project, which does fantastic work with young people in Pearse Street but does not have a designated youth space. It is pushed from Billy to Jack, never knowing when it will have to move on again. SAYS youth club is in the same boat, having had to move its own youth space and it is now in temporary space, with no certainty.

This can be resolved if there is genuine determination. I am inundated with messages from residents who are fearful for their children's safety and their own safety. Bride Street and Ross Road are like a sweet shop for drug dealers. Garda Shane Griffin from Kevin Street Garda station is doing great work, but he cannot do it on his own and he needs resources. Older people are afraid to leave their homes. Hanover Street, which I mentioned, is regularly like a fight zone. Dublin City Council and the Garda need to work together to tackle this.

What we need is gardaí who are visible on a very regular basis but, again, this needs resources. The Mulvey report suggested a solution could be found to alleviate the issues in the inner city. It identified serious challenges in the north inner-city and the State has assigned resources to tackle these ongoing issues. What we need is a Mulvey-style response to the challenges in the south inner-city so that hard-to-engage youths are targeted and the systemic issues can be deconstructed, addressed and resolved for the betterment of all.

An Ceann Comhairle: Deputy Andrews mentioned the retirement of Superintendent Joe Gannon. It should be acknowledged here on the floor of the House that in his role in Pearse Street, he was of inordinate assistance and help to us over his period of service there. The House has reason to be grateful to him.

Deputy Chris Andrews: We might send him a letter to acknowledge that.

An Ceann Comhairle: We will.

Deputy Chris Andrews: Thank you.

An Ceann Comhairle: We move to the Rural Independent Group. I call Deputy Mattie McGrath.

Deputy Mattie McGrath: I too want to be associated with the comments on that retirement. I thank all the staff who look after us here on both sides of the building and around the building. They have always been more than helpful and courteous.

I am a big supporter of An Garda Síochána and community alert, and a big believer given my own village of Caisleán Nua na Súire had the second community alert group that was set up in this country. In that vein, I want to pay tribute to deceased Garda Sergeant Niall O'Halloran, who fought a huge battle with cancer and succumbed to it. His colleagues in the Garda and community groups are holding a fundraiser for the Limerick Hospice on Saturday, 2 October in honour of his name, and it might be an annual event. Niall was the essence of a community garda. He stood in people's kitchens and had the confidence of the people. To his wife Sandra, his son Richard and his family, some of whom are also in the Garda, and his dad was a former chief superintendent, we acknowledge it is a huge loss that we are struggling to fill.

Superintendent Denis Whelan left us yesterday to return to Enniscorthy in Wexford. He is a good Wicklow man, who did tremendous work in Cahir and Cashel in the last number of years. He has appointed Sergeant Ray Moloney, a Limerick man and an excellent community garda, to come into Ardfinnan and the Garda stations of Clogheen, Ballyporeen and that area, with some

of his team, Garda Noel Glavin, Garda Judy Davern and Garda Jenny Gough. The community police came into their own during the lockdown. They really came into their own with their high visibility, and I had some days out with them, as did many councillors and others, visiting the people, who got to know the gardaí. We cannot buy that, and any money or PR would not buy that. People have confidence, they know them, they like to see the yellow jacket and so on. That old name that we used to have of informers should be long gone. I am glad that the link with the Royal Irish Constabulary is finished.

We need a community policing unit. This has proven its worth in Cahir. Thanks to Superintendent Whelan, we now have a roster for the times gardaí will be in the Garda barracks in Tigh na nDaoine in Newcastle and in the Garda barracks at Ardfinnan, Clogheen and Ballyporeen. After long negotiations, a decision has now been taken not to transfer Garda Philip Ryan and Garda Kieran O'Donovan out of Clogheen and Ballyporeen. The people are at ease with that and want to thank them for that. We cannot beat interaction.

I am not fully happy with this legislation because it diminishes Tipperary's status and diminishes the chief superintendent from Tipperary. Indeed, we probably have our last superintendent in Superintendent Derek Smart, and a good man he is, but the chief is now going to be based in County Clare. It is just madness. To go from Carrick-on-Suir right up to Clare means going through the division of Limerick to get to Clare. I do not think it is workable. I am not happy that the Garda Commissioner has not listened to us or engaged with us.

With regard to numbers, the community policing unit has been stood down in Clonmel because of the shortage of gardaí. Superintendent Leahy in Clonmel is chronically short of gardaí in what is the second biggest inland town in the country. There are huge issues with drug gangs. We have issues with Drogheda, Mullingar and other places, and we are going to have the same in Clonmel. Certain families are dealing in drugs and it is out of control. The bullying and intimidation of families when young people get into those drug issues is frightening. We have had suicides and families intimidated. We need support for our units there. We need more community gardaí and more in the drugs squad. The stations in Cahir and Cashel have diminished in numbers and probably 30 members have gone from there in the last number of years and were not replaced. We cannot police without those physical numbers but we also need to tackle these vagabonds and criminals who are destroying lives. There is no replacement for the Garda on the beat. There is no point being in an office and they must be out there on the roads.

I want to also pay tribute to a former colleague of mine, Councillor Martin Lonergan, who was national secretary of Muintir na Tíre and who, in that vein, was hugely supportive of community alert, given that all the activities of community alert and the Garda Síochána are linked intrinsically with Muintir na Tíre. I know Eddie Mason, Seán Byrne in Newcastle, Catherine Moran and all the others on the group in that area, including the Grange people, miss him because Martin did huge work for community alert, for his community and with the text alert. The text alert is great but, as someone said earlier, it is not a replacement for visible gardaí. We need that visibility.

In fairness to the gardaí in Clonmel, they are waiting for a Garda station. I think Seán Treacy, the former Deputy, raised it here 60 years ago. Now, we have the site, we have the planning permission and we have a wonderful design. They need that new building but this is bundled into a package with other places, and some have fallen off the list and some have not. The Garda station in Clonmel is in a Dickensian condition. It is not fit for human habitation. There are issues with every kind of rodent and everything else in it. It is not fit for public use.

We cannot wait to get that Garda station over the line. As I said, we must get it over the line.

I would like to be able to support this Bill, but with limited and proper amendments. Each county division should have its own chief superintendent. I am also very uneasy about the lack of superintendents going forward. There is a lot of work being delegated to inspectors. I do not have anything against inspectors but it is important for morale in the Garda to keep the superintendent rank.

There are issues in Limerick but there is no point in suspending gardaí for such a long time. Justice delayed is justice denied. As the Acting Chairperson, Deputy Cathal Crowe, said, what is going on in Limerick needs to be sorted out rather than have gardaí suspended when they are so scarce in our areas. If they are to be charged or investigated, that should be done swiftly. It is not fair to gardaí who are trying to give a service or their families.

Deputy Michael Collins: I, too, have great reservations about the new divisional structures. I need to see that they will not dilute services on the ground to the people of west Cork who have seen a dilution of services in recent years.

Some years ago, we had the closure of many Garda stations under the then Fine Gael-led Government. This led to the decimation of rural Ireland and started a flood of closures of local businesses, post offices and so on. The local Garda station at the time, whether it was in Goleen, Ballinacarrig or Adrigole, or Ballinspittle, was hugely important to local communities. We won the battle to reopen Ballinspittle Garda station to the people of that town and of Kilbrittain, Kinsale and Ballinadee after a huge fight but we should not be left in that situation. This plan could roll us down the road of taking decisions away from the local community. I have been involved in community alert down through the years and I have seen the benefits of the scheme but community alert and text alert cannot replace the local garda working on the ground.

I must commend many gardaí. I could spend a lot of time talking about good, honest, hard-working gardaí who have given of their time, not alone their hours of work during the day but their commitment to their community, sometimes during the night, free of charge. Unfortunately, this was a given long ago by An Garda Síochána but we moved away from that. Unfortunately, many gardaí do not reside where they work. We are lucky to have Garda Jonathan McCarthy in Ballydehob. He is the most south-westerly permanent resident garda in Ireland. While we have a Garda station west of Ballydehob in Schull, none of the gardaí in the station lives in Schull and they come and go. However, Garda McCarthy and his family have resided there. There should be very serious consideration given to a garda in that situation to be made permanent for the local town and surrounding areas. While Garda McCarthy is being shared with another local area, Ballydehob deserves to have a full-time garda given that he has made a decision to move with his family into Ballydehob Garda station. I would give full support to that. The former Minister, Deputy Charles Flanagan, visited once and there was hope he might do something, but nothing happened afterwards.

I would like to give some credence to community gardaí who work so hard. I often mention Garda Damian White in the Dáil because he was one of the most outstanding community gardaí in my time growing up, as was Garda Brigid Hartnett as well. Garda James O'Mahony in Kinsale, who retired recently, and Garda Martin Hegarty of Castletownbere were two brilliant community gardaí. They also gave their time, both day and night, outside of duty times to help people, and set up the Garda youth awards. These were super awards that were needed to commend young people instead of maybe always giving out about them. That was a great

initiative that was spearheaded by James O'Mahony, although Garda Martin Hegarty had other gardaí were also involved in it. I commend them on that.

Bodies such as joint policing committees cannot take on the work of the garda in the local community. I listened to the report of the joint policing committee and an independent councillor, Councillor Ben Dalton O'Sullivan, made a good point that despite serving more than 20,000 people, Carrigaline Garda station does not have a guaranteed opening time. Imagine not being able to guarantee times when the Garda station will open in Carrigaline, which has the fourth lowest garda numbers in the country for a town of 1,000 people. There is something wrong here. That is what we need to be concentrating on. Councillor Dalton O'Sullivan, an independent councillor, has gone to great lengths to try to resolve that but, unfortunately, that has not happened. We need to focus strongly on these issues going forward.

The Minister visited west Cork during the summer on the Fine Gael or Fianna Fáil road show. She forgot that other Oireachtas Members would have liked to have met her and raised with her other issues of importance in west Cork at the time. I know it was a political stunt but the Minister was appointed for the country, not Fine Gael. She must remember that going forward. We are all working hard here to represent our communities. I would have treated the Minister with the utmost respect if I had met her. She did not contact me or other representatives for the area. It is quite shameful because we have huge issues in west Cork that need to be addressed. It is no good announcing projects that have been funded for the past three or four years. We need to look at new ideas that west Cork deserves. The Minister was there and she failed to contact us.

Deputy Richard O'Donoghue: I welcome this legislation, which will reduce bureaucracy and enable Garda to be more robust and agile when dealing with crime. I understand the Bill proposes to free up gardaí so that we will have more front-line staff. I also welcome the leaner management structure.

Newcastle West is the largest county town in Limerick yet its Garda headquarters is in two areas. Administration is handled in Askeaton 20 km away and all phone calls from members of the public are diverted to the control room at Henry Street from 9 p.m. to 7.30 a.m. Despite covering an area of more than 40 square miles, we do not have a Garda station. The whole thing is all over the shop. This is not satisfactory. The Newcastle West district extends from Croom to Abbeyfeale and everything in between but it is not open on a 24-7 basis.

When will the new Garda station project in Newcastle West commence and, more important, when will the station open? Will we have a Garda station by 2025? Can the Minister put a time limit on it so that the people of Limerick and the surrounding areas will have a Garda station of excellence that will work for them? In the meantime, can we have a more suitable building in Newcastle West that would serve the people of east and west Limerick?

A point I would like to raise, one which was also raised by Deputy Cathal Crowe, is the number of investigations ongoing in the Garda in Limerick. We have eight gardaí suspended for two and a half or three years. Not one of them has been replaced so Limerick is down the eight gardaí who are under investigation. As Deputy Crowe correctly stated, over 60 phones have been confiscated and 160 investigations are pending in Limerick.

The Minister might be able to answer the following question. When the gardaí were trained in Templemore, were they informed that they could use an "L7" or "a square" in exceptional

circumstances and show discretion in hardship cases? Every garda whom I have spoken to in and outside the Limerick division has been trained and taught to use discretion. The terms used for this discretion when they were being trained were “an L7” and “a square”. Is that no longer the case? Do gardaí have discretion in hardship cases any more? Three years have been wasted on investigations of misdemeanours that gardaí were actually trained to do at Templemore. We are now prosecuting gardaí for doing the job they were trained to do. I am not condoning any garda breaking the law outside of that context. Any garda who does so must be prosecuted, but I am not in favour of wasting taxpayers’ money and spending years upon years without gardaí on our streets in our towns and villages just because a garda did the job the way he or she was trained to. Surely the crimes that are being committed on our streets are more important. Antisocial behaviour, racist abuse and drug-related crimes are at an absolute high. Suspensions in the Garda should be dealt with effectively and promptly, not after two or two and a half years.

Recently, I cycled with Little Blue Heroes. We had with us Garda Superintendent Aileen Magnier of the Newcastle West district. We were there to raise money for Little Blue Heroes. It was a Garda community project. Everyone was there - gardaí, the fire service, the crime response unit and even the Garda band. It was to help a charity for children in need. We can get things right. Gardaí work with people in the community and they should have discretion. They should not be penalised. It needs to come to an end this year.

We have new legislation and are working on the situation. We should draw a line in respect of people who were trained previously and move forward. When it comes to regulations for building or the NCT, we work forward from the day they are implemented. We do not penalise someone for something that was not against the regulations at the time. Let us get this situation sorted out, get our gardaí back on the streets and stop making them suffer for doing something they were taught to do.

Deputy Michael Healy-Rae: The policing of County Kerry is an enormous task, from Valentia Island to Tarbert and from Gneeveguilla and Scartaglin to Ventry. It is a large area and significant operation, and I thank rank and file gardaí as well as those in the senior ranks for the job they are doing with the resources they have been given.

Past Ministers for Justice visited County Kerry and met local representatives, including me, to hear what was happening on the ground. That was beneficial. I would have expected that a person of the Minister of State’s calibre would have informed other Deputies of an official visit, but perhaps that might happen the next time, as we are all working for the people and trying to do our best.

I compliment and thank in an ordinary and humble way gardaí of the past, present and future for putting themselves in harm’s way to protect the people for whom they work. Sometimes, a garda’s job is particularly horrible when he or she has to attend accidents or call to houses to inform people of bad news. Those are horrific events in any person’s life, but gardaí have to experience them numerous times during their careers. For that, I thank them.

I have reservations about what is proposed in this Bill. When I think of places like the Iveragh Peninsula and how far, for instance, Cahersiveen is from Killarney, it is important that we manage the Garda’s resources properly.

Something is of great concern to me and should be dealt with quickly. I ask that the Acting Chairman allow me this indulgence, after which I will finish. I am referring to people using

mobile phones. When a person is being dealt with by a member of the Garda Síochána and the garda has the threat held over him or her of the phone filming the garda doing that work, it is an outrage that the recording can be put up on YouTube two seconds later. If the Minister of State and the Minister could deal with this, they would be doing a great service for rank and file members of An Garda Síochána.

Acting Chairman (Deputy Cathal Crowe): Deputy McGuinness is sharing time with Deputy Alan Farrell.

Deputy John McGuinness: This legislation is a nod in the right direction in the context of reforming the administration of the Garda Síochána. If we want to learn something about the reform that is required, though, one need look no further than the case of the death of Shane O’Farrell. The courts, the Garda and the Director of Public Prosecution’s office were at fault. There is nothing in this Bill that will correct that fault and ensure that what happened to Shane O’Farrell does not happen again. Consider the case of Maurice McCabe and, in that regard, ask whether this Bill will change anything for the future. The answer is “No”.

Today, the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach met whistleblowers, one of them being John Wilson. He made it clear to us that what happened in the Garda down through the years while he was a member of it was still happening now. How can we stand by and let it happen? How can we ignore the voices that tell us something is wrong? In the context of this Bill, perhaps we should reflect on introducing another Bill to reform the Garda and ensure that legacy issues such as those of Maurice McCabe and John Wilson are addressed. There are many more gardaí who have made complaints and are waiting for results and whose lives are being destroyed, yet their cases are not being dealt with.

If one looks at the complaints made by citizens of this country about the treatment that some gardaí have meted out to them, one will see that those complaints spend years tied up in a system that does not deliver any conclusion and allows the matters to sit on the fence without being dealt with even while people’s lives are being destroyed. Gardaí who have been injured at work have been treated badly by their own system. They have not been paid, are dragged back to work and are not given the dignity they deserve. When one sees that, one must wonder about the management of the Garda Síochána and ask why such situations are allowed to happen. Management should come to our committee and convince us, or it should convince us by its actions, that change has been made and such cases will never be heard of again.

I have mentioned Shane O’Farrell, John Wilson and Maurice McCabe. The House listened as the then Minister told us that John Barrett was being suspended. That was years ago, but there has still been no conclusion to it. We do not know why that is or what has happened to date. Simply because it was brought before the House, I call on the Minister of State to intervene and find out what is happening in the case of John Barrett.

In the minutes remaining to me, let me make a case for every garda on duty. I hope that this Bill does not spread the administration too thin and that it puts in place the number of gardaí needed at community level to support the communities they are policing. My fear is that we do not have enough gardaí. From north Kilkenny to south Kilkenny and Kilkenny city, there are not enough gardaí. Stations have been closed in rural areas with populations that should have Garda stations, yet they are not being reviewed.

This legislation can be passed and the Garda can be asked to implement it, but if the Garda

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does not get substantially more funding, it will not be in a position to deliver the type of policing that has been described in the House today. I urge the Minister of State to examine the funding for policing and this legislation.

Deputy Alan Farrell: I appreciate the opportunity to contribute on the Bill. I want first to congratulate the Minister, Deputy Harris, and his wife, Caoimhe, on the arrival of their son, Cillian Harris, who arrived a little earlier today. The House will, no doubt, join me in congratulating them.

This Bill facilitates a new operational model for An Garda Síochána. Given its 2015 origin and the Policing Authority's contribution to it, is a good measure. Much has been made in the last two minutes by some of the Members opposite in regard to Garda station closures. In that regard, I reiterate what I have said previously, that is, Garda stations and divisional structures are based on Victorian infrastructure, a completely different type of policing model. The Acting Chairman, Deputy Cathal Crowe, mentioned the origins of the Garda Commissioner and said that we are changing our model to replicate that which operates in the Six Counties. That is untrue, yet it follows a theme regarding matters raised by Members opposite with regard to discretion and other manifestations of clientelism not just in An Garda Síochána but across the board, where individuals such as those mentioned, that is, the monsignor and the football captain, had penalty points erased. That happens when we have local stations because gardaí and people know one another. An Garda Síochána are men and women and they will make mistakes. These issues have been given a lengthy airing in this House in the past.

Changing the model of policing from one with the lowest numbers of police officers per head of population in Europe on the basis of that Victorian model infrastructure, with divisional changes which have not taken place to any large degree in decades, is the reason we have some issues, again across the board and not just focused in An Garda Síochána. There have been many opportunities in the recent past to change the way in which policing is carried out in this country. We have done some change, but not all of it. In terms of access to justice and issues such as delays in our courts system outside of Covid, we do not have enough staff or professionals in the Office of the Director of Public Prosecutions, the Chief State Solicitor's office, the Courts Service or the courts, the Judiciary and An Garda Síochána. Is it any wonder we have difficulties with access to justice?

I welcome this Bill. As a former member of the Joint Committee on Justice, Equality and Defence for six years, I recognise that this will be a long process and that these changes will give An Garda Síochána the capability and authority to carry out local operations, which has to happen on a more widespread basis. I will close by thanking members of An Garda Síochána for the extraordinary work they did in the past 18 months. I thank them for their professionalism and kindness for the things they did in the first lockdown, in particular for older people, which went above and beyond their station.

Deputy Réada Cronin: I welcome the opportunity to speak on this Bill. I have a natural interest in it because my father was a proud member of An Garda Síochána. Minding the community, young and old, and building up that community was everything to him.

While Sinn Féin is supporting this Bill, the potential dilution of community policing worries me. It worries me particularly because community must be central to how we live, especially as we deal with the impacts and effects of climate change, known and unknown. If the 20th century was the era of the individual, the 21st century must be the era of the collective and of the

community. It makes sense for our gardaí to be deeply in and, more importantly, of the communities they serve. People in my constituency of Kildare North, Maynooth, Celbridge, Kilcock and Clane, need to be able to go to their local Garda station and for it to be open to them when they need it. This is not just local politicking. This is where the Garda and communities build up familiarity, trust and a sense of shared responsibility, mutual endeavour, for the public good.

I am equally concerned about the resourcing of An Garda Síochána. In my constituency, Kildare North, local gardaí surpassed themselves in their response to the Covid crisis. I take this opportunity to commend them in the Dáil for their outstanding work during the ongoing pandemic. An Garda Síochána needs to be better resourced, not only in monetary terms, but in terms of the official mass we have on them because mass matters when it comes to our gardaí. Too often it is missing, particularly when one thinks about what we have to deal with now with the rise of the far right who, when they are not spreading disinformation on Covid-19 and causing criminal damage, are ranting racism and homophobia.

On specifics, the duties of some of the ranks of An Garda Síochána will change. As workers, they will have to be properly remunerated in that regard. Equally, there must not be any delays to the legislation, which must be in place for the pilot divisions to begin before year's end. I am glad that Sinn Féin is supporting this Bill. While I do have some concerns about it, I hope they can be ironed out on Committee Stage.

Deputy Catherine Connolly: Fáiltím roimh an deis, mar is gnáth, páirt a ghlacadh sa díospóireacht seo. Is Bille maith agus dearfach é seo ach tagann sé tar éis a lán tuarascálacha agus a lán rudaí nach raibh ceart. Tá an iomarca ama caite roimh na leasuithe atá á chur chun críche os comhair na Dála laistigh den Bhille seo. Tá mé chun tús a chur leis an bpróiseas inniu leis an tuarascáil ón iar-bhreitheamh Charleton. Tá neart le rá aige ó thaobh an Gharda de, rudaí maithe agus rudaí nach bhfuil chomh maith nó chomh dearfach sin. Tosóidh mé leis an mBille é féin. Rachaidh mé timpeall leis an tuarascáil Charleton agus tiocfaidh mé ar ais ag an mBille.

I welcome the opportunity, as always, to take part. Democracy is about taking part and scrutinising legislation. This Bill is welcome and its proposed restructuring is very good, but it comes on the back of a number of reports which I will speak to as quickly as I can. I have a Charleton report open in front of me. The tribunal of inquiry was established in 2017. It is still sitting, but Mr. Justice Charleton produced an interim report in 2018. I will come back to that.

The Bill is a practical one as far as I can see. Galway is to get its own division, which I understand is already in place following the rolling out of that division in a pilot project. It would be helpful to know the result of the pilot project, in respect of which Galway was just one of the areas, such that we know if there were positive or questionable things that needed to be changed or not changed. It would be helpful if we had that information. We will have four Garda regions and 19 divisions covering community engagement, including roads and community policing, crime, performance assurance and business services. The Bill, as I said, is based on a number of things. Let us remind ourselves of the context of where this reform has come from, echoing some of the issues raised by Deputy McGuinness.

Looking first at the third interim report from Mr. Justice Charleton, page 292, the tribunal has been about calling the police force to account. The Charleton tribunal is about holding the Garda to account. The Morris tribunal was about the same issue. I remind the House that the Morris tribunal was about what happened in Donegal. The foolish mistake was in thinking that the behaviour was just happening in Donegal and not in any other county. The Morris tribunal

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cost over €70 million. We then had the Commission of Investigation by Mr. Justice Kevin O’Higgins. I was first elected in February 2016. Shortly after that, I remember reading that report in detail and I could not believe that I had only 30 minutes in the Dáil to go through it. I used those 30 minutes. That was a very moderate report by Mr. Justice O’Higgins. The honesty of Sergeant McCabe jumped off the page. We also had a number of other reports from Mr. Justice Iarfhlaith O’Neill and Seán Guerin, senior counsel. They are only some of the reports that have led to this reform.

To be positive, I have the greatest respect for the gardaí on the ground.

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We should have more gardaí and they should be more visible, although the Policing Authority draws our attention to that and says while it is really important they are visible, that ignores the good work done behind the scenes and the under-resourcing of special units on cybercrime, sexual abuse, and so on. Thus, in pushing the visibility of the Garda, I am acutely aware of the work done behind the scenes, which is under-resourced, under-praised and not visible.

We can look at Mr. Justice Charleton’s third interim report, which states: “Our police force is a resource of brilliant men and women.” Indeed, the sentiment that ordinary gardaí are the greatest resource is echoed in the policing plan. Mr. Justice Charleton adds:

How dispiriting it must be for them that all of what is detailed in this report happened. They are crying out for leadership.

This is from 2018, which is not too long ago. The report states:

Regrettably, the Tribunal has sat through a year of evidence and read thousands of documents and, as a result, has come to the conclusion that An Garda Síochána is losing its character as a disciplined force.

This is from a judge not given to exaggeration. The report continues: “Furthermore, it would be foolish to imagine that the problems were isolated to the Cavan/Monaghan Division.” That is a point I have repeatedly made and one we should have learned from the Morris tribunal on events in County Donegal. The report also states:

Central to ... [the] issues [highlighted] is a mentality problem. Where a problem occurs, strongly self-identifying organisations can have a self-protective tendency. That, regrettably, also describes An Garda Síochána. It is beyond a pity that it took independent inquiries to identify obvious problems with what Maurice McCabe was reporting. To ask the right question, ... [he quotes Chekhov] is to go far in answering it.

The judge adds, “A cultural shift requiring respect for the truth is needed.”

I turn now to some of the obligations of Garda members. I preface those comments by saying they apply to all of us, be that to myself as a Deputy, to the institution of the Dáil, and to many other institutions. In this case it is the obligations of members of An Garda Síochána which are under the spotlight. Imagine we needed the Charleton tribunal, at great cost, for this, though the cost is a minor one compared to that of the Morris tribunal. I will tell the House what Charleton says about those obligations. I have highlighted all seven. He first states the “obligation of gardaí is to take pride in their work and in their uniform”. More detail on that is then supplied. The second obligation is to be honest. That applies to all of us, of course.

The third obligation is to be visible. The fourth one is to be polite. We needed the Charleton tribunal to tell us this, with respect to the Garda. The fifth obligation is to serve the people of Ireland. They must serve, just as Teachtaí Dála, including myself, are supposed to serve. The sixth obligation on the Garda is to the organisation as a whole. Charleton states:

The organisation must treat their obligation to the public as superior to any false sense that individual policemen and policewomen should stick up for each other.

The seventh obligation is self-analysis. A repeated theme here is the failure by the Garda to have self-analysis. Again, we can all put ourselves under that spotlight. It should not be necessary to have a Morris tribunal for six years nor an O’Higgins Commission for a year and a half. It should not be necessary to have a disclosures tribunal, now reporting over a year and a half after being set up. Charleton observes:

What has been missing in the past is the command structure of An Garda Síochána calling itself to account. [...] Public relations speak as a substitute for plain speaking is an affront to the duty of our police force to be accountable. The correct approach for an organisation is to enable those who are expert on a subject to speak on its behalf.

Under the heading “Uncovering the truth”, he remarks:

In relation to the matters at issue in these reports, it has been a dreadful struggle to attempt to uncover what may have gone on behind closed doors. That should not happen. A court, or a tribunal or other investigative body appointed on behalf of the people of Ireland, is the place where public servants are obligated to the truth and not to any group adhesion.

Charleton later states:

What has been unnerving about more than 100 days of hearings in this tribunal is that a person who stood up for better standards in our national police force, Sergeant Maurice McCabe, and who exemplified hard work in his own calling, was repulsively denigrated for being no more than a good citizen and police officer. [...] The question has to be asked as to why what is best, what demands hard work, is not the calling of every single person who takes on the job of service to Ireland. Worse still is the question of how it is that decent people, of whom Maurice McCabe emerges as a paradigm, are so shamefully treated when rightly they demand that we do better.

I will put Charleton aside now but it is important to give context to the reform before us.

In addition to the reports I have mentioned, we have had the setting up of various oversight bodies, including the Policing Authority, the Garda Inspectorate and the Garda Síochána Ombudsman Commission. On top of that we have had the various reports: A Policing Service for the Future, the plan arising under that, the Garda operating plan, and so on. I realise there has been some discontent from the Garda Representative Association and the Association of Garda Sergeants and Inspectors, so if the Minister were in a position to update us on their concerns and whether they have been put to bed, that would also be very helpful.

I have read all the Policing Authority’s reports on policing behaviour during Covid. It has been overwhelmingly fulsome in its praise for the gardaí on the ground during the pandemic. We had a specific Policing Authority report on policing performance in July. Again, it is a balanced report and praises the Garda when it deserves praise. The authority highlights the

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conditions under which gardaí work. What jumped out at me was its reference to “the growing evidence of driving under the influence of drugs as being an increasingly common feature of contemporary life”. Gardaí work in a very difficult environment and deserve our support and respect. In order to get that, there must be good management that inspires trust, so we can trust them.

Like many other people, I have called for more and more gardaí on the streets of Galway to walk and cycle through the people. They were particularly absent when the Government gave the thumbs-up to drinking on our streets. We gave out a message that ignored all the policies, including our healthy cities policy and the Barcelona declaration, which committed us to universal access for all our residents. Instead of that the Government gave the message that people should go out and drink. It told the businesses - and I fully support businesses - they should extend onto the pathways. The Barcelona declaration was thrown to the side. That declaration was signed by Galway almost 20 years ago and committed the city to universal access, so we would stop the discrimination between people who are able and those who are not so able. The declaration to stop this arbitrary discrimination was thrown to the wind. We have by-laws which say people cannot drink on the street. The gardaí had to ignore these because the policy from the Government was that people should go out, drink and be merry. While I love a drink and love to be merry - outside the Dáil - it must be balanced with other people's rights. The gardaí in Galway were left in a very awkward position in relation to how they were going to implement the by-laws and the various regulations coming from the Government. That has left us a quandary in Galway where community policing is concerned, as we want much more but we want a balancing of rights between our citizens and our residents who we encourage to live in the city, yet we give free rein on the other hand, taking away the peaceful and quiet enjoyment of resident's lives. That is a huge challenge in Galway. I am sure it is repeated in the other cities.

The Policing Authority assessment report is an excellent document. It talks about the visibility of police being very important. However, as I said, it is also quite nuanced in mentioning the other work going on behind the scenes which is not visible.

It points out three major gaps or issues, namely, finance, ICT and human resources. Considerable progress has been made in respect of ICT and a new executive director of finance has recently taken up the job. However, significant work remains to be done in all three areas and the report goes on to outline the consequences of that. It points to the absence of a strategic workplace plan and to a long-standing vacancy for a learning and development director which leaves management without a clear sense of direction, prioritisation and planning. This is specifically spelled out. Information that the Authority has asked for repeatedly has not been forthcoming from An Garda Síochána, notwithstanding the commitment to reform.

As part of its statutory functions the Policing Authority is required, under various sections, to provide advice to the Minister for Justice before each financial year with regard to the resources that are likely to be required. On page 16 of the Policing Authority's Assessment of Policing report we read that “Since the establishment of the Authority, this function has been largely frustrated and action against it undermined by a lack of sufficient financial information and insight from the Garda Síochána”. A budget of approximately €2 billion annually covers current and capital expenditure. At present, notwithstanding that amount of money, the organisation does not have the ability to cost the policing plan or the projects within it. This lack of overall budgetary planning results in resources not being in place when they are needed. While it is difficult to identify the projects or targets that are most directly impacted by this, or

the extent to which they are, “the reliance on HR, IT, training and estates means that the lack of proper financial costing and planning...results in ongoing challenges and delays.”. I have skipped through the report in the interests of brevity but it is all laid out here in black and white. The report states that the Authority will “continue to support and challenge the Commissioner and his senior management team to enhance its strategic financial planning capacity”.

I welcome the reform although I am sure it may present problems on the ground, as has been brought to our attention by the two organisations I have mentioned. I welcome the emphasis on community policing but would like to know if the concerns have been or will be addressed and how they will be addressed. I would like to come back to the essence of An Garda Síochána. Gardaí are there to protect us and we must appreciate that. However, in doing that, there must be proper training and an ability to analyse and understand where they are going wrong and a willingness to put their hands up. That did not happen in the recent debacle of the cancelled calls. I understand that investigation is still ongoing. The Policing Authority has been critical of the delay in alerting it to the cancellation of very serious calls, including calls from victims of domestic violence. I understand that an independent person has been appointed to look into it. However, one would have thought that with a new direction and a new commitment, An Garda Síochána would have been proactive and that it would not have taken the Policing Authority to drag out the information as to what happened and the nature of same. One would not have thought that gardaí would be minimising what happened rather than putting their hands up. I do not wish to preach; it is up to all of us in our lives to learn but the focus tonight is on the Garda Síochána.

In addition to the cancelled calls investigation which is ongoing, it should be noted that the CSO still publishes crime statistics under caveat. That has been going on for quite some time - as far back as 2004 as I understand it. It would be helpful to know when that caveat will be lifted. I do not want a response to the effect that the CSO is independent. What I would like to hear from the Minister for Justice is when gardaí will be ready to give fulsome information to the CSO so that the caveat can be removed. When will we have the strategic workplace plan? At the moment there seems to be a complete disconnect between the need for it and the consequences on the ground.

Deputy Jackie Cahill: I want to put on record my appreciation of the tremendous work done by An Garda Síochána at all levels including gardaí, sergeants, inspectors, superintendents, chief superintendents and commissioners. In modern society they have an extremely difficult job to do and we owe them a huge debt of gratitude.

This review of reform is welcome and while there are lots of good points in it, I have one major problem with it, which I will elaborate on later. The first thing that struck me when I read the review is that the objective of reform is to significantly increase the number of gardaí on the beat, which is very welcome. I would like to see a serious focus on drugs and the sale of drugs in our society. This Parliament is not focusing enough on this issue, which is the greatest challenge and the greatest scourge facing society. In many cases mental health issues, suicide and financial ruin are predicated on drug use. I watched “Prime Time Investigates” a number of weeks ago wherein drug dealers were filmed selling drugs openly in broad daylight. There was constant business going on in a suburb of Dublin. If the “Prime Time Investigates” team could film that, why were these people not being arrested? Some might say that they were not the big fish or the big players but they were still selling drugs to young people and doing serious damage.

There was a time when drugs were only a problem in large urban areas or in socially deprived areas but that is no longer the case. Drugs are a huge problem in every sector of Irish society, from the wealthiest to the poorest, from large urban centres to small rural settings. Unfortunately drugs have taken a foothold in every part of our society. As parliamentarians, we need to focus on this problem and put more resources into dealing with it. If we do not do so, the consequences for our children and grandchildren will be immense. Unfortunately suicide is becoming a more regular occurrence and while it is not true in all cases, the misuses of illegal substances has a part to play in a large proportion of such deaths.

This reform will result in extra gardaí on the beat and I urge the Minister to use her influence to make sure that some of those resources are used to tackle the drugs issue. I met my own local superintendent about two months ago. He highlighted to me the amount of drugs that were seized in the previous 12 months in his catchment area. I fully accept that good work is being done but unfortunately, an awful lot more needs to be done. I urge the Minister to make it a top priority in her Department to put more resources into tackling drug barons. This is absolutely essential. Whether it is the small dealers or the large operators, there is only one place for them and that is in custody and off our streets.

I wish to raise the issue of the amalgamation of areas. Some of these probably make sense but I represent a constituency which is a very large geographical county. We have had a chief superintendent based in our county, I would say, since the foundation of An Garda Síochána. That chief superintendent was based in Thurles in the middle of the county. From Carrick-on-Suir to Portumna is a huge area. It had five superintendents operating under the chief superintendent. I cannot for the life of me understand how it will improve the deployment of resources or the efficient policing of Tipperary to amalgamate us with Clare. Geographically we border Clare but it is a nonsensical arrangement. Ennis is now to be the centre for this division. It makes no sense geographically and I am worried my county will lose resources because of it. I was reading a report with the reasons put forward, the number of gardaí in the area, and that it only warrants one division. That does not take away from the fact this is nonsensical. To travel from Carrick-on-Suir to Ennis would be a day's work. It sits very uneasily with the people in my constituency.

I urge that the Garda Commissioner look at the nonsensical geographic imbalance in this. My county is 130 km long from top to bottom. We are not asking too much that it be treated as it always was, as one geographical division with a chief superintendent in the centre in Thurles. I know the decision has been made but I earnestly ask that it would be looked at again, that there would be a common-sense review of that decision, and that Tipperary would be left as the one geographical division it always was.

Deputy David Stanton: Between 2006 and 2007, joint policing committees were established. At that time we had urban district councils. There were five in my constituency: Middleton, Youghal, Cobh, Fermoy and one other in the county, so I found myself on six joint policing committees at the time. I found them very useful and informative because they brought policing right down to the ground. The people in the community, the public representatives from county councils, Deputies and community leaders all came together with the Garda and the local authority officials to discuss the issues that were pertinent in that close local area. Those local authorities changed and we had municipal districts. Now in County Cork we have one joint policing committee for the whole county. Whatever about Deputy Cahill's example of Tipperary, Cork is a lot bigger. It was not ideal because the rural areas were not represented, just the towns.

The Future of Policing in Ireland report states:

We regard district policing as the backbone of police work and the police mission. In our new district policing model, all police service personnel at district level, sworn and non-sworn, should be considered to be community police.

I ask the Minister to look at establishing joint policing committees in the municipal districts. I know it is up to the Garda Commissioner, and he has a major role here, but it would be very beneficial if that happened and it would fit in very well with what is going on here. This is a technical Bill and it is understandable that we are changing the operating model of the Garda, that the divisions are becoming paramount and the districts *per se* as legal entities are being taken out, but I am concerned with what is to replace them at that local level. The ideal entity to replace them would be the municipal districts. If some form of municipal Garda district or organisation was linked in with the municipal district, that would make a lot of sense. You could also tie in education and health as well. That is something the Minister, the Department and the Commissioner might take on board.

The Future of Policing report also says “The current network of Joint Policing Committees (JPCs) received mixed reviews in our consultation process”, but it also says the local policing forums are examples that have worked well, which reiterates what I have been saying. It mentions one in Dublin’s north inner city. That is the kind of idea I am putting forward and the kind of model I am suggesting we might look at replicating throughout the country.

Moving to another area of concern around districts, the Garda and what the report on the Future of Policing is saying about organisation, I want to raise the role of the Garda Reserve. In 2013 there were 664 members of the Garda Reserve. In response to a parliamentary question I was told there are now 447, a reduction of almost a third. The Future of Policing recommends that recruitment to the Garda Reserve should be paused pending the outcome of a comprehensive strategic review. I understand that review is over and it is incumbent on us to start looking at that very valuable resource again. The Future of Policing report includes a very interesting note which refers to volunteer programmes. It mentions a Police Explorer initiative that is run through local policing services across the United States. It provides young people aged between 14 and 21 years who are interested in a career in law enforcement an opportunity to undertake training and practical hands-on experience in working with their local police service. That would be really worthwhile. It is worth exploring and thinking about. It would get young adults involved at that level as cadets or volunteers. We should also look at how we can use the Garda Reserve. Many people joined the reserve and then applied to join An Garda Síochána proper and were taken on because they knew what they were getting into and had a certain amount of experience.

Local knowledge is very important. Again and again, people have mentioned the importance of having gardaí on the beat, for them to be out and about on the streets, in the shops, meeting people, discussing with them what their issues are, and getting to know people and the locality. They cannot do that when they are stuck behind desks. I have been told by some gardaí that they find themselves stuck behind computers filling in reports and that if they do not do that, they are in trouble. Red tape and bureaucracy have taken over a lot of their time and that needs to be looked at.

There is the matter of different agencies working together and collaborating at local level. I am particularly interested in two responses. One is the joint agency response to crime, JARC.

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That is where all the agencies work together to focus on serial offenders. It has been highly successful in deterring people and actually turning people away from crime. In my time in the Department, we established a youth joint agency response to crime, Y-JARC, initiative, which is a pilot multi-agency approach to manage and address the prolific offending and criminal behaviour of young people aged between 16 and 21 years. Two pilot projects were launched in July 2017, one in Gurrabraher in Cork and one in Blanchardstown in Dublin. These have been very successful. A kind of outside-the-box thinking is required if we are to make inroads into what is happening in our society.

I agree with Deputy Cahill. When we change these models, we must ensure gardaí get closer to the people, not further away. That is why we need very local structures so that communication, both formal and informal, is there. We also need to ensure gardaí are on the beat and in touch with the people.

I refer to the youth justice strategy which was launched by the Minister quite recently. We should have a debate in the House on that. Many people do not know about it and do not even know it exists but it is very important in impacting young people who are in danger of getting involved in crime through antisocial behaviour, being pulled into the gangs and so on. It works with the Garda youth diversion programme, youth agencies and youth clubs, and with the youth workers to target young people and reach out to them on the ground to support and help them, to divert them away from crime. That strategy is something we should all read and work on. We should have a debate on this in the House to see how it is working to make sure the resources are put into it. If we can deter young people from getting involved in crime in the first place, it will be a win-win. I have been in communities where a great deal of very good work is being done, but it is up against the tsunami of other issues these agencies are fighting against. They can be successful. I have come across young people who, because of their involvement with youth justice agencies and the good work that they are doing out there, decided not to get involved in antisocial behaviour and in crime. They decided to get involved in youth work themselves and act as leaders in their own peer group to deter other young people from getting involved in crime. This is the kind of thing we should do.

I am also concerned about the reports, such as the Greentown research project and others, that show us families and gangs use young people and children in crime. The key here is local, local, local. I am hopeful for all of the changes that we have here. I am encouraged by the Commission on the Future of Policing in Ireland report which states that it regards district policing as:

... the backbone of police work and the police mission [...] all should see themselves as part of a single district policing team working to keep their communities safe. All should see their overarching collective function as solving problems affecting community safety in the district. District police should be competent, empowered, and resourced to handle most day to day policing demands themselves.

This is crucially important and is a turning point.

I am aware that some colleagues are concerned. On the one hand the Bill takes away some of red tape and bureaucracy and the layers of decision-making that are there at the moment, which is part of it, while, on the other, it brings the gardaí closer to the people, it frees them up and takes them away from duties could be done by civilians. We need to do more of that. A lot has been done to date but we need to do more. We need to identify areas where civilians can do

the work that gardaí are doing now who should be out there doing real police work.

I welcome this initiative. I am aware that it has to be done for all kinds of legal reasons. It is technical legislation and must be covered like that. We face significant challenges at the moment in respect of antisocial behaviour. If one walks around this city any night, one can see that it is getting more and more prevalent for all kinds of reasons. One of the reasons is that we need more police visibility on the street engaging with people at all levels, being seen and not being in cars. The gardaí may be on bicycles to get around but certainly they can walk. The yellow jackets being seen on the street is a great support and a great help to people. It is a great encouragement for those people for whom the fear of crime can sometimes be more devastating than the crime itself, as Deputy Howlin said earlier.

Deputy Patricia Ryan: I welcome the opportunity to speak on this Bill. It is very much a technical Bill, which is necessary to implement a new Garda operational model. The Bill will replace Garda districts with divisions in any relevant legislation and will also change the rank at which some functions or duties can be carried out. One criticism I have of this Bill is the short time that we have been given to consider it. Given the urgency to pass the Bill before the new divisional model goes live in the near future, we need more time to consider the consequences of these changes.

From a worker's point of view, the duties of certain Garda ranks will change and there should be appropriate remuneration for this. There needs to be proper consultation with representative groups. We cannot have the same dissatisfaction that followed the publication of the Changing Policing in Ireland report. The GRA and the AGSI, just like any other representative groups or unions, must have their views listened to. This Government and its predecessor, which is identical in make-up except for the green mudguard, have ridden roughshod over workers' rights. A Government that would not stand up for Debenhams' workers will certainly not stand up for the ordinary men and women of An Garda Síochána.

Aside from workers' rights, I am also concerned that districts will be amalgamated into divisions whereby some rural areas will lose out on Garda resources they may previously have had. These are resources needed now more than ever, particularly in the rural areas I represent of south Kildare and north Laois. The Government is leaving rural Ireland behind and this needs to change.

We all read the results of the Newstalk survey this week that shows almost nine out of ten women are afraid to walk our streets at night. I was interviewed as part of the survey and from personal experience I know what it is like to feel unsafe, even on well-lit or busy streets. Anyone who takes the Luas, as I do most days coming here to Leinster House, will also have experienced this fear. Sinn Féin has continuously highlighted the need for a more community-based policing model. Gardaí who are known in their community will, naturally, be more approachable. Garda visibility is known as a deterrent against crime but this Bill does little to help us with this. We need more community gardaí and more investment in the community policing model. It is not just a Garda visibility problem. We have a Garda availability problem. The gardaí themselves are not to blame. The Government must provide proper manpower and resources. It has consistently failed to do this. Sinn Féin in government will increase Garda numbers. We will increase the numbers of civilian workers to free up gardaí for front-line duties and we will ensure that there is a proper investment programme put in place to ensure that the gardaí have enough resources to keep the community safe. Other Deputies have also spoken about how this needs to happen.

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I had two reports this week of residents in Monasterevin and Portarlinton being unable to get an answer when they called the Garda station there despite the fact that the phone is supposed to be diverted to Kildare town and Portlaoise Garda stations, respectively, when the station is unattended. This leaves residents vulnerable. Not only does it leave residents in Monasterevin and Portarlinton and the surrounding areas very vulnerable, it also leaves us and the criminals knowing when the Garda stations are unmanned. It is simply not good enough. I have also had a report of a Garda car being shared between Kildare town and Athy stations.

It is no wonder that we have a drugs epidemic in our communities. Gardaí were searching a house recently for drugs and they accidentally discovered a grow house next door when they smelled cannabis being smoked in the neighbouring house. We need to equip the gardaí to use thermal imaging, energy usage and intelligence to search for grow houses. It should not just be left to chance. Drugs are ravaging our communities and families. Drugs ravage our young people and rob them of their futures. If this Government will not act, it should put somebody in here who will.

Deputy Mark Ward: This technical Bill implements the new Garda operational model and it removes the district model replacing it with Garda divisions. The problem is that the Bill could move An Garda Síochána further away from the model of community policing than ever before. Sinn Féin consistently highlights the need for more community-based policing. We have seen the numbers of community gardaí decimated under successive Governments, particularly in Dublin. For example, community gardaí in Dublin have seen their numbers decrease from 508 in 2010 to 278 in 2020. The community gardaí themselves are frustrated and feel that they cannot carry out their duties due to these cutbacks. In parts of my constituency there has been an increase in antisocial behaviour and criminality recently. We need to increase community police numbers and have gardaí on the beat. As my colleagues and Members on all sides of the House have said, visibility of gardaí in an area makes people feel safer and more secure and it improves people's quality-of-life.

I will turn to the issue of Operation Tombola. The Minister will be aware that the operation is designed to prevent and detect the sale, supply and possession of fireworks and to address antisocial behaviour in our communities in the lead-up to Hallowe'en. A press release from the Minister, available on *gov.ie*, states that Operation Tombola began in August. I would have welcomed this intervention as it is something that Sinn Féin called for last year. At last Friday's South Dublin County Council public meeting of the joint policing committee, which I attended, we were informed that Operation Tombola will begin on 1 October 2021 to put in place the appropriate measures in the lead-up to Hallowe'en.

Not only did Operation Tombola not begin in my area earlier this year; it has not in fact begun yet. Is this the case across all areas or is this just in my area of Dublin Mid-West?

Last year, Sinn Féin tabled a very realistic motion on community safety and fireworks that the Government amended into meaningless words. This would have made a huge difference to our communities. I am afraid that because of this, our communities are paying the price again this year. The misuse of fireworks has again been plaguing our communities. People in my community feel abandoned by the Government as a lack of visible policing is leading to a state of lawlessness. Over the past month, I have seen a rise in antisocial behaviour and more criminality, and the illegal use of fireworks has increased in my area.

The gardaí run Operation Tombola each year in the run-up to Hallowe'en to deal with the

illegal use of fireworks and antisocial behaviour. Last year, after intense pressure from Sinn Féin, Operation Tombola was brought forward by one month to begin on 4 September. That was really welcome. During the debate I had last year with the previous Minister for Justice, she conceded that there may be a need to start Operation Tombola even earlier.

Going back to what I was saying, the Minister can imagine my anger and frustration on finding out during the recent meeting of the Joint Policing Committee at South Dublin County Council that Operation Tombola has not even commenced yet, and is not due to start until 1 October. Instead of bring Operation Tombola forward, it is now starting more than a month later than last year. This is simply not good enough and has left our communities feeling abandoned.

I want to refer to a statement the Minister made today on *gov.ie*, which I will read verbatim.

Operation Tombola began in August of this year in the Dublin Metropolitan Region in response to concerns about unlicensed fireworks and their early use in the run-up to Hallowe'en.

This statement is not backed by the information I have received from the Joint Policing Committee. I also received a response to the following parliamentary question, which I will again read verbatim. The question I tabled was:

To ask the Minister for Justice the status of Operation Tombola 2021; the additional resources allocated to the operation; the commencement date of the operation; if a comparison will be made to same during Operation Tombola in 2020; and if she will make a statement on the matter.

I received quite a lengthy statement, which I have with me, comprising three pages containing a lot of really good information and many welcome initiatives in Operation Tombola. I did not receive what I asked for, however, which was the commencement date. In fact, the response I received stated:

I understand that each chief superintendent in the DMR is in the process of engaging with relevant stakeholders including the local authorities to identify, co-ordinate and implement an appropriate multi-agency strategy for the Hallowe'en period.

In September when I got this answer, the chief superintendent was only processing Operation Tombola yet we are saying that it started in August. If Operation Tombola began in August, why did I not get this answer in September? Why are the gardaí in Dublin Mid-West not commencing it until 1 October? I submitted more parliamentary questions today on this matter. I have also tabled a Topical Issue matter because it is something that needs to be addressed. I thank the Minister for taking the time to be here today.

Deputy Ruairí Ó Murchú: We are here to discuss what is obviously a technical Bill. When I heard about the reorganisation and division, and the fact that County Louth was going to be connected with counties Cavan and Monaghan, I had a fear of losing senior gardaí and losing the focus that is needed, particularly in the huge urban settings of Dundalk and Drogheda. Anybody who has watched the news in recent years realises the difficulties we are dealing with there.

I accept that there is a certain logic to the streamlining of services. I accept that there is complete logic to taking the likes of human resources and disciplinary issues away from other

gardaí, who will become focused thematically on the vital parts of crime-fighting that are absolutely necessary. None of this will really matter, however, unless we are talking about resources.

I spoke recently to the superintendent in Dundalk and the chief superintendent for County Louth. They spoke about the issue that still relates to the lack of supervision and the need for more sergeants, and how this is holding up operationality in the Garda. This is, therefore, something that will need to be dealt with. It is all well and good and we can have reports and reorganisation but if we do not have the capacity to do business then we will not be doing business.

I will bring the discussion back to what one of the previous Deputies spoke about. A recent “Prime Time” episode on crack cocaine dealing showed one particular estate. The Deputy asked why the gardaí were not taking action in respect of this estate. I imagine parts of Dublin are like parts of my town of Dundalk, where that is hardly the only drug dealing that was going down that day. I imagine there are lots of places where one can find this happening. The reality is that we would need an incredible amount of resources to tackle every incidence of drug dealing.

With regard to that particular estate, I think we need to actually introduce a level of logic with regard to planning. The term that would have come to mind for any other person who has acted as a councillor for any period and who watched that show was “permeability”. That is the idea; it sounds great and allows for access and there is no obstacle in a person’s way in relation to being able to live an active lifestyle and be able to walk wherever he or she needs to be. The reality in certain working-class estates is that permeability, which is forced upon developers and planners, ends up creating rat runs and areas that are open to drug dealing and antisocial behaviour. The issue then is that an awful lot of councillors in Dundalk and in other areas spend their time trying to get council officials to close them off at a later stage. We need to look at this when we are talking about holistic planning.

This is the reality, however. I was told that the Minister was looking at a relatively serious sized State-level drug dealer - a major operator - and that it takes approximately 28 gardaí to put an operation in place that will probably take a year to get a prosecution. The idea is that if the Minister is putting in those sorts of resources, we will have action. That needs to be followed up by court resources and such.

Let us assume that we are talking about the likes of Dundalk or Drogheda. Obviously, Drogheda had a particular set of resources thrown at it due to the situation that arose there with the vicious feud. We would have to consider that on a localised basis, we are still talking about numbers of at least ten to 20 gardaí, who, to a significant extent, would have to be focused on putting away a major player. Some of these major players, even on a localised level, unfortunately, have become quite clever in how they operate. They use people who are vulnerable. They have an number of cut-outs between themselves and the actual crime and they are usually able to insulate themselves. The Minister is talking about a huge amount of resources, however. We have to have a reality check and look at the entire situation.

The Government has proposed a number of things in relation to citizens’ assemblies. I believe there is general support for that across this House. We really need to get the show on the road, however, if we are talking about the issue of organised crime and the dysfunction we have with regard to the drugs problem. I welcome that there is to be a citizens’ assembly regarding drugs but we need to actually see it happen. We need a timeline. We need to take the conversation out of this place and have a real discussion about best practice across the world, whether

that is in Portugal, Amsterdam or anywhere else. We need to take a look at what works.

I would also make the argument that this State and this country is incredibly small. If we are looking at changes, we might need to have a wider conversation about the European Union, and, obviously, with Britain as unfortunately, at this point, there are still two jurisdictions on this island. Hopefully, that is something that will be altered in the near future but it is something we must deal at this point.

The Minister visited Drogheda for the launch of the Drogheda Implementation Board. I am quite hopeful that could possibly provide a template for best practice and ensure that with those services out there - for example, the entire family support services, the HSE, the addiction services, as they currently exist and much of the NGO sector - we will be able to cut through some of the red tape, provide funding and make the best of what we have. A major part of the work will be to point out that there will still be a necessity to fill in gaps, even if we do the absolute best and the promises on prioritisation and Government funding actually occur, because we need huge family supports and a huge level of addiction services and family addiction services. We still have an issue in County Louth and beyond, in counties Meath, Cavan and Monaghan, in that the family addiction support network, based in Dundalk, is still awaiting funding. The promise of funding has been promised, in the sense that the HSE has supposedly been given €70,000, which was promised a significant period of time ago, but it has not made its way down to CHO 8 with criteria and whatever else is needed. Nobody knows whether this will be a continual or retrospective payment. You are dealing with an organisation the gardaí use to provide a resource to families under severe pressure. It is also one of the bodies people approach. Sometimes people who are uncomfortable going directly to the gardaí will point out where drug-debt intimidation is occurring.

We welcome the work being done by the gardaí at a State level and locally, especially in taking on organised crime and criminality and drugs criminals who are ripping apart our communities, but we have to be absolutely realistic about this. Sometimes there can be an oversimplification. Some of the discussion that occurred earlier on that “Prime Time” show asked why those people were not arrested. The fact is we have seen the likes of the drugs squad in Dundalk having a huge impact. We saw a huge number of seizures, especially at the very beginning of the pandemic and that leads to huge debts in the criminal underground, and the pressure goes downward and we have had a huge increase in drug-debt intimidation, and that is of mothers, grandmothers, fathers, uncles, brothers and sisters. They get the knock on the door, the window is smashed and they get the threat that what is coming next will be a hell of a lot more serious and they have seen it happen. I am fed up of WhatsApp messages or videos of houses on fire, acts of antisocial behaviour related to drugs and the damage it does and I absolutely hate looking at messages at this point in time. We need to get incredibly serious on this.

I welcome what was said earlier. There are positive things about the youth justice strategy and some positives about this reorganisation, but if are to be serious, we need to have a holistic multi-agency solution, which means we have to have a real conversation on how we will deal with this. Like I said, we need to have a wider solution, because it is not just about the gardaí, but it is about a health-led strategy and one that works. The gardaí will tell you they are fed up that they cannot access the addiction services required. We basically have a system that does not work. We need to get real and we are nowhere next to being real about this.

Deputy Aindrias Moynihan: Ar an gcéad dul síos, fáiltím roimh an deis labhairt faoin mBille seo. Is Bille é a bhaineann le feidhmeanna agus réigiúin na ngardaí. I acknowledge

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the huge work so many gardaí at every level are doing throughout the country, day in, day out, serving their communities. A huge debt is owed to so many of the gardaí who go out, roll up their sleeves and take on such a role everyday. Gabhaim buíochas leo.

The Bill relates to the layout, functions and regions of the Garda. In my county of Cork, it is proposed that there would be one large division covering the whole county, which is one eighth of the Republic. There is, without doubt, concern that it would be a very large area to cover and would be challenging.

One of the aspects of that large division is that the headquarters would be stationed in Macroom. A great deal of work has been done on Macroom Garda station, although it was stalled for a good while. There was a great effort in the past year to get things going again. Planning has been approved for the new station. It is hugely important to maintain that momentum, to press ahead, put it out to tender and get on with the construction of those new headquarters for the new Garda division in Cork in order that the gardaí have the resources and facilities available to them to conduct their business. I ask that the Minister would intervene and engage with the Office of Public Works, OPW, the National Development Finance Agency, NDFA, and the various different agencies to ensure Macroom Garda station is put out to tender and that we get on with construction without any further delay. We need to maintain the momentum we have seen recently in respect of Macroom.

For many years gardaí have been dealing with a range of mental health issues and, of course, the pandemic has added to this. Unfortunately, the gardaí are finding themselves being called out to deal with a range of different situations. While they have training in mental health supports, when they find themselves in these situations, specialist support might be needed to deal with it. Often, the only option available to the garda is to effect an arrest, if it is possible, and bring the person to the services. Often it may not be the appropriate way of dealing with it. Having someone at the scene, to be able to provide support, would be so much more beneficial to everybody.

The Commission on the Future of Policing in Ireland recommended crisis intervention teams, that is, a team that would be available with a social worker, psychologist and specialists that could be called to a situation, as needed. It is proposed to pilot such a crisis intervention team in Limerick sometime next year. It should be done in a number of different Garda divisions such as in Cork as well as Limerick. More of those pilots should be rolled out sooner in order that people and gardaí have support when they find themselves in a situation. It would be hugely beneficial to many people.

Baineann an Bille seo le feidhmeanna na ngardaí chomh maith agus is é ceann d'fheidhmeanna na ngardaí ná chun freastal ar gach duine sa tír, na Gaeilgeoirí ina measc. Tá bearna ann le fada an lá agus tá dúshlán mór ann chun dóthain gardaí a bheith ar fáil chun a ngnó a dhéanamh agus chun freastal ar phobal na Gaolainne. Tá sé seo pléite go mion leis an gCoimisinéir agus ag an gcoiste Gaolainne. Tá gá tabhairt faoi seo go práinneach. Tá an Coimisinéir i bhfeighil ceann de na coistí anois agus ag treorú laistigh de na gardaí ach chaithfí a chinntiú go mbeadh na gardaí ábalta freastal ar phobal na Gaolainne. Tuigim go bhfuil dea-thoil ann ach anois caithfear beart de réir briathar a dhéanamh, agus na gardaí sin a chur ar fáil sna ceantair éagsúla, amhail an stáisiún i mBaile Bhuirne, atá ag feitheamh le sáirsint ó Mhárta 2019, na folúntais sin a líonadh agus freastal ar phobal na Gaolainne.

Baineann an Bille seo leis an tslí a mbíonn an leagan amach ar na ceantair.

8 o'clock

Tá Corcaigh - an contae ar fad - chun a bheith mar cheantar amháin iomlán, agus is mór an ceantar é sin. Tá an cheanncheathrú le bheith i Maigh Chromtha agus tá sé fíorthábhachtach go mbeadh na huirlisí, na foirgnimh agus gach rud cuí curtha ar fáil do na gardaí ann. Ar feadh i bhfad, bhí moill ar stáisiún nua a thógáil i gcomhair Maigh Chromtha ach tá dul chun cinn ann le déanaí agus is maith é sin. Iarraim ar an Aire an móiminteam sin a choimeád, brú ar aghaidh agus cur ina luí ar an OPW agus na heagrais éagsúla eile gur chóir dóibh an tendering a dhéanamh i gcomhair stáisiún Garda nua Mhaigh Chromtha agus é a thógáil chun go mbeadh ceanncheathrú oiriúnach ann don réigiún nua Maigh Chromtha agus ceantar Chorcaí. Tá sé práinneach agus iarraim ar an Aire gach rud a dhéanamh chun é sin a chur i gcrích.

Tá an-chuid brú ann i gcónaí ó thaobh sláinte aigne agus is baolach a bhíonn gardaí go minic mar is iad siúd a bhíonn amuigh ag plé le han-chuid de na deacrachtaí sin nuair a ghlaoitear amach iad chuig situation éigin. Cé go bhfuil traenáil acu chuige, go minic bíonn duine le traenáil speisialta riachtanach agus tá an Coimisiún um Thodhchaí na Póilíneachta in Éirinn cheana féin tar éis fiafraí go mbeadh foirne intervention ann chun freastal orthu agus teacht chuig situations má tá gá leo. Bheidís ábalta rudaí a bhogadh síos agus a réiteach ansin gan an duine a thabhairt isteach. Mar sin, in ainneoin go bhfuil plean ann go mbeadh Luimneach mar cheann de na háiteanna go dtosófaí é seo, braithim gur chóir go mbeadh níos mó áiteanna mar sin ann. Iarraim ar an Aire é sin a leathnú amach chun go bhféadfaí a leithéid d'fhoireann a bheith ar fáil do na gardaí, do phobal Chorcaí agus ceantair eile ar fud na tíre chomh luath agus chomh tapa agus go bhféadfaí. Tá an-chuid sa Bhille seo. There is a great deal in the Bill but those are the two or three areas that I want to focus on. I commend the Bill.

Deputy Matt Shanahan: I am happy to attend and contribute to the debate on this Bill, which intends to facilitate the implementation of the new Garda Síochána operating model. It proposes certain amendments to legislation to facilitate the introduction of specific changes to the structure of An Garda Síochána. As the Minister knows, the new model is structured around Garda divisions. Under the divisional policing model being introduced, all services, it appears, will be managed and co-ordinated at divisional level. This will hopefully allow greater specialisation and release gardaí from back office functions, which many colleagues have already spoken about. Garda districts will no longer form part of the organisational structure and the division is now to be the primary operational unit, acting as a fundamental building block for delivering day-to-day policing, with enough capabilities and autonomy to effectively run local operations but within a corporate framework to ensure consistency and quality of service. I wonder about that last line. I am not so sure I like the sound of a corporate framework in terms of additional public bodies and public scrutiny. Each division will be headed by a chief superintendent, as is currently the case, and superintendents will now have divisional responsibilities and will no longer be heads of local districts.

The new division in the south east, located in Waterford, now encompasses Waterford, Kilkenny and Carlow. This division does not have the present built capacity to fully accommodate the new personnel coming into the station. However, there is ample room on the present site to accommodate expansion and the extension of the existing building. This must be a priority within the new policing plan. In addition, this building expansion must be accepted by the Government and reflected in the revised development plan. There is absolutely no sense in nominating Waterford as the new divisional headquarters if we cannot have the facilities and headcount required in order to carry out the role of a divisional headquarters.

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Waterford is the capital of the south east, reflecting a census population of almost 60,000 people. This number does not take into account the student population within the city, which numbers close to 12,000, or the more than 12,000 people who commute in and out of the city each day for employment. Waterford needs increased policing capability in terms of additional policing numbers. At present, our headcount is probably 16 officers lower than it was two years ago. It is hard to understand how that is the case, given that the division is supposed to be increasing.

The site houses the division of the armed response unit in Waterford and is also the control room and support base for all 999 calls for the ten counties of the eastern region. I took the opportunity some weeks ago to visit the barracks in Waterford and I have seen first-hand the lack of space. Duty members do not even have lockers in which to store their clothes or personal items as they don their uniforms. I have seen the control room where controllers sit cheek by jowl in a room with a lack of space and ventilation. It is hard to believe, given how this facility is currently structured, that it can provide adequately for such an important function within the new divisional headquarters. We may be proposing a new policing model but without resourcing nothing will change. This is true too of the Garda stations in Tramore and Dungarvan, where new sergeant positions are yet to be activated, and the divisional headquarters in Waterford is short at least 16 full-time officers.

I have spoken to gardaí on the beat about present policing policy. One garda told me that there are huge issues with staffing and lack of manpower. Another said that there has been no recruitment drive in over three years and there is not even a sign of one on the horizon. Another claimed that there are no opportunities for rank-and-file gardaí to benefit from promotion in the present stagnant situation. Another said that promotions that have been approved are taking between two and four years to implement. How can this be, when Garda officers are retiring at the same time? Another garda told me that lots of gardaí have been taken off the beat because they have to attend local District Court sitting where sergeant positions as court presenters that were promised have yet to be activated. This is a significant problem throughout the courts in the country, as I am sure the Minister is well aware. Rank-and-file gardaí are turning up every week at the District Court to give a few minutes of evidence and may have their whole day taken up when cases are deferred or delayed.

What is the future of community policing if An Garda Síochána cannot engage with and remain close to the public at large? That has been covered by a number of Deputies this evening. In the past, the basis of a community garda was always someone living in the region who knew the people he or she was dealing with, who knew what levels of crime were going on and who largely knew exactly who was involved in criminality and antisocial behaviour. There was a lot of comfort in that. That is something we have gone away from and we need to rediscover it.

What is the future development of roads policing? This is something that I as a Deputy struggle with all the time. I see speed cameras placed in areas such as the Dunmore Road in Waterford. There is habitually a speed camera placed there, in an area of 30 km/h where we have not had an injury or a fatality in over 20 years. It is purely a money-raising and points-getting exercise that has nothing to do with road safety. When gardaí and police operate that type of policy all they do is P- off people in all areas because people see this as an attack on ordinary, decent, law-abiding citizens. What discretion is allowed to gardaí anymore? My understanding is they have very little now. When a garda stops someone he or she has no discretion, whereas in the past that discretion engendered a good community spirit. That is gone and that needs to be looked at as well.

The main issues raised by my constituents are community policing and having gardaí on the beat, visible and available in short response times and not tied up in the District Court providing court narratives for low-level crimes that will largely be dealt with by low-level fines and suspended custodial sentences. That is the truth of it at present. We need serious crime responses and active and responsive detective units with liaison officers so that prosecution and potential court actions can be updated and communicated to the victims of crime in a timely manner. As crime adapts and changes, policing needs to change also. I was glad to hear news today of a specific operation targeting the scourge that is bogus tradespeople preying on vulnerable elderly people and bullying them into engaging work that is not required on their houses. They are then extorted and victimised for it. This is not a low-level crime. This is an issue for which those in policing reform should be calling for longer sentencing.

The Minister is probably aware that rural crime is conducted with the use of drone technology to survey rural houses, farms, outbuildings, livestock and machinery areas. This is a significant problem for rural dwellers, and technology officers in An Garda Síochána need to be innovative to combat this. What is the strategy around that? I am not sure there is one. I would like to hear it communicated.

On technology and cybercrime, what is the plan to resource these departments considering the innovation, the scale and the level of cybercrime which is growing exponentially? We have major issues with cybercrime from abroad which is impacting us. What legislation is there to cover that?

I pay tribute to the Garda fraud office. We had a situation in Waterford some months ago where a significant amount of money was paid by a Waterford company. Thanks to the diligence and activity of the Garda fraud office, that money was recovered. That is probably the exception rather than the rule. This is a matter we need to look at.

Other Members have discussed our drugs strategy. It is hard to know where we are going with the drugs situation in this country. I accept there are many societal and cultural issues that drive the drugs trade, but education is key to this issue and so is community policy. This is an issue that has to be looked at and resourced seriously. Without adequate resourcing in terms of human capital, this strategy is unlikely to flourish and consequentially the public at large is unlikely to notice any improvement in policing activity.

In the Waterford division, the lack of human and built capital means, to a large extent, the aspiration of this Bill cannot be implemented on the ground. I am sure that is not the intention of the Minister. I look forward to engaging with her and local policing on how we can best meet the needs of An Garda Síochána, regionally and nationally, and local community and commercial concerns with regard to this administrative change.

An Leas-Cheann Comhairle: I call Deputy Harkin of the Independent Group.

Deputy Marian Harkin: As the Minister said earlier, this is a technical Bill and its purpose is to facilitate the introduction of changes to the structures in An Garda Síochána. This is to ensure the implementation of the new operating model. Of course, it is the impact of these changes on the ground that matter - the impact on communities, policing services and the police force itself.

The first issue I want to raise refers to the last point. It specifically relates to the issue of Sligo Garda station and the decision to pull the plug on the advanced plans to build a new Garda

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station in Sligo. I wish to make it clear that I have no issue with any decisions made by the Garda Commissioner in regard to administrative and operational matters. I fully understand his role in reorganising the operational model under which An Garda Síochána will operate. In fact, I support his objectives. However, the reorganisation of An Garda Síochána is constantly being linked to the U-turn on the building of a new Garda station in Sligo. There is no connection and I will explain the situation.

The Garda station in Sligo dates back to the 1840s. The need for a new station has long been established. In 2016-2017, there was a walkout due to the completely unacceptable working conditions. That in itself gives an indication of how bad things were. In 2019, the Office of Public Works, OPW, stated Sligo Garda station was not fit for purpose. A commitment was given to build a new station on a site outside Sligo town. A site was purchased by the OPW at a cost of €1.3 million. Money was allocated in the Government capital plan 2016-2021 and there was a five- to six-year timeline. A commitment was given to upgrade the existing station for use until the new building was ready.

In early 2020, to the complete disbelief of everybody concerned, an announcement was made that there would not be a new station and that the current nearly 200-year-old station would be refurbished. The current station is overcrowded. It does not have a disability access certificate. Some of its offices have no natural lighting or ventilation. There are no parking facilities; there are 20 spaces for 120 staff. Staff retention, particularly administrative, is a real issue because of the unacceptable working conditions. The plumbing, lighting and electrical systems need a complete upgrade. In addition, energy efficiency is not really a possibility.

Sligo management submitted a brief of the requirements for the refurbishment of the station. The response received so far has fallen short in approximately 40% of the requirements. Put simply, the footprint of the current station is far too small to accommodate the needs of those working there and the people it serves.

One might ask, after that long spiel, what the connection is between this legislation we are discussing and the Government U-turn on providing a new Garda station in Sligo. The connection could not be clearer. More than a year ago, the Minister for Justice at the time, Deputy Helen McEntee, stated in a written reply to a Dáil question, “In relation to a comparative assessment on refurbishing the existing Station [in Sligo] relative to the provision of a new Garda Station, I have been informed that the rationale for the decision not to proceed with a new Station in Sligo was based on the changed status of Sligo under the new Garda Operating Model.” By the looks of it, the Bill we are debating is the rationale for the fact that we will continue to have a Garda station in Sligo that is “not fit for purpose”, to quote the OPW.

Let us look at some of the changes proposed under this new operating model. Sligo is to be a functional area for performance assurance. This new role will require 30 extra staff. Under the restructuring Sligo Garda station will lose approximately ten staff members. The changes being made will mean that Sligo Garda station will have approximately 20 extra staff - not fewer staff- and they will all have to be squeezed into a station that is currently not fit for the number of people who work there. There is something wrong here. The Minister for Justice at the time, Deputy McEntee, said the reason for that change was because of the restructuring, but there is something wrong. I do not know who made the decision to pull the plug on the new station but there is no reason to support that decision. In fact, the opposite should have happened because there will be more staff employed in the station. Was it a political decision? Sligo was one of three stations which was part of a public private partnership bundle. The other

two stations, Clonmel and Macroom, will go ahead. I wish them good luck. Those areas need their Garda stations.

However, what happened to the money earmarked for Sligo? What black hole has it fallen into? Why do we keep getting answers and responses that do not make sense when we ask the legitimate question: has a cost-benefit analysis been carried out, in accordance with the public spending code, on the refurbishment of Sligo Garda station *vis-à-vis* the construction of a new station on a greenfield site at Caltragh, County Sligo? I had submitted that very question, as a priority question, to the Minister for Public Expenditure and Reform for tomorrow morning but it has been disallowed and I accept that. My question to the Minister is: who has the answer to this? Who made the decision and on what basis was that made?

Of course, there may be other reasons for that decision. There might be plans, of which we are currently unaware, for a diminution of policing services in Sligo. I have been asked to raise the question of whether we will keep our response services, the scenes of crime unit and the divisional protection unit, which investigates sexual crimes. We need guarantees on those issues. There is something wrong when we are being told we do not need a new station because of the changed status of Sligo, brought about by the legislation we are discussing, when, in fact, the provisions of the Bill mean there will be an increase in staff numbers. Any explanation the Minister can give me in this regard would be helpful. I see she is writing furiously. I hope it is information on that point, which I am interested to hear.

As I said, I am most interested in her response to the issues I have raised. Aside from that, however, the Bill has many positive aspects. One of the positive aspects is that these provisions will release gardaí from back-office functions and return them into communities. Community policing is hugely important because gardaí are part of the community and their visibility and availability within a community is crucial. The Bill can provide a supporting framework in that regard. As we all know, however, it is action that really matters. It is the commitment from the Garda and support from the community that will help to ensure meaningful community policing.

As a member of the Sligo joint policing committee, I have had the opportunity to see up close some of the really valuable work under way in Sligo-Leitrim on diversity, equality, inclusion and transparency. The Garda division has a new strategy that has community engagement at its centre. Part of this strategy is to identify how gardaí can become more accessible to persons with disabilities, minority groups, hard-to-reach groups, Traveller communities, LGBT+ communities, ethnic minority groups and direct provision centres, just to give some examples. Gardaí have promoted the Little Blue Heroes Foundation and worked with disability groups, support groups, active age groups, schools and IT Sligo. Liaison gardaí were appointed to assist the blind during the Covid-19 crisis. They have worked with children with autism, held information talks on coercive control and fully engaged in a week of action to create awareness, promote diversity and support the LGBT+ community during Pride week. At a recent meeting of the JPC, I said that local gardaí were breaking the mould and the initiatives they are leading on deserve national recognition and should be replicated across the country. Their efforts shows that commitment at local level works.

I said at the beginning of my contribution that I support the objective of the Garda Commissioner to deliver more efficient day-to-day policing within a framework of divisions that have the capabilities and autonomy to run local operations effectively. However, some lopsided divisions have been created, as many Deputies have mentioned. In my part of the country, we

are soon to have a new Sligo-Leitrim-Donegal division, which will cover an area 140% greater than in the existing division. It will be approximately 8,300 sq. km in size compared with an area of 3,400 sq. km under the original division. That is a massive increase in area. It is worth noting that the GRA and the AGSI were critical of the implementation of the restructuring plans in 2019. They raised concerns that a reduction in the number of divisions could lead to longer response times and reduced police presence due to larger distances from headquarters to certain areas within their remit. I echo those concerns in the context of the Sligo-Leitrim-Donegal division. However, I am prepared to see how the new structures operate, provided there will be a flexible response if changes are needed.

Minister for Justice (Deputy Heather Humphreys): I thank Deputies for their contributions and for their support for this Bill. I would like to mention a number of amendments I intend to introduce on Committee Stage. They relate to the drug testing of members of An Garda Síochána, as well as trainees, civilian staff, reserve members and applicants. The amendments were recommended by the Garda Inspectorate in its report from last year, Countering the Threat of Internal Corruption, which states that the proposed changes would bring An Garda Síochána into line with international best practice.

I turn now to some of the points raised by Deputies in this debate. Reference was made to the Drogheda implementation plan. My Department issued a statement on 8 July on local co-ordination and further implementation of the Drogheda scoping report, which can be read on the Department's website. As well as publishing the scoping report, the Department has identified a number of actions for early implementation, which can be progressed in line with the finalisation of the implementation plan. They include providing funding to the Red Door Project. The latter has submitted grant proposals and funding was provided this month. The Government agreed to publish the Drogheda implementation plan in July 2021 and to implement the actions contained in the report. Those actions will be reviewed quarterly and a progress report will be published twice yearly. The Department will lead national oversight to ensure the delivery of the implementation plan. As I announced on 8 July, Martin O'Brien, chief executive of the Louth and Meath Education and Training Board, ETB, has committed to hosting new structures to deliver services in Drogheda. The ETB will be a core driver and co-ordinator of activity at local level. I also announced that Michael Keogh, a former senior official in the Department of Education, will chair the Drogheda implementation board. Work to finalise the membership of, and supports for, the board is almost complete and I expect the first meeting to be held in the next few weeks.

Many Deputies raised the need for increased community engagement. Under the Department's new community safety policy, local community safety partnerships, LCSPs, will be set up in every local authority. Three pilot partnerships have been established, in Dublin's north inner city, Longford and Waterford, and will run for the next two years ahead of a nationwide roll-out. Each LCSP will have an independent chairperson and will develop a local community safety plan. Deputy Stanton raised the question of whether the partnerships might be aligned with the municipal districts, and we will look at that. The plan, however, is that the partnerships will be set up in every local authority. They will bring together statutory services, the voluntary and community sector, local councillors and community members to work together to identify and tackle community safety issues locally. As the pilots progress, they will be carefully evaluated and any necessary changes made to ensure the partnerships work as effectively as possible for the communities involved. The pilots will inform the further development of the policing, security and community safety Bill, which will facilitate the roll-out of LCSPs in every local

authority area.

It is important to bear in mind that community policing is at the heart of the work of An Garda Síochána. All gardaí have a role to play in community policing in the carrying out of their duties. Indeed, this is fundamental to the new Garda operating model recommended by the Commission on the Future of Policing in Ireland and currently being rolled out under A Policing Service for the Future, the Government's implementation plan for the commission's recommendations.

The issue of whether the Garda Commissioner will be a true CEO and questions about senior appointments were raised. Proposals for changes to the process for appointments to the ranks of assistant commissioner and chief superintendent are contained in the policing, security and community safety Bill. The general provision is that the appointments might be made by the Commissioner, subject to the approval of the Garda Síochána board which is proposed to be set up under the same legislation. This reflects the recommendation in the report of the Commission on the Future of Policing in Ireland that the Commissioner should have the power to appoint members of his or her own senior leadership team.

It is part of the process of empowering the Garda Commissioner as a true CEO, as it were, in a similar manner to other public sector bodies, to lead the organisation and drive change while also ensuring he or she is supported and held to account by a non-executive statutory board, a corporate governance standard across the public and private sector. Appointments to the rank of deputy commissioner and Commissioner are to remain the responsibility of the Government, with a consultative role for the board. As I understand it, the legislation will be brought forward and implemented over 2021 and 2022. It is a major piece of work. This legislation will also address many of the issues raised by Deputies regarding accountability and transparency in An Garda Síochána.

There was also other important information on the policing, security and community safety Bill, which will be brought through the House in due course. The intention of this legislation is to provide for the most wide-ranging and coherent reform of policing in a generation by improving the performance and accountability of policing and security services and supporting the human rights of all people throughout Ireland to be safe and to feel safe in their communities. Significant organisational reform, including institutional change, culture and work practices, is always challenging, but the aim is to strengthen external oversight of An Garda Síochána and internal governance within the organisation.

Earlier this year the Government approved the drafting of the policing, security and community safety Bill and referred it to the Oireachtas justice committee for pre-legislative scrutiny, which is an important part of the legislative process and will provide an opportunity for all views to be considered in a wider forum. The Bill has been developed on the basis of the recommendations of the Commission on the Future of Policing in Ireland, which reported in 2018, having comprehensively examined all aspects of policing, including all functions carried out by An Garda Síochána and the totality of the oversight arrangements. The implementation of the commission's recommendations and the introduction of the policing, security and community safety Bill are key commitments in the programme for Government. You did raise a number of those issues, a Leas-Cheann Comhairle, so I hope I have addressed some of those in my response.

A number of Deputies raised the issue of funding for An Garda Síochána. The total gross

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allocation for the Garda Vote in 2021 was a record €1.952 billion, which is almost €2 billion in funding. As part of that allocation, there is €34 million for the capital building and refurbishment programme. Deputy Harkin raised the matter of Sligo Garda station. I will get a response directly to her on the specific issues she raised.

Several Deputies queried how the new model will affect their local area. The management of An Garda Síochána is primarily a matter for the Garda Commissioner. However, the Government believes these reforms, together with the range of measures being undertaken as part of A Policing Service for the Future, will ultimately benefit local communities by allowing local policing services to be more responsive to local needs, providing specialised services at a local and not just a national level and releasing more gardaí to the front line.

Deputies raised a number of issues. I assure them that the reforms have already begun within An Garda Síochána. I thank the men and women of An Garda Síochána for their dedication and continued commitment to the work they do. I commend them in particular on the wonderful work they did engaging with communities during Covid. It is fair to say that many of them went above and beyond the call of duty. Their job is not an easy one. As Minister for Justice, I am very proud to support them in the work they do. I thank Deputies for their contributions this evening. I may not have answered every question that was raised, but I assure them that all of the issues they raised with me will be taken on board.

Question put and agreed to.

Garda Síochána (Functions and Operational Areas) Bill 2021: Referral to Select Committee

Minister for Justice (Deputy Heather Humphreys): I move:

That the Bill be referred to the Select Committee on Justice pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

The Dáil adjourned at 8.36 p.m. until 9 a.m. on Thursday, 23 September 2021.