



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 20 Eanáir 2022

Thursday, 20 January 2022

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

Paidir.

Prayer.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Covid-19 Pandemic Supports

1. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the progress that has been made to date with the roll-out of the pandemic bonus for front-line staff. [2513/22]

Deputy Mairéad Farrell: Yesterday, we had the welcome announcement of the long-awaited front-line bonus and after many suggestions and promises from various Cabinet colleagues, we saw the exclusion of certain workers from this. One of the reasons for this, which the Tánaiste mentioned yesterday, was that many of those excluded would benefit from the additional bank holiday. I will tell the Minister who will not benefit from an additional bank holiday: the thousands of carers in this State who do not get a day off. Will the Minister explain why he excluded carers from receiving this bonus?

Minister for Public Expenditure and Reform (Deputy Michael McGrath): The Government acknowledges the contribution of our front-line healthcare workers and all workers across the economy during the Covid-19 pandemic. They have faced difficult challenges and have risen to the task. As a Government, we have on many occasions stated our commitment to recognise these efforts. There were a number of issues that had to be taken into consideration before we could finalise our proposals and the pandemic has remained an ongoing challenge for us all, requiring our full focus and attention. We gave detailed consideration to these matters and yesterday the Cabinet approved the package of measures to recognise these efforts and to pay tribute to those who lost their lives during the Covid-19 pandemic.

Working together has been a key element of the Government's approach to the pandemic to date and this is reflected in the approach announced yesterday. In particular, the value of the contribution of our healthcare workers on the front line cannot be overstated. The Deputy

will be familiar with the measures we have introduced, including a public holiday on 18 March 2022 and then an annual public holiday on the first Monday of every February, or if 1 February falls on a Friday it will be held on that day; a tax free recognition payment of €1,000 for a range of workers, including public service health and ambulance workers who were working on-site in Covid-19 exposed environments, those seconded or assigned to the HSE, for example, our Defence Forces staff who were assigned to HSE testing centres, students who were required to perform training in clinical sites, and staff working on-site in private-sector nursing homes and hospices that were affected by Covid-19.

The Government recognises the immense work of so many people across different sectors of our economy and, indeed, of volunteers as well. In arriving at a conclusion on this issue, we felt the need to prioritise the front-line public health workers, in particular, who left their home and went to work in a high-risk environment at a time, particularly at the start of the pandemic, when the risks were unknown and thought to be really significant. That is why we singled out that group for this recognition payment.

Deputy Mairéad Farrell: Carers lost everything during the pandemic. They lost their day services and respite, including their unofficial respite in the form of help from grandparents and other family members when we were all told to isolate, keep apart and stay in our homes. As for the parents of children in special schools, even those schools for children with severe to profound intellectual disabilities closed. For children and parents alike, their lifeline was gone. The workload of family carers increased monumentally overnight with no time to prepare. They were on the front line of this pandemic. Let us be frank, we all relied on their work. Without this and the Government being able to rely on the phenomenal work of carers, the Government would have been in a real predicament. I simply cannot understand how they have been left behind again.

Deputy Michael McGrath: The Government and I are enormously appreciative of the extraordinary work of the many thousands of carers throughout the country at all times and, in particular, over the course of the pandemic. As the Deputy will know, last year we increased the carer's support grant to €1,850. That was paid in June 2021. She will also know that in the budget, we made changes for the first time in a number of years in regard to the eligibility criteria for carer's allowance in relation to income and capital disregard. Those were long-called for and very welcome changes. We are committed, as the Deputy knows, through the work of the Minister, Deputy Humphreys, and her Department to examine the issue of pension rights and pension access for carers because we recognise the work they do is of enormous value. In addition, we significantly increased home support hours across society, and that will make a positive difference to the day-to-day lives of carers. We are determined to help them access those hours and to improve respite provision as well.

Deputy Mairéad Farrell: I am specifically asking the Minister why he decided to exclude carers from this bonus. We know there was a real-life impact on the lives of family carers. Many carers approached me, as I am sure they did the Minister, during the course of the pandemic to explain just how difficult the loss of services had been for them and not only how hard it was for them then but how it has had a long-term impact on them. Carers told me of the severe sleep disruption experienced by those who they care for and how at some points the entire family functioned on almost no sleep or very little sleep. They told me how the lack of services caused significant emotional distress and frustration for some of the most vulnerable in our society with some injuring themselves and others doing so accidentally by sheer frustration. This was a daily life faced by many carers during the many months of lockdown. I am at a loss

as to why carers have been excluded.

Deputy Michael McGrath: The truth is that if the Government were to seek to meet all the legitimate calls that have been made to extend this pandemic payment, the cost of it would become very large. One could potentially be talking about €500 million or more. That is the truth if we were to include the full range of workers that have been suggested the Government include. Unfortunately, that is simply not possible. We would all love to extend this payment to a wide range of workers and volunteers without whom our experience of Covid would have been much worse. I do not need to remind the Deputy of her party's pre-budget submission. It suggested that there be a €200 payment to every person in the country and it called on the Government to engage in a spirit of generosity with front-line healthcare workers. That is what the Government has done. That is what Sinn Féin called for. We believe the package we have brought forward is fair, balanced and proportionate. I will not deny that there is of course an affordability issue, as there always is when it comes to public expenditure.

Departmental Programmes

2. **Deputy Ged Nash** asked the Minister for Public Expenditure and Reform if he plans to produce a White Paper on an expansion of the digital services offered by the State; and if he will make a statement on the matter. [2803/22]

6. **Deputy Ged Nash** asked the Minister for Public Expenditure and Reform if he plans to produce a White Paper on the expansion of the digital services offered by the State; and if he will make a statement on the matter. [2483/22]

Deputy Ged Nash: We have seen the threshold of €3 million MyGovID users being met and surpassed. According to the EU digital services index, Ireland does very well on digital services. I am keen to understand the next steps the Government has in mind on the provision of more and better digital services for citizens. We know the digitalisation of public services is a key element of the national recovery and resilience plan and the Civil Service renewal plan. In my view, a national conversation needs to take place in terms of the next steps. It strikes me that a formal White Paper is required to help prompt that conversation.

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I propose to take Questions Nos. 2 and 6 together.

I wish to advise the Deputy that I am currently finalising a new digital strategy for the civil and public service. The strategy will address the digitalisation of public services theme in the national digital strategy, which the Government intends to publish later this month. The strategy acknowledges the contribution of digitalisation to transform public services and builds on progress made to date under previous strategies. It also recognises the potential of digital as a core part of the recovery and broader socioeconomic development over the next number of years. The new strategy will focus on accelerating the move to a more digital public service for Ireland. It will take an all-of-government approach and build on the successes to date, in particular, those over the past two years. The strategy will consider the digital experience of individuals and businesses when using Government digital services.

I recognise that no one should need to know about every Government service such as all those relating to registering a birth or death, or a business. To that end, I will make it a priority

that services are simplified, thereby taking a digital-first approach. This may include using digital to break through organisational boundaries in order that we can deliver better outcomes for individuals and businesses. As the Deputy will be aware, my ambition for a digital first Civil Service that delivers globally recognised digital services is set out in the strategy, Civil Service Renewal 2030. Providing digital services that are accessible, integrated and customer-driven is key to achieving this ambition, as is working to foster public trust in the safety, transparency and value of digital solutions. The strategy will also reflect the EU's digital decade and the ambition of a European Green Deal in areas such as the use of environmentally friendly technologies and boosting the efficient use of resources by moving to a clean circular economy. I look forward to publishing the new digital and ICT strategy for the Civil Service and public service in the coming weeks.

Deputy Ged Nash: I thank the Minister of State for his comprehensive reply but there really needs to be a public conversation about the development of what I might describe as world-class or best-in-class digital services for Irish citizens. I am not sure Irish citizens are fully acquainted with the level of digital services that the Government and the State more generally provide with regard to access to a whole panoply of public services. The Minister of State would agree that it is absolutely ridiculous for people to be asked to present the same information on several occasions, often to the same Department. We know that certain issues the Data Protection Commissioner had with the use of the public services card have been resolved. The Data Sharing and Governance Act 2019 provides for a better and accountable sharing of information across Departments and State agencies to allow for the development of better and more accessible digital services for members of the public. Will the Minister of State provide examples of some of his departmental priorities? What kind of services will be provided to the general public in the context of the new plan he hopes to publish?

Deputy Ossian Smyth: I thank Deputy Nash. Earlier, he referred to the fact that we have 3 million MyGovID accounts. Much of this was driven by people not being able to go into Government offices that were closed down because of the pandemic or wanting to do things online to keep a degree of separation. We have a very broad electronic ID. We have a form of authentication that has a very wide uptake compared with similar forms in the average European country. What we do not have is the breadth of Government services available. The number of things that can be done with MyGovID is not large enough. The focus for this year and the coming years will be on extending the use of MyGovID across more Government services. Revenue and the Department of Social Protection are great examples. One can do most everything one needs to do online. That could be seen with the pandemic unemployment payment. One can also register for college and so on. I would love to see that extending into the HSE, for example.

Deputy Ged Nash: That is real public service reform in the true sense. It would be worthwhile for decisions on the services to be provided to not always come from the centre. What do I mean by that? I mean that the general public ought to be broadly consulted to identify their priorities with regard to access to digital services. A significant resource to prioritise digital services was obtained from the European Union through the national recovery and resilience plan process. That is a good thing. That will modernise our public sector and access to public services. I ask that the Department engage in a consultation process and ask the public what services they wish to be prioritised with regard to better access to digital services. That would be really useful.

Deputy Ossian Smyth: Deputy Nash has referred to the need to avoid having to type in

one's information again and again. That is referred to as the once only principle. It is a common principle across Europe that people should have the convenience of being able to store their information. That requires joined-up government and the data sharing Act which has been put in place. Large sections of that Act were very recently commenced. These include the appointment of the data sharing board. We cannot just push the data out to everybody without consent. We must do it with consent and must preserve trust at the same time. If one gives one's information to one Department, it should not hand it over to another without one understanding why or where it is going. We have that balance between trust and convenience. People want to be able to access their Government services. They do not want to have to type in their address 50 times or to start from scratch every time they deal with a different Department. That is that balance between trust, joining up and data sharing. There are four critical parts to our new national digital strategy. The ICT strategy for public services is only one part. We also need to consider communications, broadband and business and ensure that our digital skills are up to date. Those are the four components of our national digital strategy, which is to come out very soon.

Public Sector Reform Review

3. Deputy Mairéad Farrell asked the Minister for Public Expenditure and Reform the preparations he has made for the unwinding of unpaid hours in the Haddington Road Agreement. [2514/22]

Deputy Mairéad Farrell: An tAire has said that he expects to receive the Mulvey report in the coming weeks. Will he advise us as to the preparation he has done for receiving the report? I understand that he cannot guess what will be in the report but I am interested in hearing about his preparations.

Deputy Michael McGrath: I thank the Deputy very much. The Haddington Road agreement provided for a range of significant reform and productivity measures including the introduction of the additional working hours for public servants the Deputy has referred to from 1 July 2013. She will be familiar with the details of those additional working hours.

Chapter 4 of Building Momentum - A New Public Service Agreement 2021-2022 provides that the parties to the agreement recognise and accept that certain measures introduced under the public service stability agreements, including the Haddington Road agreement, are considered outstanding matters to be resolved as part of this agreement. In this context, section 4.2 of the agreement provided for the establishment of an independent body to assess issues arising in addressing the Haddington Road hours and to make appropriate recommendations to be applied equitably across all affected grades, groups, categories and sectors.

An independent hours body chaired by Kieran Mulvey, former head of the Workplace Relations Commission, and comprising of employer, trade union representatives and independent members was established in April last year. The commitment to review this issue was a key element in agreeing Building Momentum, which also provided for sustainable pay increases across the public service over last year and this year.

I recently received correspondence from the chairperson with the independent body's conclusions and recommendations. I have yet to receive the full report. I understand that the independent body will finalise this by the end of January. The submission of the final report and

its consideration by Government is an important part of the continuing implementation of the agreement. The Deputy will be familiar with the recommendations that have been forwarded to me up to this point because they have been welcomed by a number of trade unions.

A number of steps have been taken in preparation for the potential removal of the Haddington Road agreement hours. A budget of €150 million to replace these hours has already been provided for in the budget for this year. I have also communicated details of the potential changes to the relevant Ministers and sectors to enable commencement of any necessary planning at sectoral level regarding the implementation of the recommendations, depending on the decision of Government.

Deputy Mairéad Farrell: Gabhaim buíochas leis an Aire. I am also quite interested in the analysis that he and his Department will have done to determine the additional value of those extra hours. Will he say what has been done to quantify the savings made by increasing the hours? How many shifts were covered? How much was knocked off the agency Bill? What extra services were delivered? As I am sure the Minister is fully aware from listening to much of the analysis surrounding the letter he received, it is interesting to look at the productivity involved. Much of the analysis involves talking about the productivity of workers who have a better work-life balance. I am interested in seeing the analysis the Minister and his Department have carried out with regard to that productivity.

Deputy Michael McGrath: I thank the Deputy very much. It is fair to say that the Haddington Road hours have real value, especially in areas such as healthcare. These are hours in which really important work is carried out. There is a cost to replacing those hours. The work of assessing exactly what that cost will be is ongoing. My Department has, of course, carried out its own assessment over time but the independent body, which I hope will furnish its report to me in the coming weeks, has also looked at this issue and has received submissions and presentations from the different sectors that are subject to the Haddington Road hours.

One key factor for me in considering the report, when I get it, will be protecting core services. I know that is also of importance to the workers and their representatives and trade unions. There will be challenges in implementing the changes recommended in this report, especially in healthcare, should we decide to do so. All of that will be taken into account. As I have said, I have yet to receive the report. It will address the issues the Deputy has raised with regard to productivity and the cost of these hours.

Deputy Mairéad Farrell: I thank the Minister. I am aware that the Minister has not received the full report but I am interested in this area because we often see an increase in the use of agency staff, which comes at a cost. I would be interested in looking at that analysis and whether those additional hours had an impact. Did we see a reduction in the use of agency staff? What I have seen at times has instead been an increase in the use of agency staff. I would also be interested in hearing about the details of the preparations undertaken regarding unwinding these hours. Is it intended that what will be proposed will be in the form of a day off every six to eight weeks, or will it be a few minutes here and there? Will this be something meaningful for the people impacted?

Deputy Michael McGrath: If we get to that point, and this matter is subject to a Government decision yet to be taken, because I must consider the report in the round and then bring a recommendation to Government, which I will do, and if changes are to be implemented, then it will be a matter for the individual sectors to determine how those changes are to be implemented.

ed. All sectors have been aware since late 2020 that this process of setting up an independent body to examine the Haddington Road agreement hours was being embarked upon. As I said, having recently received a cover letter and a summary of the report's conclusions and recommendations, I wrote to the relevant Ministers and the different Departments to alert them to these recommendations coming my way. That is not to give an indication of what the decision in this regard will be but it is prudent to ensure that people are aware of what recommendations will be coming to me for consideration. The report will recommend that these changes commence from 1 July, which is not terribly far away. The independent body estimates the cost of implementing the recommendations will be €180 million in 2022.

Flood Risk Management

4. **Deputy Holly Cairns** asked the Minister for Public Expenditure and Reform if he will provide an update on the flood relief scheme in Bantry, County Cork. [2543/22]

Deputy Holly Cairns: As the Minister of State will be aware after his recent visit to Bantry following the flooding there in December, it continues to be an ever-present risk for businesses and homes. The town has been flooded four times in the last 18 months. Will the Minister of State provide an update on the scheme and outline the interim defences that will be made available?

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I visited Bantry following the recent flood events, including last month after the flooding of 28 properties during Storm Barra. I have seen at first hand the devastation that flooding has caused to homeowners, businesses and the wider Bantry community. The flood risk management plan launched in May 2018 included a recommendation to progress the design, planning and construction of a flood relief scheme for Bantry. A steering group, comprising representatives from the Office of Public Works, OPW, and Cork County Council, is in place and is progressing this flood relief scheme to protect some 198 properties.

During 2021, Cork County Council, in partnership with the OPW, issued the tender documentation for the procurement of engineering and environmental consultants to design a viable scheme for the town. An assessment of all tenders has been completed by Cork County Council and I expect that consultants will be appointed in the coming weeks. Once appointed, consultation with statutory and non-statutory bodies, as well as with the wider public, will take place at the appropriate stages to ensure that all parties have the opportunity provide input into the development of this important scheme for the town. In the meantime, Cork County Council has engaged a contractor to treat some of the invasive species in preparation for the flood relief scheme. The Bantry flood relief scheme is being funded by the Department from the overall €1.3 billion for flood risk management allocated by the Government under the national development plan to 2030.

In tandem with progressing this scheme, Cork County Council is preparing the consultants' brief, which is expected to be issued in the first quarter this year, to carry out the repair and reconstruction of the culvert that runs under Main Street in the town. This culvert has been identified as a significant element contributing to flooding on Main Street, New Street and north and south of Wolfe Tone Square in recent months. The OPW and Cork County Council are liaising on the integration of these works with the flood relief scheme for the town.

In 2021, my office and the OPW approved some €180,000 under the minor flood mitigation works and coastal protection scheme for interim works to mitigate flooding in Bantry, including the installation of non-return valves and the provision of mobile pumps. The council has now identified a preferred contractor for these works and insurances are currently being finalised to confirm their appointment.

Deputy Holly Cairns: I thank the Minister of State for the update and his recent visit to the town. Progress on this scheme is always welcome. The Minister of State, though, will also appreciate that residents and proprietors are anxious to know when they will start to see physical work starting on the ground. All flood events can have a large impact on households and businesses, including through damage to structures and destroyed stocks. The social effect can also be very demoralising for communities. The risk of repeated flooding only increases these negative results. Bantry is an amazing town, with a thriving commercial and tourism sector. The Friday market attracts people from all over west Cork and beyond. The flood relief scheme will therefore bring much-needed certainty that will see the town go from strength to strength.

As we all know from the flooding in December, the remedial flood relief works carried out by Cork County Council did prevent further flooding in parts of Bantry. Additional funding for further remedial measures would therefore make a great difference. It would be great to get a timeline for when these things will take place.

Deputy Patrick O'Donovan: There are two elements to this scheme. One concerns the culvert running through the centre of the town and the other is the flooding that happens from the harbour, which is part of the wider Bantry flood relief scheme. It is evident from meetings involving officials of Cork County Council and the OPW that the council is progressing the design of the culvert element via its own engineering section and consultative support. We will assist the council in that undertaking. Regarding the other element of the wider flood relief scheme, the formal process is being initiated in the first quarter of this year. We hope that will happen in the next fortnight or three weeks, once we get the statutory process started.

I met local representatives and some of the local community just before Christmas. They came out on the square on the day and it was evident that they understand that this work is part of a planning process. We cannot make it go any faster than it can because we are tied in a process. As to do anything that would subvert or usurp that process would land us in trouble, I cannot do anything that will interfere with it in any way.

Deputy Holly Cairns: I thank the Minister of State for that information. Bantry is just one of several towns in west Cork with work in progress on flood defences. The Minister of State recently marked the completion of the Clonakilty scheme. It is fantastic and is already making a big difference to the community there. In responding to my parliamentary questions, though, the Minister of State noted that both the Skibbereen and Bandon schemes are “substantially completed”, rather than completed. As this distinction has a major impact on homes and businesses when it comes to things like seeking insurance and mortgages, when will the Minister of State be coming to Skibbereen and Bandon to officially mark the completion of those schemes, as well as the one in Clonakilty?

Deputy Patrick O'Donovan: The Clonakilty scheme is completed and has been handed over to Cork County Council, while the schemes in Skibbereen and Bandon have more or less been completed as well. The true test of the pudding is in the eating, though. As someone who knows Bandon intimately, being able to say that the town did not flood during Storm Barra, and

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that my brother's pub did not flood, unlike in almost every previous flooding event, shows that the investment by the OPW, through Cork County Council, was a good undertaking in the context of addressing the scourge of flooding in Bandon, as well as in Skibbereen and Clonakilty. Hopefully, we will be able to get the scheme in Bantry up and running now as well. I pay tribute to the volunteers, the outside staff of Cork County Council, our own outside staff and the local communities, which have been very resilient. That has been the case not only in the west Cork towns, but in all the other towns that have also experienced the scourge of flooding. We want to get on with this process, but it will only be as good as the local representatives, who we hope will row in behind these endeavours. Obviously, we hope that it will not get bogged down in delays. We want to try to do for Bantry what we have done for Bandon, Clonakilty, Skibbereen and the other Cork towns as well.

Public Sector Pay

5. Deputy Richard Boyd Barrett asked the Minister for Public Expenditure and Reform if he is planning to review public sector pay in view of the current inflation rate of 5.3%; if he has had discussions with the Minister for Finance as to the way that private sector workers could also be compensated for the effect that this rate of inflation is having on the cost of living for workers nationally; and if he will make a statement on the matter. [2458/22]

Deputy Richard Boyd Barrett: The €1,000 bonus for front-line healthcare workers is richly deserved, while the additional bank holiday is something that will be welcomed widely. These gains will be somewhat hollow, however, if the cost of living and the rate of inflation continue at the current level. In effect, that will mean that workers, pensioners and social welfare recipients are in fact seeing real income cuts. What does the Minister intend to do to ensure that workers do not lose out because of the rise in inflation?

Deputy Michael McGrath: Public service pay has been governed by a system of collective agreements since the Croke Park agreement was negotiated in 2010. These collective agreements have helped to ensure that public pay is managed in a sustainable, affordable and orderly manner. These agreements have also enabled significant reform of public services and changes to work practices. The current public service agreement is Building Momentum - A New Public Service Agreement 2021-2022. It is weighted towards those on lower incomes, with headline increases of approximately 5% for the lowest-paid public servants. These groups will also benefit more from other measures in the agreement, including the overtime rates and premia payment adjustments that are provided for. The agreement provides a general round increase in annualised basic salary for all public servants of 1% or €500, whichever is greater, on October 2021, which has been implemented; the equivalent of a 1% increase in annualised basic salaries to be used as a sectoral bargaining fund in accordance with chapter 2 of the agreement, which will take place on 1 February 2022; and a general round increase in annualised basic salaries for all public servants of 1% or €500, whichever is greater, which will benefit those on lower incomes the most, on 1 October this year.

The Government is determined to ensure the current pay agreement is honoured in full. In this regard, an independent body was established to examine the additional hours worked by public servants under the Haddington Road agreement. We have just been discussing that issue. The recommendations of the body have now been submitted to my Department and I anticipate that the full report will be submitted at the end of this month.

As the Deputy will be aware, Building Momentum is a two-year agreement which is due to expire at the end of the current year. Government and public service staff representatives will be due to enter into discussions on the potential for a successor agreement later this year. I expect that the issues to which the Deputy has rightly referred will very much feature and be considered in those discussions.

Deputy Richard Boyd Barrett: Given the day that is in it, I will refer to the pandemic bonus. As well as the richly-deserved €1,000 for front-line healthcare workers, carers and those working with disability should benefit. I shout out particularly for retail workers in supermarkets. They put themselves at very serious risk and literally kept us alive during the pandemic. The Minister should consider them.

On the wider issue, workers are only getting 1% pay increases annually under a deal negotiated before inflation started to rise. Inflation is now at 5.3% and is projected to be 4% next year. In the round, workers are losing income. They are enduring pay cuts. The rate of inflation does not take into account the stratospheric increase in the cost of accommodation and rents. The Minister has not said a word about private sector workers or that part of my question which urged him to engage with the Minister for Finance on their pay situation.

Deputy Michael McGrath: On the pandemic recognition payment, I hear what the Deputy has to say. We discussed this earlier. The challenge for the Government is this. The Deputy mentioned retail workers. There are up to 300,000 retail workers in Ireland. There are about 120,000 carers in receipt of the carer's support grant. The Deputy can do the maths. If we add that to the cost of what the Government has committed to, we are getting to north of half a billion euro very quickly. That is the reality that the Government has to face in making a decision on this issue. We absolutely recognise the invaluable role all of those people played.

Turning to the issue at hand, I acknowledge that the inflationary pressures are real and they are hurting people. They are affecting people. The Government is acutely conscious of that. The measures we brought in during the budget have only just kicked in, in the main. They include over €1 billion in respect of income tax and social welfare improvements. They will certainly help.

I have dealt with the issue in respect of public pay. It is about a 5% increase for those at the lower end of the public pay spectrum. Of course the Minister for Finance and I discuss these issues on an ongoing basis. We expect that the level of inflation will moderate and subside over the period ahead. That is no consolation to people right now. We believe the Government's measures will help people who are struggling with inflation at this time.

Deputy Richard Boyd Barrett: I will just say that the Dunnes Stores workers have shown the way. They are traditionally low-paid workers who kept us going at the front line. They put in a pay claim and got 10%. That is what they deserve. Especially after Covid, retail workers and lower paid workers should be getting pay increases in that order. The Government should actively try to facilitate that.

Last night the Parliamentary Budget Office pointed out to us the State contributory pension - I presume it is the same for the non-contributory pension - and all social welfare payments are actually losing out. In real terms, people are going to be 2% less well off as a result of inflation, unless we index-link their increases. Similarly with public sector workers if the pay increase is 1% and inflation is five times that, workers are losing out. The Government has a responsibility

if it is serious about rewarding workers for hardships during Covid to do something to compensate workers for the rising cost of living.

Deputy Michael McGrath: I have acknowledged that the price pressures are impacting on people negatively. It is not just energy prices although the headline inflation rate has been driven up substantially by energy prices. We are also seeing it coming through in rising food prices in our supermarkets. Of course that is a concern. However, we have to look at what the Government is doing in the round. I spoke about the public sector pay improvements. We are seeing wage improvements across the private sector as well. When we add to that what the Government has done in the context of the budget with more than €1 billion provided by way of social welfare improvements and taxation reductions, as well as what we are doing and planning to do much further in the area of retrofitting, which will greatly assist people in reducing their energy costs and which will make the whole system much more sustainable. I look forward to the implementation of the credit the Government has committed to as well in respect of electricity costs. We are doing a lot. The Government always keeps these issues under review.

Ceisteanna Eile – Other Questions

Question No. 6 answered with Question No. 2.

Capital Expenditure Programme

7. **Deputy Colm Burke** asked the Minister for Public Expenditure and Reform the detail of the latest Exchequer figures which showed a record €9.9 billion in gross capital expenditure in 2021; the way the 2021 figure for spending under the national development plan will compare; and if he will make a statement on the matter. [2376/22]

Deputy Colm Burke: Can the Minister set out the detail of the latest Exchequer figures, which show a record €9.9 billion in gross capital expenditure in 2021, and the way the 2021 figure for spending on our national development plan will compare, and will he make a statement on the matter?

Deputy Michael McGrath: Information on expenditure is published each month in the Fiscal Monitor, with the provisional end-December 2021 gross capital expenditure position recorded as €9.9 billion. A breakdown of both current and capital expenditure for each Department is set out on pages 19 and 20 of the Fiscal Monitor, published on 5 January this year.

The provisional data in the Fiscal Monitor indicate an increase in gross capital expenditure of just under €300 million or 3% above the expenditure level recorded in 2020. However, when account is taken of capital carryover from 2020 spent in 2021, the increase in capital spending compared to the prior year is over €600 million or 7%. This year-on-year increase was recorded in spite of the closure of non-essential construction activity between January and April last year.

The €9.9 billion figure includes a capital drawdown of approximately €820 million, which will be carried forward into this year. The gross capital expenditure of €9.9 billion when compared with the full allocation of €10.5 billion, including supplementary estimates, shows a provisional underspend of €580 million for 2021. In order to meet additional current expenditure costs, €360 million of this underspend was vired or transferred from capital to current

expenditure by the Department of Housing, Local Government and Heritage. Adjusting for this virement, the underspend will be in the region of €220 million or approximately 2% of the 2021 allocation.

The review of the national development plan, NDP, was published last October and it sets out an Exchequer investment in capital allocations of €136 billion over the plan period out to 2030. The NDP also set out departmental allocations out to 2025, which will see them increasing to €13.6 billion or 5.1% of GNI*.

The Revised Estimates volume for this year has set out an overall capital allocation of €11.1 billion. When account is taken of the capital carryover from last year, this will leave almost €12 billion available to Departments for capital investment this year. That is a record budget of €12 billion in 2022 for capital investment.

Deputy Colm Burke: I will refer back to the €580 million underspend. Is any review being carried out of the way public service contracts are processed? I refer particularly to the tendering process and the delay in the acceptance of the contract. In the last six or seven months we have had inflation in the building sector, which has caused its own problem about acceptance of tenders. Is any review being carried out in respect of those contract issues?

Deputy Michael McGrath: The outturn that we achieved in 2021 represented a strong performance, particularly in light of the fact that non-essential construction was closed for so long. My overall message is that, with a record budget of €12 billion in 2022, I want to see that money spent on new schools, our hospitals, climate action measures, public transport projects, road projects and so on.

Working with the Minister of State, Deputy Ossian Smyth, we have introduced changes in the area of procurement that recognise the reality of the existing inflationary pressures. Those pressures often present at the point where the tender is submitted and before the award of the contract. They often present during a live contract as well. As such, the ability to vary the price is an issue that we have addressed through a reduction in the period of the fixed-price contract and an improvement in the ability of contractors to recover unforeseen exceptional costs above a certain threshold.

Deputy Colm Burke: I wish to ask about the carryover of projects. Does the Minister believe we can get many of the projects that were delayed completed by the end of 2022? What process is being put in place to ensure we can meet the targets that have been set out?

Deputy Michael McGrath: In my time in the Department, I have introduced new reporting requirements whereby the Departments with the largest capital budgets report directly to the Cabinet on their outturn from capital expenditure. It is an issue that I review regularly. I have emphasised the importance of and need to implement the public capital programme. This is money that we want to see spent. I will be monitoring the issue closely over the course of this year. If we see a scenario where significant underspends emerge in one area and we conclude that it is unlikely that they will be spent over the course of the year, we have the ability to transfer capital budgets from one area to another. We will not be recalcitrant in doing so if it is merited.

We want Departments to spend their budgets. In the main, they do. They have significant carryovers into the current year. We expect this to be a year without any closure of construction due to the pandemic, so there will be no excuses for not spending these budgets.

20 January 2022

Deputy David Stanton: May I ask a question?

An Leas-Cheann Comhairle: The Deputy has to contribute at an earlier point. The Minister has concluded.

Deputy David Stanton: I am sorry. I did not realise.

An Leas-Cheann Comhairle: If the Deputy wishes to contribute on another question, that will not be a problem. He just needs to indicate.

Deputy David Stanton: That is fine.

An Leas-Cheann Comhairle: Since I do not have a list of Deputies substituting for others, we will move on if Members are not present. The next question is in the name of Deputy Nash.

Deputy Mairéad Farrell: Can I ask Deputy Doherty's question?

An Leas-Cheann Comhairle: That would have to have been notified beforehand.

Deputy Mairéad Farrell: Okay, but he is on his way.

An Leas-Cheann Comhairle: If there are notifications, tell me, but I have no notification of substitutions before me.

Deputy Mairéad Farrell: Apologies. I did not realise I needed to give prior notification.

An Leas-Cheann Comhairle: Deputy Nash is next.

Deputy Ged Nash: Deputy Naughten has just arrived and I am happy to cede to him.

An Leas-Cheann Comhairle: I am losing my eyesight as well as my hearing.

Question No. 8 answered with Written Answers.

Departmental Schemes

10. **Deputy Denis Naughten** asked the Minister for Public Expenditure and Reform the plans he has to reopen the home relocation scheme for families impacted by flooding; and if he will make a statement on the matter. [1772/22]

Deputy Denis Naughten: As the Minister of State knows, the home relocation scheme - it was the second such relocation scheme that I secured to take families out of homes where there was no solution to their particular flooding problems - was introduced in 2017. However, a number of families failed to avail of it at the time even though they were eligible and they should not be excluded.

Deputy Patrick O'Donovan: The voluntary homeowners relocation scheme was introduced by the Government in 2017 to address the serious flooding of those properties that flooded in the winter of 2015 and 2016, including those properties flooded by turloughs. To be eligible for assistance under this one-off scheme, a homeowner had to meet a number of conditions, including that floodwater entered and damaged the building during or as a result of flooding during relevant dates such as to render it uninhabitable and that there was no viable engineering

solution that could protect the property from future flooding.

Under this national scheme, 174 potentially eligible properties were identified to the OPW in two ways, those being, by the local authorities or through direct expressions of interest from homeowners. At all times, participation in the scheme has been voluntary for homeowners. Through follow-up meetings with the homeowners and both desk-based and engineering assessments, approximately half of those homeowners either were not interested in engaging with the scheme or did not meet the scheme's criteria.

Some homeowners identified as being potentially eligible will benefit from engineering solutions that will protect their homes from future flooding. The OPW and local authorities have identified 33 homeowners who would otherwise be eligible for relocation who will benefit from inclusion in planned flood relief schemes and minor works projects. In addition to these projects, an important element of the administrative arrangements of the relocation scheme was the establishment of a unique and one-off scheme of remedial works for identified engineering solutions for eligible homes for which there was no other funding source. To date, remedial works have been identified to protect 19 homes from future flooding and work is continuing to explore possible engineering solutions for a further three homes.

Where an engineering solution is not feasible based on best available information at the time of each decision, the OPW offers financial assistance towards relocation to a replacement dwelling - equivalent to the cost to the relevant local authority - on a like-for-like basis. To date, 29 homeowners have received formal offers of financial assistance for relocation, with a further two applications being considered. Thirteen homeowners have now completed the process at a cost of €3.22 million, which has enabled them to relocate and purchase or build replacement dwelling houses under the scheme.

Additional information not given on the floor of the House

To reopen the scheme as proposed by the Deputy would require Government approval and there are no plans at present in this regard.

Deputy Denis Naughten: I thank the Minister of State for that information. I have been dealing with three families, two of whom live in the catchment area of Lough Ree. We are never going to be able to hold that back regardless of whatever remedial measures are put in place. The two families naively believed that the Government's announcements after the 2016 flood regarding water management measures would address their problem. They did not want to leave their homes, so they did not apply at the time. They were marooned again some years later.

The third case was brought to the attention of the environment section of Roscommon County Council but never reported to the area office and was never included on any list. That family has three turloughs converging on the site of their home. If they were flooded in 2016, they should be considered for relocation.

Deputy Patrick O'Donovan: As the Deputy will appreciate, a long-standing precedent means I cannot comment on individual cases in the House because I do not have the details. If the Deputy furnishes them to me, I can have them examined by the OPW and the relevant officials in the Department.

Deputy Denis Naughten: I have brought the case to the attention of the chairman of the

OPW and have engaged directly with him on the matter. I have also brought it to the attention of the local authority. However, I will take up the Minister of State's offer and provide him with the details.

We successfully secured the home relocation scheme but there was also a scheme for farmyard relocations. This is not under the Minister of State's direct remit but it is something in which I know he has an interest. Will he provide the House with an update on any progress that has been made in that regard?

The Minister of State spoke about the pilot individual flood prevention measures that had been applied in respect of a number of homes. Is there any intention of rolling the pilot out beyond its cohort of families now that we have learned from the scheme?

Deputy Patrick O'Donovan: My two immediate predecessors in this role - Deputy Canney and former Deputy Moran - worked on the development and design of this scheme and the OPW will always hold it in our arsenal. If we need to revert to the Government with a similar request for relocations on a case-by-case basis, the OPW, together with the relevant authority, will seek to do that based on the lessons we have gleaned.

As the Deputy rightly alluded, the farmyard relocation scheme is a matter for the Department of Agriculture, Food and the Marine. I have had bilateral meetings with my colleague, the Minister for Agriculture, Food and the Marine, on this issue, specifically as it relates to the Shannon. I have also raised it with directly with the Minister of State, Senator Hackett. There are farmyards for which there is no viable option other than a relocation. I think the farm representatives have raised this issue as well. The Minister for Agriculture, Food and the Marine and his officials are working towards that.

Flood Risk Management

9. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the status of the catchment flood risk management plan for Donegal town; the progress on the implementation of same that has been made to date; the funding that has been allocated to the scheme to date; and if he will make a statement on the matter. [2555/22]

Deputy Pearse Doherty: I have previously asked the Minister of State about the issue of flood defences in County Donegal through parliamentary questions and when he has appeared before committee meetings. He has acknowledged that works in Donegal town were being planned but stated that the "project for Donegal town is not in the first phase of projects to be progressed" and that "the OPW and [Donegal County Council], DCC, are working closely to ensure that it will be commenced as early as possible in the current programme". What is the update on Donegal town? Many Ministers have made promises and visited the area. At what stage are the works now?

Deputy Patrick O'Donovan: I am advised by the Office of Public Works that a major flood relief scheme for Donegal town was identified in the flood risk management plans for the north-western river basin. The proposed project, at a preliminary cost estimate of €8.5 million, consists of floodwater storage and a series of flood embankments and walls, which will provide flood protection to approximately 73 properties when completed. The flood scheme will be funded through the Government's €1.3 billion allocation for flood risk management, funded

through the national development plan up to 2030.

While the proposed project to which Deputy Doherty refers, and to which I have alluded in my committee appearances, is not part of the first phase of projects to be progressed, the Office of Public Works and Donegal County Council are working closely with the intention of delivering the scheme within the timeframe of the current national development plan, subject to no external and unforeseen challenges, which, unfortunately, do arise, for example, through the planning process. The Office of Public Works works closely with its local authority delivery partners at all times to strive to expedite and progress capital relief works with the minimum delay within the resources available to it.

Once consultants are appointed to progress this scheme, consultation with statutory and non-statutory bodies as well as the general public will take place at the appropriate stages to ensure all parties have the opportunity to input into the development of the scheme.

In addition, the Office of Public Works minor flood mitigation works and coastal protection scheme provides funding to local authorities to undertake minor flood mitigation or coastal protection works or studies costing less than €750,000 each to address localised flooding in individual areas. In 2019, funding to Donegal County Council amounting to €369,000 was provided for a scheme in Donegal town. The works include upgrade works to walls along the riverbank, installation of three large-diameter non-return valves, replacement of the existing culvert, removal of overhanging trees from the riverbanks and associated works. These works are being progressed by Donegal County Council.

As the Deputy will be aware, 15 projects were identified in County Donegal under the flood risk management plans announced in 2018. Following consultation and discussions between the Office of Public Works and Donegal County Council, six of the projects were selected and are being progressed in the first phase of implementation in addition to a project already being progressed for Raphoe.

Deputy Pearse Doherty: Donegal town needs to be moved into phase 1. It is located in the mouth of the estuary where the River Eske meets the Atlantic Ocean at Donegal Bay. It is an absolutely breathtaking place but, unfortunately, is susceptible to all types of flooding. In the past we have seen flooding from rivers overtopping, flash flooding and flooding from high tides and storm surges. There have been a number of devastating events in Donegal town since 2019, in the aftermath of Storm Abigail and Storm Desmond in the winter of 2015 as well as Storm Lorenzo in 2019, and only for the Trojan work of council staff during Storm Barra at the end of 2021 we could have seen further devastation. Donegal County Council has predicted that over 70 properties in the area, both residential and commercial, are at risk. Residents in Clarendon Drive, Brookfield and New Row live in fear of new downpours and storm surges. What is the timeframe for delivery of this project? The end of the programme is 2030 and these residents cannot wait, hoping that it will not rain or that the seas will not rise and that they will not be visited by this devastation again.

Deputy Patrick O'Donovan: In the immediate aftermath of Storm Barra, I met the commissioners and chairman of the Office of Public Works and senior officials on a regionalised basis, dealing not only with the north west but with all our regions, to see if we could expedite those projects not currently in tranche 1. We have an issue in that, unfortunately, some of our projects are logjammed in judicial reviews, court challenges and a pile of other delays outside our control and the control of our local authority partners. It is a matter of trying to see if we

can expedite some of the projects in tranche 2 and other tranches. The Office of Public Works engineering staff, together with our local authority colleagues, are working to see if we can do that, but we have a limited number of personnel and finite resources to do so. It is not that we are in any way holding back anything; we are animating as many projects as we can. It is my intention, as soon as I can in the coming weeks, to visit County Donegal and meet officials from Donegal County Council to discuss not just Donegal town but the other projects we are progressing through the CFRAM projects to see how they are progressing and to see the investment of the Office of Public Works. I hope to be in a position to give a fuller timeframe in respect of Donegal town and the other CFRAM projects at that stage.

Deputy Pearse Doherty: I am aware of some of the projects being held up that are outside of the Department's control but, as the Minister of State said, that provides an opportunity to move this scheme into phase 1. If it is possible to move the scheme into phase 1, is the Minister of State willing to do so? He mentioned that he hopes to go to Donegal. I welcome that. The local councillors, if they have not already done so, will in the coming days invite him to Donegal town to meet with them and the residents again and hear about the huge risk to residents and commercial property. Crucially, if there is a way to expedite this project, and if the engineers on the ground come up with a plan to do so, is the Minister of State willing to look at moving this project into phase 1?

Deputy Patrick O'Donovan: I said in answer to an earlier priority question from Deputy Cairns from Cork South-West that we do not have the capacity, capability or even legal standing to move projects any faster because we are a party to planning processes. If we were to decide to try to gazump the planning process, people inside and outside this House would be looking to try to get us into the Four Courts. We have to move flood risk management processes through a sequential process. We are conscious of the risk to Donegal town and to all the other communities in County Donegal. I am conscious of the scourge of flooding in Deputy Doherty's county, as I am of the scourge of flooding in every county. We are trying to alleviate it as quickly as we can, but we have to do so on the basis that we know there are people out there who would be only too happy to get us into the High Court, injunct us and seek judicial review.

I commit to the Deputy that I will go to Donegal in the coming weeks. When I do so, I will let him and all the other Oireachtas Members representing Donegal know. I will work with Donegal County Council to arrange a time for my visit to see the progress of those schemes. We will try to make as full a visit as possible to the county.

Covid-19 Pandemic Supports

11. **Deputy Ged Nash** asked the Minister for Public Expenditure and Reform the status of the national recovery and resilience plan; the steps taken to date to meet the nine reform commitments under the plan; and if he will make a statement on the matter. [2485/22]

Deputy Ged Nash: I would welcome an update on the nine reform commitments under the national recovery and resilience plan. I know that, in essence, there were three overarching themes in the plan, namely, climate action, digital transition and employment. All three are critical to sustainable development for our country, including economic development and allowing us to meet our decarbonisation targets. I am particularly interested in getting from the Minister an update on priority projects for 2022.

Deputy Michael McGrath: The EU's recovery and resilience facility will make some €724 billion available to member states in the form of grants and loans to help repair the economic and social damage brought about by the pandemic and to make post-Covid European economies and societies more sustainable, resilient and better prepared for the challenges and opportunities of the green and digital transitions. Ireland will receive almost €1 billion in grants over the lifetime of the facility. In order to access this funding, the Government developed the national recovery and resilience plan, which has a total value of €990 million and sets out the reforms and investments to be supported by the facility. An implementing body is being established in my Department to drive progress and delivery of the plan.

The overall objective of the plan is to contribute to a sustainable, equitable, green and digital recovery in a manner that complements and supports the Government's broader recovery effort. It is based on 16 investment projects and nine reform measures aimed at advancing the green transition, accelerating and expanding digital reforms and transformation and driving social and economic recovery and job creation.

All recovery and resilience plans are required to address all or a significant subset of the economic and social challenges outlined in country-specific recommendations under the European semester process for 2019 and 2020. Ireland's plan contains nine reform measures which address nine important areas: climate action; base broadening; the digital divide; reducing regulatory barriers to entrepreneurship; aggressive tax planning; pensions reform; social and affordable housing; anti-money laundering; and healthcare.

10 o'clock

We submitted our draft plan to the European Commission in May. It was endorsed by the Commission in July and approved by the Council of Ministers in September. It will now be the subject of a financing agreement between the Commission and Ireland. Once the financing agreement has been signed, the focus will be on implementation of the plan over the period to 2026. We are required to report regularly to the Commission on the achievement of agreed milestones and targets to enable the drawdown of funding each year over the course of the plan. I expect that drawdown will commence this year.

Deputy Ged Nash: What are the Minister's priorities for 2022? Where does he want to see real progress? He has said that there will be milestones along the way and they have to be reported and monitored by the European Commission. What are the priority projects for 2022? How does the Minister see progress evolving this year?

The timeframe for the delivery of these projects is tight. My understanding is that there is a requirement under the regulations governing this process to complete the relevant programmes by 2026. One of the commitments that I know has been made is for a retrofitting programme for public buildings. That will be very important and the Government needs to lead by example on it. Some €60 million will be allocated for retrofitting public buildings. I would welcome an update on that. It is obviously a matter for the Office of Public Works but an update on it would be appreciated. Is that achievable within the timeframe?

Deputy Michael McGrath: As the Deputy has indicated, we have 16 investment projects and nine reform measures. While my Department has the implementing body and the delivering committee which will monitor the implementation of the plan and will be responsible for all of the contact with the EU bodies, responsibility for implementing the individual measures will

lie with the relevant Departments and bodies.

Looking across the range of projects, both the investment and the reform projects, many of them are very much live projects that are currently being developed. To take the area of retrofitting as an example, the Deputy mentioned the energy pathfinder project. Of even greater importance is the national retrofitting plan, which the Minister for the Environment, Climate and Communications will bring forward shortly. As the Deputy is aware, part of that, under component 1 in the advancing green transition section, is de-risking a low-cost residential retrofit loan scheme. It will be just one part of the national retrofitting plan and will involve improving the grants that are currently available to support homeowners who wish to retrofit their homes. That is just one project. I am happy to go through any of the individual reform projects and provide more information to the Deputy.

Deputy Ged Nash: I am also interested in getting an update from the Minister on progress in respect of the shared Government data centre and what that will involve. It is a key public sector reform initiative which is absolutely required. When does the Minister expect that particular project under this programme to be completed?

I note there is also reference in the plan to digital transformation for Irish SMEs. We know that SMEs employ the vast bulk of Irish workers and they are a neglected sector of our economy. They need to be partnered with to assist them in becoming more innovative, productive and export-orientated. The future of our economy very much depends on that. If the Minister has the opportunity in the time remaining, he might advise me as to what particular headline initiatives have been taken with the SME sector around the digital transformation programme to help them become more productive.

Deputy David Stanton: I have been told recently that as we accelerate and expand on digital reforms and transformation, our mobile phone networks are not secure. They are easily hacked and tracked. As we become more dependent on this technology, what guarantees can the Minister give us that these networks are secure and people cannot be tracked and hacked, have our conversations listened into and so forth? An expert recently told me that this is quite easily done. VIPs, such as the Leas-Cheann Comhairle, can be targeted, especially if they travel to other countries.

Deputy Michael McGrath: There is a lot to get through in a minute. First, in relation to SMEs, we very deliberately made the decision that under both the green transition and digital transformation, there would be an opportunity for grants to be made available to the enterprise sector to assist them in that transition. Those grants will be brought forward over the course of the national resilience and recovery plan.

In relation to the shared Government data centre, the site has been identified. It is an important project to build a State data centre on State land to be operated by the Department of Agriculture, Food and the Marine on behalf of the State. The aim of the State data centre is to close down the current disparate, inefficient server rooms in data centres that are no longer fit for purpose and badly in need of refurbishment. This will cover off operational risks, reduce power use and help to improve the delivery of digital services that the Minister of State, Deputy Ossian Smyth, is leading across government.

On the issue of cybersecurity, I am working closely with the Minister of State, Deputy Smyth, and the Minister for the Environment, Climate and Communications, Deputy Eamon

Ryan. We have significantly increased the resources to our national cybersecurity centre. I would be happy to engage with Deputy Stanton on the details of that.

Question No. 12 replied to with Written Answers.

Office of Public Works

13. Deputy Brendan Griffin asked the Minister for Public Expenditure and Reform the up-to-date position regarding the provision of an improved landing facility on An Blascaod Mór; the progress he hopes to achieve in 2022 in this regard; and if he will make a statement on the matter. [2553/22]

Deputy Brendan Griffin: This question concerns the landing facility - or the lack of an adequate one - for An Blascaod Mór. It is a very important and popular heritage location and tourist attraction. I ask the OPW prioritises improving the landing facility on that important island.

Deputy Patrick O'Donovan: An Blascaod Mór is a nationally and internationally significant heritage site due to the important literary and cultural output of this tiny community in the first half of the 20th century and the substantial collection of books – nearly 100 in all – that have been written about life on the Blasket Islands in the past century. An Blascaod Mór is also part of the Blasket Islands special area of conservation with the highest level of environmental protection. The State purchased the majority of the holdings on the island in 2009 and the OPW has restored a number of the houses on the island since then. Ionad an Bhlascaoid, located on the mainland at Dún Chaoin, was built in 1993 as a cultural centre to present and interpret the extraordinary cultural and literary heritage of the Blasket Islands to visitors. It is being substantially upgraded at present by the OPW with support from Fáilte Ireland as a flagship visitor destination on the Wild Atlantic Way and will reopen in the coming months.

Improved landing facilities, whereby boats could embark and disembark passengers directly to the island, are desirable for two reasons. The first is safety while the other is that this will be an essential element in the sustainable management of the island from a heritage, tourism and environmental point of view. While ferry services are confined to licensed vessels with specific tender permits, it is not currently possible to manage access and visitor numbers to achieve a balance between sustainable tourism access and maintaining the fragile environmental balance of the island. It is the advice to OPW from Kerry County Council that it is necessary to secure fresh planning permission for a pier at An Blascaod Mór, given that there have been significant changes in the designated status of the island and in environmental regulations in the period since the original permission was granted to Kerry County Council in 2003. This will necessitate updated environmental and other reports to support such an application, as well as the preparation of a detailed updated design for the project.

In 2022, the OPW intends to engage with the relevant stakeholders to consider the key challenges in undertaking this project and to develop a strategic working group to advance the development of the project. It is anticipated that the OPW will commission updated reports to inform the development of a coherent solution to the development of landing facilities on the island. Additionally, efforts will continue to secure capital funding for the project through the relevant agencies and Departments.

Deputy Brendan Griffin: I thank the Minister of State for his reply. I know he is no

stranger to that part of the world and spent time there learning the Irish language many years ago. More recently, he was with me in Dún Chaoin and helped resolve a matter relating to the local playground site. The island is not far from where we were in September 2021. I invite the Minister of State to come down and take the trip across later this year if he can and ideally stay the night on the island, which is a wonderful experience. It is important to see the lack of facilities on the island and in particular, the danger for people trying to disembark and board vessels on the island. It is dangerous and needs to be improved. When I was working with the former Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan, as his parliamentary assistant back in the mid-2000s, I recall this issue being on his desk and the Minister trying to progress it. It has been an issue for a long time and needs to be addressed finally.

Deputy Patrick O'Donovan: I get many invitations, but the Deputy's invitation to spend a night with him on the Blasket Islands is a unique one. I probably cannot resist it, to be fair. I know that part of the world well. I visited recently and there is a great community there. The Office of Public Works was delighted to be able to sort out the issue with the playground with the local community. I thank Deputy Griffin for facilitating that meeting. I was there previously ag foghlaim na Gaeilge. I commit to going down again as soon as the weather permits to see the conditions. It is a long time since I was on the island as a student. I would like an opportunity to return to see the conditions for myself. It is a place the OPW holds dear. We welcome the opportunity to be able to invest with the local community because it is an important part of our heritage.

Deputy Brendan Griffin: I thank the Minister of State. It is a very important part of our heritage. Unfortunately, the State failed to keep island life alive but we want to keep the stories and traditions and the brilliant heritage there alive. To do so, we need to be able to make the island accessible to people. One of the first books I read, when I was eight or nine years of age, was the English translation of *Fiche Bliain ag Fás*. Marvellous literature has come from the island. People such as the great Micheál de Mórdha have done great work keeping all of the heritage and literary history alive. It is nothing unless people can immerse themselves on the island and experience being on the island. The OPW has done marvellous work on restoring some of the cottages on the island but we really need to be able to open it up to the world and bring people from all over Ireland and all over the world to see it and to do so safely.

Deputy Patrick O'Donovan: We are looking forward to reopening the centre on the mainland. Deputy Griffin is right. We also want to be able to reach out to the diaspora from the island who emigrated to North America, in particular to Springfield in Connecticut where many people from the island settled. We want to allow people to see where their people came from and from where they were evacuated to the mainland because of safety concerns of the Government at the time. Many of them emigrated to the United States and beyond. If we want them to be able to go back to find their roots, we have to be able to disembark them safely. This is a process on which we will engage with Kerry County Council. It will take time and we will walk through it with the local community and stakeholders. We will do it sensitive to the fact this is a special place not only to the people of Kerry but the people of Ireland.

Irish Language

14. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform if work has commenced in his Department to implement the provisions of the new Official Languages

(Amendment) Act 2021, which was passed just before Christmas 2021; the details of this work; and if he will make a statement on the matter. [1358/22]

Deputy Éamon Ó Cuív: Bogfaimid ón teanga mar a bhí go dtí an teanga mar atá mar tá sé beo beathach i gcónaí. Buíochas le Dia, tá sé thar a bheith beo beathach sa nDáilcheantar atá againne. The targets in the newly enacted Official Languages (Amendment) Act relating to the provision of services through Irish and, as a consequence, the number of people to be recruited with the ability to do their business in Irish are very challenging and will require urgent action. This has been in gestation for a long time. What work has been done to date to progress this?

Deputy Michael McGrath: Gabhaim buíochas leis an Teachta. Cuirim fáilte roimh achtú Acht na dTeangacha Oifigiúla (Leasú), 2021. Is nóiméad tábhachtach é seo do lucht na Gaeltachta, do na daoine a labhraíonn Gaeilge agus dóibh siúd a bhfuil suim acu sa teanga. Tagann sé i ndiaidh tréimhse fhada chomhairliúcháin agus dhíospóireachta. Feabhsóidh an tAcht seo na forálacha do chainteoirí Gaeilge.

I welcome the enactment of the Official Languages (Amendment) Act 2021 on 22 December. It underpins a key programme for Government commitment. It is notable that this coincides with Irish becoming a full working language of the EU institutions at the start of January. As the Deputy is aware from submissions made to the Joint Oireachtas Committee on the Irish Language, Gaeltacht and the Irish-speaking Community, the achievement of an ambitious 20% recruitment target of proficient Irish speakers by 2030 requires a cross-government approach. It is ambitious and it is what we must work towards. This is against a backdrop whereby only 0.4% of posts are designated by Civil Service employers as being Irish-speaking posts.

The Act provides that within six months of the date of enactment, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media shall establish an Irish languages services advisory committee. The functions of this committee are set out in the Act, as the Deputy knows, and include the preparation of a national plan within two years of its establishment to increase the provision of services through the medium of Irish as well as periodic surveying of the number of Irish speakers employed in the public service. The work of this committee may include consideration of approaches to the future recruitment of Irish speakers. My Department and the Public Appointments Service, PAS, as the principal recruiter for the Civil Service and public service, will be appropriately represented as members on this committee. The Deputy is aware of a number of actions the Department and PAS are already taking to increase the number of fluent Irish speakers in the Civil Service.

Deputy Éamon Ó Cuív: I know people wish to achieve this but it will not happen of its own accord. Passing the Act will turn out to be the easy part of this. The Minister said it would take two years to prepare the plan. This will take us to 2024. I believe it will be impossible to achieve it by 2030 unless we start now. There are some obvious measures that do not need two years to plan. What has already been done in anticipation of the Bill to increase the number of people who will be capable of doing their business through Irish? There is no point in advertising the jobs if people are not there. Has the Minister had a serious talk with the Minister with responsibility for higher education on the need to provide more courses through Irish and in Irish at third level to ensure there will be qualified people to provide the services and we will not once again hit a wall and state we will not achieve it?

Deputy Michael McGrath: I thank the Deputy. I agree with him that this will not happen of its own accord. The Government has signed up to this. The legislation is in place and we

will all have to work together to meet this goal. There are dedicated recruitment and promotion competitions targeted at Irish language speakers. As the Deputy has rightly said, this in itself is not enough. Last year, PAS held general Civil Service competitions for individuals with fluency in Irish for clerical officer and higher executive officer level. Today PAS is launching an Irish executive officer competition. We are dependent on the quality of applicants and the availability of a pool of people to apply who can meet the requisite level of competence. In addition, we are investing significantly in providing training for existing civil servants. Irish language training courses continue to be made available for new hires and all existing civil servants via One Learning, the learning and development centre for the Civil Service based in the Department. Close to 500 such enrolments took place in 2021. I accept the Deputy's overall point that this has to be a cross-government approach, including through further and higher education.

Deputy Éamon Ó Cuív: I welcome anybody improving their Irish but I am a realist. I am very hard-headed about this. There are approximately 100,000 daily Irish speakers in the country. There are interesting standards laid down in Canada on this issue. To provide a service competently through the Irish language people would need to be daily Irish speakers. They would need to be absolutely at home with the language. There is no point in advertising the jobs if we have not made comprehensive plans that there would be people with the competencies to apply for the jobs. The plan should focus on the higher education sector as well as Gaelscoileanna. We are a bit better off at second level and primary level than we are at third level. This is one little step we need to challenge. Will there be a comprehensive all-of-government response to make sure that when the jobs are advertised there are people with a real competency in Irish to apply for them?

Deputy Michael McGrath: I thank the Deputy. There will be. This is the process that is set out in the legislation for which the Minister, Deputy Catherine Martin, has taken responsibility. The core point, which the Deputy has acknowledged, is that the number of Irish speakers applying to join the Civil Service is quite low. This in itself is a problem we need to address.

I have been looking at the figures. To give context, when comparing the most recent analogous general Civil Service competitions undertaken by PAS at clerical officer level, there were 12,200 applicants where there was no requirement for fluent Irish and 165 where fluent Irish was required. The second figure is 1.35% of the first by comparison. There are some specialist roles that are presenting a number significant challenges in the context of recruitment. That is the reality. This is not an issue that can be resolved through the recruitment channel itself. The availability of people who have the requisite skills and who are willing to apply and take up these roles is key. This requires a whole-of-government approach and that is what the Minister, Deputy Catherine Martin, is co-ordinating through her role as provided for in the Act.

Question No. 15 replied to with Written Answers.

Capital Expenditure Programme

16. **Deputy Alan Dillon** asked the Minister for Public Expenditure and Reform if he will report on the external assurance process for major capital investment projects announced in December 2021; if part of the mandate for the associated major projects advisory group will be to improve the timeline of delivering major capital projects versus the risk of increasing bureaucratic delays; and if he will make a statement on the matter. [2449/22]

Deputy Alan Dillon: It is vital that increased effort is made to streamline the delivery of large capital projects. Too many communities are awaiting the delivery of important capital projects. Any changes to or delays in timelines are simply causing a loss of good faith when it comes to informing the public. What is the Minister's Department doing to deal with this issue?

Deputy Michael McGrath: I thank Deputy Dillon very much for his question. The update to the public spending code in 2019 combined, with lessons learned from domestic projects and international best practice, highlighted the need for more structured scrutiny of major public investment projects, particularly in the areas of planned delivery, costings and risk. This is to ensure that Government is making decisions with a full picture of the proposal, its costs, risks and benefits. The revised national development plan, NDP, pledges to restructure the oversight and implementation of capital projects to strengthen scrutiny of major public investment proposals and drive improved project performance and value for money. It is important to acknowledge that the majority of public investment projects are delivered on budget and on time and there is a high level of professionalism across the sectors. However, having recognised the higher-risk profile of larger projects, new procedures have been introduced in order to improve project outcomes, avoid cost overruns and avoid scheduled delays.

As the Deputy is aware, my Department has put in place an external assurance process, EAP, to provide independent project scrutiny at key decision stages. This will involve independent expert reviews at two key stages in the project life cycle under the public spending code. The purpose of this is to improve value for money and to support funding Departments and the Government with expert insight. This process is for major public capital projects which cost in excess of €100 million. Very often, the public spending code and the external insurance process can get blamed for delays where that process does not even apply. This process focuses on issues such as cost, risk and ability to deliver.

As the Deputy will be aware, a new major projects advisory group has been established to further strengthen project management. As a prerequisite to seeking Government approval for projects at the relevant decision points, project proposals and external reviews will be scrutinised by the advisory group. These new arrangements bring Ireland into line with leading international performers and meet a recommendation of the International Monetary Fund's public investment management assessment of Ireland. It is my assessment that these safeguards will not delay projects but are there to streamline them and to avoid mistakes and risks materialising.

Additional information not given on the floor of the House

It should be noted that timelines associated with public spending code compliance are a fraction of the time required for compliance with the range of statutory requirements such as planning, environmental impact assessment, habitats directive and appropriate assessment. In addition, many public spending code steps can be undertaken in parallel with other project development phases. Experience in countries that have introduced similar independent assurance processes shows that such arrangements reduce project schedule delay and project cost overrun.

Deputy Alan Dillon: I thank the Minister very much for his reply. One very good example is the Crossmolina flood relief scheme. Local communities desperately need to see this project commence as soon as possible. They have waited patiently as it has gone through formal process after formal process. We must look seriously at the need to speed up such a process into the future. I am particularly disappointed with the delays relating to this project because I

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was previously advised in replies to parliamentary questions I submitted last December that a decision was imminent. Needless to say, the project appears no closer to going to tender commencement as of today. These delays are very frustrating to communities that need projects of local importance to proceed. We need to look seriously at the mechanisms to prevent project timelines being stalled beyond a reasonable period.

Deputy Michael McGrath: I again acknowledge the Deputy's continued interest in the Crossmolina flood relief scheme and, indeed, that of Deputy Calleary and others. It is a scheme that the Government is committed to advancing. I acknowledge the great work of the OPW on this project. As the Deputy will be aware, the specific role I have lies in either giving or not giving consent in respect of projects. I expect to receive a recommendation very shortly on this specific project. I assure the Deputy that as soon as I have a recommendation, I will make a prompt decision and will publish details of it accordingly. I look forward to doing that.

The people in Crossmolina are very anxious to see the scheme advanced. Much good work has been done to get to this point. The statutory processes can be frustrating for all concerned, but we have to ensure that in making a decision and that when consent is granted for a project, we insulate it, insofar as is possible, from the legal risk of a successful judicial review. The reality is that more and more schemes are becoming subject to judicial reviews. As result, we have to ensure that the process is rigorous and will stand up to the possibility of legal challenge.

Deputy Alan Dillon: I appreciate the Minister's commitment and that of the Minister for Finance, Deputy Donohoe, to deliver this project. I note the announcement on the formation of the major project advisory group last month. I understand that the group's primary role is to ensure strong governance at critical junctures in the context of the delivery of major projects, which is very welcome. I hope that we would operate on the basis of streamlining project timelines for delivery as opposed to adding further delays. I would appreciate the Minister's assurance that we will look seriously at project delivery in a more earnest manner. This matter has certainly highlighted for me the issues relating to project delivery. We do not want to drift into a situation where project timelines are moving at a snail's pace because that would be extremely damaging to public faith in the ability of this Government to deliver such as that to which I refer.

Deputy Michael McGrath: I again thank the Deputy. I want to reassure him that we have a very sharp focus on project delivery across Government. We have agreed a new national development plan with a total of €165 billion in funding out to 2030. I want to see that money well spent on the projects that we all want to see advanced over the next number of years. Ensuring that we have the appropriate checks and balances in place from the taxpayer's point of view is important. However, it is also important that we keep projects moving and achieve our end goal, which is to get projects built and delivered for the communities that require them. I assure the Deputy that this is an absolute priority for Government and we look forward to working to fulfil that over the period ahead.

Questions Nos. 17 and 18 replied to with Written Answers.

Flood Risk Management

19. **Deputy Alan Dillon** asked the Minister for Public Expenditure and Reform the status of a scheme (details supplied); the reason for the delay in his Department finalising the re-

view, which was expected as imminent in 2021; and if he will make a statement on the matter. [2448/22]

32. Deputy Dara Calleary asked the Minister for Public Expenditure and Reform the current position in relation to the flood alleviation scheme for Crossmolina, County Mayo; and if he will make a statement on the matter. [2228/22]

Deputy Alan Dillon: I ask the Minister for Public Expenditure and Reform the status of the Crossmolina flood relief scheme and the reasons for the delays in the Department's timeline for review. The people of Crossmolina are eagerly awaiting further news on this. As we start the new year, I would appreciate an update from the Minister.

Deputy Patrick O'Donovan: I thank the Deputy. This scheme is being progressed under the Arterial Drainage Acts, and therefore is the subject of formal confirmation by the Minister, as he just stated. This is a statutory requirement under the Arterial Drainage Acts, which, under recent European Union regulations of 2019, also require the Minister to carry out an environmental impact assessment of the proposed scheme. This involves a formal review by the Minister for Public Expenditure and Reform of the environmental impact assessment and a Natura impact assessment submitted to him as part of the formal confirmation process.

As part of the confirmation process, stakeholders were afforded a formal opportunity to provide comments on the environmental element of the proposed works. Following this consultation, independent consultants were appointed by the Department to carry out a review of the scheme documentation. Further to this review, the Department requested supplementary information in May 2021. The OPW provided this in July 2021. The Department has advised that it has received final technical reports from their environmental consultants on this supplementary information.

In September, the Department indicated to the OPW the specific conditions under which ministerial consent to progress the scheme might be granted under the Arterial Drainage Acts 1945 and 1995, and sought confirmation from the OPW that it would comply with these conditions. The OPW confirmed compliance with these conditions to the Department 6 October last. It is important to note that under section 7E of the Arterial Drainage Act Regulations 2019, the Minister can make an order confirming the scheme, refuse to confirm the scheme or refer the scheme back to the commissioners for revision in specified respects. Any decision taken by the Minister under section 7E is subject to judicial review and, as such, it is necessary to ensure that all legal requirements, including any existing or emerging case law, have been fully considered and complied with when making and confirming his decision to ensure that the decision is robust.

Deputy Alan Dillon: I thank the Minister of State for the update. As he is aware, I have raised this matter a number of times in the House. The people and businesses in Crossmolina that are affected by the risk of flooding have major concerns about the progress of this enormous capital project. The benefits of it would be huge. I compliment Mayo County Council, its engineers and the staff of the OPW on the work they have done to date for the people of Crossmolina. However, we need this project to progress to tender and project build and construction. I ask that every effort be made in the Department to progress it as swiftly as possible.

Deputy Patrick O'Donovan: First, the commitment of the OPW and Mayo County Council is well documented. I thank Deputy Dillon and other Government Deputies from County

Mayo who have given their support to this. I have been to Crossmolina and I am aware of the difficulties associated with this. The scheme will protect approximately 120 properties. The town has been inundated several times so we want to progress it. As the Minister stated with regard to his role in this, however, the Department has to be satisfied that when he makes a decision on any element of this it has to be insulated against any potential judicial review. Unfortunately, judicial reviews are now becoming more likely so the decision has to be insulated against any such potential likelihood. I know this is a cause of frustration. It is a cause of frustration for me, the OPW and Mayo County Council, but especially for those who are being inundated time and again and swamped with excrement, sewage and every sort of filth in flood water. We want to deliver these projects to Crossmolina and all the other towns such as Bantry, which was mentioned earlier. The money for Crossmolina is ring-fenced, so it is not a question of funding. Once the scheme is committed to and can be delivered, we will build it with Mayo County Council.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Legislative Measures

68. **Deputy Imelda Munster** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if she will provide details on the expert group she intends to convene on the matter of an individual complaints mechanism for harmful online content under the online safety and media regulation Bill; and if she will make a statement on the matter. [2802/22]

69. **Deputy Verona Murphy** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the way her Department will manage the upcoming recruitment of the online safety commissioner and the multi-person media commission; if the provision of an individual complaints mechanism for harmful online content will be included in the Online Safety and Media Regulation Bill; and if she will make a statement on the matter. [2805/22]

Deputy Imelda Munster: Will the Minister provide details about the expert group she intends to convene on the matter of the individual complaints mechanism for harmful online content under the Online Safety and Media Regulation Bill, and will she make a statement on the matter?

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Catherine Martin): I propose to take Questions Nos. 68 and 69 together.

I will begin by thanking the members of the Joint Committee on Tourism, Culture, Arts, Sport and Media for their work on the pre-legislative scrutiny report on the general scheme of the Online Safety and Media Regulation Bill. The report of the joint committee demonstrated the importance of pre-legislative scrutiny, and Oireachtas committees, to the parliamentary and democratic process.

I am conscious that the introduction of an individual complaints mechanism raises a number of complex practical and legal issues, including in terms of the sheer volume of content online, that Ireland will be regulating a number of services on an EU-wide basis, and of questions relating to due process requirements and how quickly decisions could reasonably be made by

the online safety commissioner. In light of the recommendations of the joint committee in its pre-legislative scrutiny report, I am examining how these difficult issues can be addressed. As I announced last week, I will shortly establish an expert advisory group to report within 90 days on these matters, with recommendations for how best to address them. I intend to announce the membership of the group in the coming days. Following the report of the group, I will consider whether and how to give effect to any recommendations through amendments to the legislation on Committee Stage.

Regarding the establishment of coimisiún na meán, it is essential that it has sufficient staff with experience and skills at the appropriate level in order to effectively carry out its regulatory functions. As Deputies will be aware, the commission will have an expansive remit. In the first instance, it will take on the current functions of the Broadcasting Authority of Ireland in regulating both television and radio broadcasters. The Online Safety and Media Regulation Bill provides that the commission will also be responsible for the regulation of video on-demand services and, through the online safety commissioner, for oversight of the new regulatory framework for online safety. The commission will also have roles in respect of the protection of children, research, education, media literacy and journalistic and creative supports. In carrying out these roles the commission will support and promote an open, trusted and pluralistic media and online environment.

Given the importance of the functions and role of the commission, the Government has approved its establishment on an administrative basis prior to the enactment of the Bill. While the Commission will ultimately be funded through levies on regulated services, I secured €5.5 million in budget 2022 for start-up funding to support the establishment of the commission. My officials are working with officials from the Department of Public Expenditure and Reform to start the process of recruiting key staff for the commission. Funding and commencing the recruitment process in advance of the formal establishment of the commission will enable these personnel to hit the ground running and ensure that operations commence at the earliest possible date following the enactment of the Bill.

Deputy Imelda Munster: Could the Minister outline who will make up the expert group and when it will begin its work? In terms of the timeline, will the group's work affect the passing of the Bill? Will there be a delay?

The Minister will also be aware that the joint committee flagged that the lack of the individual complaints mechanism was a major deficiency in the general scheme of the Bill. There was a prolonged and extensive engagement with stakeholders and the vast majority of them were very much in favour of an individual complaints mechanism. The only ones who spoke in favour of the systemic complaints mechanism were the big tech companies and the major social media companies. Those who spoke in favour of having an individual complaints mechanism included, for example, the Ombudsman for Children's Office, the Children's Rights Alliance, the Irish Society for the Prevention of Cruelty to Children, ISPCC, Safe Ireland, Rape Crisis Network Ireland, CyberSafeKids and the Data Protection Commissioner. The Minister can see that its importance is felt by all those stakeholders.

Acting Chairman (Deputy John Lahart): Deputy Denis Naughten is substituting for Deputy Verona Murphy.

Deputy Denis Naughten: I welcome this legislation and the transposition of the audiovisual and media services directive. I was involved in the negotiation of that directive, which also

contains measures to protect children. The Minister is to be commended on securing the commitment to appoint an online safety commissioner. It was clear to me, prior to any of the controversies, that this was urgently needed in this country. I had hoped to do it back in 2018 but due to circumstances outside my control, that did not happen. It must be properly resourced and there must be a mechanism in place allowing people to have their rights enforced. I can give a practical example. A study by *The Journal* of 70 posts on Facebook, Twitter and Instagram in July last year that were reported by the HSE to the industry regarding misleading information relating to Covid-19 indicated that six weeks later, 53 of the posts had not been taken down.

Deputy Catherine Martin: The expert advisory group will be examining a proposal that will raise complex legal and practical matters, as I mentioned earlier. For example, in one context there is the complexity in the Irish constitutional and legal context of upholding fundamental rights and respecting due process requirements for complainants, online services and the uploaders of content subject to complaint. From a practical perspective, there are questions regarding the design and resource implications.

For that reason, the expert advisory group I will announce in the coming days will need to be able to draw from a wide and diverse range of expertise and experience. I am seeking: legal expertise, especially in the complexities of regulating the online world; knowledge of and expertise in the operation of complaints systems in other contexts; experience in the protection of children's rights in an online environment; and knowledge of and expertise in practical requirements, such as resourcing and organisation required to operate an individual complaints system.

Deputy Imelda Munster: How will that delay affect the timeline for the passage of the Bill? The Minister has said we may have to regulate on an EU basis. Has that been absolutely confirmed? Even if that is the case, it should not prevent us from going forward with this. Funding could be sourced through Europe and, of course, the big technology companies could also fund the individual complaints mechanism. Something like that should not deter us. If we are successful in what we are doing, other European Union countries will follow suit. There is no reason we cannot take the lead in this.

Deputy Denis Naughten: The reality is if we do not get this right here, there will be a push at EU level to have an EU-wide regulatory regime, so it is in the interests of the technology industry in Ireland to ensure there is a robust, transparent and well-resourced system in place in this country. That sector should proactively work with the Minister in that regard. I put it to the Minister again that if the HSE in Ireland got a commitment from all the tech companies after the outbreak of Covid-19 that they would proactively take down disinformation and the same HSE cannot get those companies to follow through, what hope does an individual have?

In light of the debate that we had yesterday, Dr. Ian Richardson has published research demonstrating significantly higher levels of abusive messages focused on female councillors and Senators compared to male counterparts. This is being generated by party supporters. What will this Parliament do to ensure that practice is addressed?

Deputy Catherine Martin: Disinformation is primarily being dealt with through the EU code of practice on disinformation, which is linked to the forthcoming digital services Act. Deputy Naughten is aware that this is still under negotiation. On the question of getting it right, this commission must have real teeth, as it does, including powers of investigation, search warrants, fines of up to €20 million or a percentage of turnover, whichever is more. There is also the possibility of criminal liability and the taking down of the platform.

On the timetable, I hope to move as swiftly as possible with this. It will be initiated in the Seanad and I have written to the committee, of which Deputy Munster is a member, to ask for time for the Bill to be considered. The recommendations of the expert advisory group will be taken account of on Committee Stage. I hope that will help speed up the process.

On the EU-wide base, the major issue is the 450 million people that we would represent if the platform is based in Ireland, as we would be the country in charge of that regulation. That is why all eyes are on us.

Straitéisí Ranna

70. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán cén straitéis atá aici i leith nuachtán Gaeilge clóite a athbhunú agus i leith tacaíocht bhreise a thabhairt d'iriseoireacht na Gaeilge agus do sheirbhísí nuachta as Gaeilge ar líne, go háirithe anois ós rud é go bhfuil stádas iomlán ag an nGaeilge in institiúidí an Aontais Eorpaigh agus go bhfuil Acht na dTeangacha Oifigiúla (Leasú), 2021 rite. [2810/22]

Deputy Aengus Ó Snodaigh: Tá an cheist seo ag fiafraí, a Chathaoirligh Gníomhaigh, an bhfuil aon straitéis ann maidir le nuachtán clóite as Gaeilge a athbhunú agus cad iad na tacaíochtaí breise ar gá d'iriseoir i nGaeilge chun a dhéanamh cinnte de go mbeidh sé nó sí ar chomhleibhéal leis an mBéarla?

Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Jack Chambers): Gabhaim buíochas leis an Teachta. Tuigtear dom go bhfuil trí scéim ar leith á reáchtáil ag Foras na Gaeilge faoi láthair le tacaíocht a chur ar fáil do na meáin scríofa i nGaeilge: scéim do nuachtáin ar líne faoina fhaigheann Tuairisc.ie tacaíocht; scéim d'irisí Gaeilge faoina fhaigheann leagan clóite agus ar líne Comhar tacaíocht; agus scéim d'irisí stíl-mhaireachtála faoina fhaigheann Nós tacaíocht.

Is scéimeanna cúig bliana atá sna trí scéim seo agus cuirfear suas le €2.5 milliún ar fáil do na trí fhoilseacháin seo thar tréimhse na scéime. Ritheann na conarthaí maoinithe sin ón 1 Iúil 2020 go dtí 30 Meitheamh 2025. Forbraíodh na scéimeanna seo bunaithe ar phróiseas comhairliúcháin le hearnáil na meáin Ghaeilge clóite agus ar líne a reáchtáladh ag tús 2020 chomh maith leis an taighde a rinneadh ar Staid Reatha agus Treochtaí Earnáil na Meán in Éirinn in Iúil 2019 agus an tuairisc ar an anailís ar na meáin Ghaeilge atá maoinithe ag Foras na Gaeilge, tuairisc a cuireadh i dtoll a chéile d'Fhoras na Gaeilge i Nollaig 2018. Faoi láthair, níl aon rún ag Foras na Gaeilge na scéimeanna seo a leathnú amach.

É sin ráite, is fiú don Teachta a nótaíl go bhfuil sé mar fhoráil de chuid Acht na dTeangacha Oifigiúla (Leasú), 2021, a shínigh Uachtarán na hÉireann roimh an Nollaig, go bhfuil sé de dhualgas ar gach comhlacht poiblí sa Stát 5% den bhuiséad bliantúil fógraíochta atá ar fáil dóibh a chaitheamh ar fhógraíocht sna meáin Ghaeilge. Leis an airgead breise seo a bheidh ar fáil d'earnáil na meán Gaeilge, bheinn den tuairim go n-osclofaí suas deiseanna gnó tráchtála d'irisí nua gan aon ghá dóibh a bheith ag brath ar fhóirdheontais Stáit le fanacht ag trádáil.

Sílim go bhfuil poitéinseal sa chur chuige nua seo borradh a chur faoin earnáil sna blianta amach romhainn, rud a chruthóidh spéis agus deiseanna nua san earnáil i measc iriseoirí, scríbhneoirí agus fiontraithe a fheidhmíonn trí mheán na Gaeilge.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas leis an Aire Stáit. Chuir mé an cheist seo mar gur aithin mé, agus an tAire Stáit féin ina fhreagra, go bhfuil deis ann anois toisc Acht na dTeangacha Oifigiúla go mbeidh airgead ann agus nach mbeidh ar na hirisí, na tréimhseacháin nó ar na nuachtáin - mar is nuachtán i dtús báire atá i gceist anseo – a bheith spleách ar an Stát, ach chun tús a chur le nuachtán fisiciúil, is é sin ceann clóite. Tá gá le hairgead maidir leis sin agus is é sin an fáth go bhfuil mé ag lorg go mbeadh an Roinn ag féachaint an féidir léi, nó an fiú di, nuachtán clóite, seachas tréimhseachán nó iris, a athbhunú arís? Fáiltím roimh an méid atá ann ó thaobh na n-irisí de ach tá gá dúinn féachaint ní hamháin ar na nuachtáin chlóite, ach go mbeidh siad ar líne chomh maith. Tá Tuairisc.ie ann agus tá Peig.ie ach tá i bhfad Éireann níos mó ar féidir leo a dhéanamh. Is nuachtán fisiciúil atá i gceist sa fhreagra seo.

Deputy Jack Chambers: Tá an ceart ag an Teachta an cheist seo a ardú. Tá tábhacht nach beag le réimse na foilsitheoireachta don phobal. I mí na Nollag 2018, d'ullmhaigh Séamus Daltún tuairisc ar an anailís ar na meáin Ghaeilge atá maoinithe ag Foras na Gaeilge. I mí Iúil 2019 rinne Pádraig Ó Ciardha taighde dar teideal Staid Reatha agus Treochtaí Earnáil na Meán in Éirinn. Anuas ar an dá phíosa taighde sin, reáchtáladh próiseas comhairliúcháin le hearnáil na meán Gaeilge clóite agus ar líne ag tús na bliana 2020. Bunaíodh ar an taighde sin atá luaite agam agus ar an próiseas comhairliúcháin, cinneadh trí scéim cúig-bliana a riaradh mar a leanas: scéim do nuachtáin ar líne faoina fhaigheann Tuairisc.ie tacaíocht; scéim d'irisí Gaeilge faoina fhaigheann leagan clóite agus ar líne Comhar tacaíocht; agus scéim d'irisí stíl-mhaireachtála faoina fhaigheann Nós tacaíocht. Mar atá ráite agam, déanfaidh Foras na Gaeilge infheistíocht de suas do €2.5 milliún sa réimse seo na foilsitheoireachta i gcaitheamh cúig bliana na scéime. Bunaithe ar na hacmhainní atá ar fáil faoi láthair, níl sé beartaithe ag Foras na Gaeilge maoiniú a chur ar fáil do nuachtán clóite. B'fhéidir go mbeidh seans agam tuilleadh eolais a thabhairt nuair a thagaim ar ais.

Deputy Aengus Ó Snodaigh: Tuigim a raibh ann sa chomhairliúcháin agus is cuimhin liom féachaint air. Bhí díomá orm gur ghlacadh an cinneadh gan tacaíocht a thabhairt do nuachtáin clóite a thuilleadh. Tá ceangal leis na nuachtáin clóite, ní hamháin leis an nuacht a chur amach ach go mbeadh an Ghaeilge feiceálach i siopaí nuair a théitear isteach. Tá a fhios agam faoi na fadhbanna ar fad atá ann ó thaobh díolacháin agus mar sin ach sa deireadh, chun cur le hiris-eoirí agus le hiriseoireacht as Gaeilge, is gá go mbeadh an Stát ag seasamh isteach chun tús a chur leis an athuair. Ansin, bunaithe ar an méid atá ag teacht as Acht na dTeangacha Oifigiúla (Leasú), 2021, ní bheidh siad spleách ar an Rialtas nó ar Fhoras na Gaeilge amach anseo toisc go mbeadh sruth airgid acu nach raibh ar fáil dóibh nuair a bhí nuachtáin ag clóbhualadh. Impím ar an Aire Stáit tacaíocht breise a chur ar fáil, ní hamháin do nuachtáin clóite ach d'iriseoirí na Gaeilge chomh maith.

Deputy Jack Chambers: Mar a luaigh mé, idir 2018 agus 2020 rinneadh taighde agus ritheadh trí phróiseas comhairliúcháin d'earnáil na meán Gaeilge. Bunaithe ar thorthaí agus ar mholtaí an phróisis comhairliúcháin agus taighde sin, rinneadh cinntí maidir leis an réimse seo. Dúirt mé cheana go bhfuil sé mar fhoráil de chuid Achta na dTeangacha Oifigiúla (Leasú), 2021 go bhfuil sé de dhualgas ar gach comhlacht poiblí is Stáit 5% den bhuiséad bliantúil fógraíochta atá ar fáil dóibh a chaitheamh ar fhógraíocht sna meáin Ghaeilge. Leis an airgead seo ar fáil d'earnáil na meán Gaeilge, bheinn den tuairim go n-osclofaí deiseanna gnó tráchtála d'irisí nua gan aon ghá dóibh a bheith ag braith ar dheontais Stáit le fanacht ag trádáil. Tá poitéinseal sa chur chuige nua bhorradh a chur faoin earnáil sna blianta amach romhainn, rud a chruthóidh spéis agus deiseanna nua san earnáil i measc iriseoirí, scríbhneoirí agus fiontraithe a fheidhmiú trí mheán na Gaeilge. Beidh go leor deiseanna nua ann i meáin na Gaeilge.

Dáil Éireann
An Ghaeltacht

71. D'fhiafraigh **Deputy Catherine Connolly** den Aire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán stádas na tuarascála dar teideal Tuarascáil Taighde do Tuismitheoirí na Gaeltachta agus go háirithe na moltaí 1 go 7 atá leagtha amach sa tuarascáil sin; agus an ndéanfaidh sí ráiteas ina thaobh. [2836/22]

Deputy Catherine Connolly: Baineann mo cheist leis an tuarascáil dár teideal Staidéar ar theaghlaigh atá ag tógáil a gclann le Gaeilge laistigh de na Limistéir Oifigiúla Gaeltachta. Cad é dearcadh na Roinne ó thaobh an staidéir seo agus na moltaí atá ann? Cad atá beartaithe ag an Roinn ó thaobh an staidéir thábhachtaigh seo?

Deputy Jack Chambers: Mar atá ráite agam roimhe seo, cuirim fáilte mhór roimh fhoilsiú an taighde is deireanaí ó Thuismitheoirí na Gaeltachta ar tugadh faoi le maoiniú mo Roinne. Dár ndóigh, is mise a sheol an tuarascáil ar son na heagraíochta an samhradh seo caite. Is saothar taighde tairbheach é an taighde seo dar teideal Staidéar ar theaghlaigh atá ag tógáil a gclann le Gaeilge laistigh de na Limistéir Oifigiúla Gaeltachta, sa mhéid is go dtugann sé léargas ar staid reatha an scéil.

Mar is eol don Teachta, is ionann an Straitéis 20 Bliain don Ghaeilge 2010-2030 agus an Plean Gníomhaíochta 2018-2022 lena mbaineann, agus polasaí an Rialtais i leith na Gaeilge agus na Gaeltachta. I gcomhthéacs bheart 3.1 den phlean gníomhaíochta, a bhaineann leis an réimse gnímh An Teaghlach ag Cur na Teanga Ar Aghaidh, níor mhiste an t-allúntas suas le €1.5 milliún thar an tréimhse 2021 go 2023 a cheadaigh mé do Thuismitheoirí na Gaeltachta anuraidh a lua. Tagann an ciste ardaithe seo sna sála ar an gciste a cuireadh ar fáil don eagraíocht don tréimhse dhá bhliain go leith roimhe seo chun clár comhaontaithe ar leas teaghlaigh Ghaeltachta a fheidhmiú. Cuireadh an t-allúntas reatha ar chumas na heagraíochta cur leis an réim gníomhaíochtaí agus tacaíochtaí atá á riar aige sna ceantair Ghaeltachta éagsúla le cúnamh leanúnach mo Roinne mar thaca breise do theaghlaigh Ghaeltachta atá ag tógáil clainne i nGaeilge nó atá ag iarraidh sin a dhéanamh. Tá sé seo le déanamh mar thaca foriomlán d'fheidhmiú bisiúil an phróisis pleanála teanga agus an pholasaí don oideachas Gaeltachta araon.

Níor mhiste a lua chomh maith go bhfuil beartaithe ag cathaoirleach mo Roinne grúpa oibre a bhunú go luath chun beart ar leas tuismitheoirí, an cinneadh a luaigh mé, a chomhordú ní b'fhearr agus a bhrú chun cinn. Beidh an grúpa chomhdhéanta de pháirtí leasmhara lena n-airítear oifigigh pleanála teanga, Údarás na Gaeltachta agus ionadaíocht ón eagraíocht Tuismitheoirí na Gaeltachta féin. Eagrófar an chéad chruinniú den ghrúpa go luath. Is féidir leis an Teachta a bheith cinnte de go leanfar ag féachaint chuige go mbainfear an leasa is fearr gur féidir an ciste bhreise a chur ar fáil don bhliain reatha de chlár thacaíochtaí pobail agus teanga na Roinne agus don phróiseas pleanála teanga araon lena mbaineann ar leasa cur chun cinn na Gaeilge go leibhéal theaghlaigh ar fud fad na Gaeltachta.

Deputy Catherine Connolly: Aithním gur sheol an tAire Stáit an taighde agus an tuarascáil seo agus aithním gur thug an Roinn airgead chun an tuarascáil a chur le chéile. I bhfad níos tábhachtaí, an rud atá ráite laistigh den tuarascáil, ná gur taighde tánaisteach é. Ní taighde nua atá ann ach tá an taighde bailithe le chéile agus tá teachtaireacht láidir ann. Is léir ón taighde a rinneadh sa Ghaeltacht le roinnt blianta anuas go bhfuil géarchéim sa Ghaeltacht maidir le labhairt na teanga. An fáth a chuir mé an cheist ná go bhfuil na moltaí seo thar a bheith praiticiúil, go háirithe ó thaobh feighlithe linbh, moladh 6.6. Táthar ag iarraidh go mbeadh struchtúr ann a éascódh an tslí gur féidir le clainne teacht ar dhaoine chun aire a thabhairt do na páistí le

Gaeilge ó dhúchas nó le neart Gaeilge. Cad iad na rudaí praiticiúla atá á déanamh ag an Roinn bunaithe ar an taighde seo?

Deputy Jack Chambers: Aontaím leis an Teachta go bhfuil an taighde an-tábhachtach agus go bhfuil na moltaí an-phraiticiúil. Mar a luaigh mé, tá sé beartaithe grúpa oibre a bhunú faoi chathaoirleach mo Roinne chun bearta ar leasa tuismitheoirí den chineál a luaigh mé á chomhordú agus á bhrú chun cinn. Beidh ionadaíocht ag páirtithe leasmhara ar an ngrúpa ar a n-airítear oifigigh pleanála teanga Údaráis na Gaeltachta agus ionadaíocht ón eagraíocht Tuismitheoirí na Gaeltachta féin. Eagrófar an chéad chruinniú den ghrúpa go luath. Geallaim don Teachta agus don Teach go leanfaidh mé agus mo Roinn ag féachaint chuige go mbainfear an leasa is fearr gur féidir as an gciste breise a bhí ar mo chumas a shlánú do 2022 don clár tacaíochta pobal agus teanga agus don phróiseas pleanála teanga. Beidh sé chun leasa cur chun cinn na Gaeilge ar a n-airítear an réimse teaghlaigh ar fud fad na Gaeltachta.

Deputy Catherine Connolly: Cloisim geall an Aire Stáit agus tá a fhios agam go bhfuil a chroí istigh i gcúrsaí Gaeilge. Fáiltím go bhfuil sé deimhnithe ag an Aire Stáit go mbeidh grúpa oibre bunaithe go luath ach tá baol ann go mbeimid báite i gcoistí comhairliúcháin agus i gcóistí éagsúla. Cén uair a bheidh an grúpa oibre seo ar an talamh? Cad iad na téarmaí tagartha? An bhfuil an tAire Stáit ag glacadh leis na seacht moladh atá anseo? Dúirt an tAire Stáit go bhfuil na moltaí praiticiúil; mar sin, an bhfuil sé ag glacadh leo? Níl an t-am agam díriú isteach ar gach moladh; mar sin, táim ag díriú isteach ar an gceann a léimeann as an leathanach, sin feighlithe linbh agus struchtúr a chur ar an talamh, go háirithe i bhfianaise an méid atá ráite sa Straitéis 20 Bliain don Ghaeilge 2010-2030 agus sa Phlean Gníomhaíochta 2018-2022 agus an tábhacht atá leis an nGaeilge a sheachadadh agus a chur ar aghaidh go dtí an chéad glúin eile. Tá ceisteanna díreacha curtha agam agus ba mhaith liom freagraí díreacha a fháil.

Deputy Jack Chambers: Mar a dúirt mé, tá an fhadhb seo an-tábhachtach agus sin an fáth go mbeidh grúpa oibre nua ann agus go mbeidh cathaoirleach mo Roinne ann le hÚdarás na Gaeltachta, le Tuismitheoirí na Gaeltachta agus le heagraíochtaí eile. Beidh an grúpa oibre sin ag féachaint ar an taighde seo ionas go mbeimid in ann struchtúr a chruthú, staidéar a dhéanamh ar na moltaí agus rudaí praiticiúla a dhéanamh chun na moltaí a chur i bhfeidhm. Sin an fáth go bhfuil maoiniú breise ann i mbliana - chun cabhair a thabhairt do Thuismitheoirí na Gaeltachta agus d'eagraíochtaí eile ar fud na Gaeltachta. Beidh an chéad chruinniú den ghrúpa seo i gceann cúpla seachtain. Beidh siad in ann an obair seo a thosú chomh luath agus is féidir.

Arts Policy

72. **Deputy Carol Nolan** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the details of the consultation that took place to inform the stakeholder forum on the pilot basic income for the arts; if her attention has been drawn to the fact that advocacy groups such as a group (details supplied) have expressed concerns in relation to the pilot scheme specifically that it will see professional musicians competing with new and emerging artists and subsidised gigs when the sector reopens; and if she will make a statement on the matter. [1442/22]

Deputy Carol Nolan: I ask the Minister to provide details on the level of consultation that took place to inform the stakeholder forum on the pilot on basic income for the arts sector. I know the Minister may be aware that advocacy groups such as the Music & Entertainment Association of Ireland have expressed concerns around the pilot scheme, specifically that it will see professional musicians competing with new and emerging artists and subsidised gigs when

the sector reopens. I would like the Minister to make a statement on the matter and address those issues.

11 o'clock

Deputy Catherine Martin: I thank the Deputy. As Minister with responsibility for arts and culture, I am conscious of the value the sector brings to all Irish citizens and how art is an inherent part of Ireland's cultural identity. The importance of Irish culture, art and productions as a whole cannot be understated. It contributes to individual and societal well-being, as well as contributing to Ireland's reputation as a country with a rich cultural history and output.

I was delighted that as part of the national economic recovery plan I secured a commitment from Government to prioritise the development of a basic income pilot scheme for the arts and cultural sector. Funding for the basic income for the arts pilot scheme was a key priority of mine for budget 2022 and I allocated €25 million to launch the pilot scheme this year.

Stakeholder engagement has been central to my Department's response to the pandemic. As the Deputy will be aware, my Department held a stakeholder consultation last month on the basic income for the arts to provide the arts sector, those working in it and resource bodies and representative organisations with the opportunity to engage with the policy development and share their views. Over 150 participants from 50 artists and arts worker resource and representative bodies came together to discuss the proposal and provide their views and feedback to me and my Department. This included three participants from the MEAI.

Following the forum, I launched a public consultation on the pilot basic income for the arts on Thursday, 6 January. The consultation will remain open until 27 January. The purpose of the online consultation is to ensure that the public, artists and those working in the arts and culture sector have the opportunity to contribute to the policy development of the pilot scheme and to offer suggestions from their experiences as artists, art workers and members of resource organisations on key issues, such as scheme objectives, eligibility criteria, supporting emerging artists and participant responsibilities. To date, the public consultation has received over 500 submissions, reflecting the significant level of interest in this new policy intervention.

I am aware of the feedback received from the organisation referred to by the Deputy and there will be a stream for developing artists but it will be for a smaller number of individuals than the practising artists and creative art worker streams. It is important to include a number of developing artists in the scheme in order that the research programme can determine the impact of a basic income at all stages of career development.

Deputy Carol Nolan: I thank the Minister for her response. We want supports to be directed in the most effective and fairest way possible and to avoid constructing any scheme that pits one sector of music and entertainment against another. I am not advocating a zero-sum approach. It is merely a question of balance.

The MEAI has clearly stated that the move from a universal support scheme to a basic income for artists is a positive step and creates the possibility for a more bespoke scheme to be tailored for professionals who rely on their profession as their only means or major share of income. The MEAI is concerned, however, that a basic income scheme, if not properly regulated, has the potential to devalue music and entertainment. Obviously, we have to be fair to developing artists, and that goes without saying, but does the Minister accept that there is a need for regulation?

Deputy Catherine Martin: My entire approach to the pilot scheme is that, by its nature, it is a research project. I do not intend it to be exclusive, but rather as inclusive as possible. It is a three-year research project to determine the impact of a basic income on artists and arts workers. As part of that research, we will need to determine what impact a basic income will have on the entire life cycle of artists from the point when they begin their careers to the point they retire. On that basis, it is critical that we include emerging artists. I do not wish to exclude emerging artists. It is critical that they are included in order that we know how this will impact those at the start of the journey up until they become a practising artist.

On supports, earlier today I am glad to say that I announced a new music and entertainment business assistance scheme. It is part of a suite of measures. The grant will be paid for six months from January until June. It is a scheme that is simpler and easier to access. It is for self-employed performers, sole traders and businesses in the music industry.

Deputy Carol Nolan: I want to begin by again thanking the Minister for her response. I reiterate that I do not intend to advocate for the exclusion of any artists, be they professional or developing. Rather, I am merely seeking regulation to ensure that there is balance and fairness. That is all I am advocating for. Everything needs to be done fairly. I again reiterate that the basic income proposal is regarded by the MEAI as one of the most forward-thinking schemes to be developed for the sector in the history of the State and that goes without saying. The criticisms that the MEAI has put forward are not meant to rubbish the scheme, but rather to realistically acknowledge and address any obstacles which may impede or obstruct its success. We all want the scheme to be successful, but sometimes that involves tweaking it, putting other measures in place and being forward-thinking.

Deputy Catherine Martin: I thank the Deputy. The opinions of the MEAI are, as I said, included in the over 500 submissions I have received and will be considered by the Department. The fairness to which the Deputy referred is at the heart of the scheme. It is important to note that applications for the basic income for artists, BIA, scheme will involve a non-competitive process. Therefore, once a person satisfies the eligibility criteria he or she will be included in a randomised selection process. I wish to again state that this is a pilot research project and we hope to learn from it. There was strong support at the stakeholder forum that new and emerging artists should have access to the scheme and be in a position to focus on their practice from the outset of their careers.

Ceisteanna Eile - Other Questions

Sports Funding

73. **Deputy Joe Carey** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if she will report on the sports capital programme; if additional funding has been secured for the 2022 scheme; when it is expected that an outcome will be announced to the 2022 programme; and if she will make a statement on the matter. [2423/22]

95. **Deputy Denis Naughten** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media when the sports capital funding allocation will be announced; and if she will make a statement on the matter. [1777/22]

103. **Deputy Matt Carthy** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media when allocations under the 2020 the sports capital and equipment programme will be made. [1746/22]

123. **Deputy Pádraig O'Sullivan** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if additional funds will be allocated towards the current sports capital programme to help increase the number of successful applicants; and if she will make a statement on the matter. [2412/22]

131. **Deputy Denis Naughten** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media when funding will be allocated under the sports capital programme; and if she will make a statement on the matter. [1776/22]

Deputy Joe Carey: I wish to ask the Minister of State if he will report on the sports capital programme, if additional funding has been secured for the 2022 scheme, when it is expected that an outcome will be announced for the 2022 programme and if he will make a statement on the matter.

Acting Chairman (Deputy John Lahart): No pressure at all with this question.

Deputy Jack Chambers: It is of interest to many people. I thank Deputy Carey. I propose to take Question Nos. 73, 95, 103, 123 and 131 together.

The sports capital and equipment programme is the primary vehicle for the Government's support for the development of sports and recreational facilities and the purchase of non-personal sports equipment throughout the country. Over 13,000 projects have now benefited from sports capital funding since 1998, bringing the total allocation to over €1 billion. On 30 November, we announced a new round of the programme with at least €40 million available. The original closing date was 12 February 2021 but in view of the difficulties some applicants were encountering as a result of Covid restrictions, the deadline was extended to 1 March 2021. By the closing date, there were over 3,000 applications with an ask of over €200 million in funding. This is highest number of applications ever received.

A scoring system and assessment procedures were finalised and published prior to assessment and all applications have been assessed in accordance with these procedures. Approximately 1,000 of the submitted applications were for equipment-only grants. These applications were assessed first and grants with a total value of €16.6 million were announced on 6 August 2021.

Regarding funding available to allocate, I am pleased that following the completion of the 2022 budget discussions, a significant amount has been provided for the sports capital equipment programme in 2022, which represents an increase on the 2021 allocation. In the Revised Estimates, over €6 million has been carried forward from 2021. This will cover all existing applications under older rounds of the programme but will also allow for significant new allocations in the coming weeks. Furthermore, I am in discussions with my colleague, the Minister for Public Expenditure and Reform, Deputy Michael McGrath, regarding maximising the total funding envelope available for the programme and I expect to conclude that process very shortly.

Every effort will be made to fund as many worthwhile projects as possible, while providing a sufficient level of grants to ensure that projects are viable. Regarding the funding available to

allocate, as I said there is a carryover from last year and that will assist us in the total envelope that is available. All unsuccessful applicants will also be given the opportunity to appeal the decision of the Department and information in that regard will be issued when the grants are announced. We expect to conclude the overall process very shortly.

Deputy Joe Carey: I commend the Minister and, in particular, the Minister of State on their work on sport. I acknowledge the positive outcome to the equipment-only grants, from which many clubs in Clare and across the country benefited. Last November, I asked the Minister of State about this subject. I am aware of the request for €200 million. At that point he was not in the position to outline what would be the net request of the Department of Public Expenditure and Reform. I ask him to confirm what that net request is. There is a great sense of anticipation among clubs waiting for an outcome to this process. When is he likely to make that announcement? I commend him on his work in this area.

Deputy Denis Naughten: It is 416 days since the project was announced. We need some indication of the available funding and possible timeline through to allocation because there is considerable anxiety out there. On average, clubs across the country have sought approximately €67,000, some of them substantially more than that.

In a High Court settlement in April of last year, €300,000 was paid in a case where a defibrillator failed to operate. This has implications for every sports club across the country. The Department needs to set out clear specifications for defibrillators and a clear process for their maintenance.

Deputy Pádraig O'Sullivan: Deputy Carey has asked most of the questions I wanted to ask. I understand that the Minister of State has been inundated with requests for this year's funding. Initially we had expected a decision by October, which snowballed into December and now it looks like February at best. A number of clubs have until 27 January to furnish the Department with further details. While I will not hold him to a date, I ask him to indicate when that announcement is most likely. As previous Deputies have said, clubs are getting very anxious at this stage and they have big plans ahead of them.

I would like to ask two other quick questions.

Acting Chairman (Deputy John Lahart): Very briefly.

Deputy Pádraig O'Sullivan: What percentage of projects initially approved have not proceeded to full drawdown in the previous two or three years? I know the Minister of State said that €6 million was carried over from last year and that may answer that question. I ask for that detail from previous years.

Deputy Jack Chambers: Do I just have one minute to answer all that?

Acting Chairman (Deputy John Lahart): I will allow a little latitude.

Deputy Jack Chambers: In response to Deputy Carey's question, we are trying to maximise the amount with the Department of Public Expenditure and Reform. We expect it to be significantly up on the amount allocated, but I will not announce the outcome of that until we announce the grants. We have had positive discussions and that will be finalised. Regarding the date, as Deputy Pádraig O'Sullivan said, we extended the submission window because of the Covid pandemic. As Deputy Naughten mentioned, it was originally opened in November.

We extended it to March last year to allow clubs to submit their applications in a detailed way in order that they could get all the documentation together. Because we have received a record number of applications, we have also allowed for a second-chance submissions. Up to 20% or 30% of applications are invalid.

Acting Chairman (Deputy John Lahart): I must stop the Minister of State there and I will give him an additional two minutes on the last answer because he did not use up all his time.

Deputy Denis Naughten: My understanding is that when questions are grouped the combined total is 18 minutes. Therefore, the Minister of State has three minutes.

Acting Chairman (Deputy John Lahart): That is what I just said. I will let the Minister of State back on the second, the final one.

Deputy Jack Chambers: Should I come in now?

Acting Chairman (Deputy John Lahart): More questions might come in, if that is okay.

Deputy Jack Chambers: I might be able to deal with some of them if you want to-----

Acting Chairman (Deputy John Lahart): Okay. We will give the Minister of State another two minutes here.

Deputy Jack Chambers: As I was saying, there was a record number of applications. We gave all the applicants in a county a second chance to submit technical information and that process is concluding at present. From closure to announcement, we are actually ahead of what has happened in previous rounds. When the deadline closes, it will be less than a year from when we announced the applications to when we announced the grant outcomes. We expect that to happen in early February.

As Deputy Pádraig O'Sullivan mentioned, the final second-chance applications will be submitted at the end of January. We will then finalise the figure with the Minister, Deputy Michael McGrath, and we will announce it in early February. I expect it will be in the first week or two of February when the assessment is concluded. It is just a case of receiving the technical information and giving clubs the opportunity to submit the technical information in order that they are included in the round. It is in their interest that the Government is giving that second opportunity. When Deputy Griffin was Minister of State, along with others he brought in the second-chance opportunity, which is greatly benefiting clubs and communities so they are not ruled out. Up to 20% or 25% of applications were ruled out in previous rounds. I think early February is a good time to announce grants. People have the year ahead to get their funding together, get drawdown and get planning for the summertime where it is better to actually progress sports applications.

I thank Deputy Naughten for his question on defibrillators. Just before Christmas, the Minister, Deputy Catherine Martin, and I announced a stimulus for sport in which we funded a significant number of defibrillators. We are working with Sport Ireland to establish a geo-database of all sport and recreational facilities across the country. We want to include defibrillators as part of that in order that people will be able to see where defibrillators are available. The Deputy is correct about their maintenance and people need to know how to use them. Through the local sports partnerships, we fund much of the training for defibrillators. Part of that training in a club environment for those people who know how to use them is to ensure that they

are charged and that their batteries are updated. I will ask Sport Ireland to revert to the Deputy on what communication it is having with clubs and sporting organisations. It is a fair question.

Deputy Denis Naughten: We need to provide a mechanism that protects community groups and individuals regarding defibrillators. I actively encourage their availability. However, individuals and community groups could be exposed if the defibrillators are not checked at least once a month, if the batteries and pads are not being replaced as specified by the manufacturer, if they are not housed in heated defibrillator cabinets as specified by the manufacturer or if they are out of the manufacturer's warranty. We do not want sporting clubs or community groups prosecuted and having to pay substantial settlements as a result of this. We want to actively support the roll-out of working defibrillators and having the local people available to use them.

Deputy Joe Carey: I welcome the Minister of State's reply, particularly that he has had positive discussions with the Minister for Public Expenditure and Reform. Have those discussions now concluded? I ask him to give some idea of the percentage. How much money will be available? The request was for €200 million. What percentage would be available to fund it? If more funding is made available, more clubs will benefit. That is a key question and I would like the Minister of State to clarify the situation.

Deputy Pádraig O'Sullivan: I echo that sentiment. The Minister of State, Deputy Chambers, said February is a good month to announce grants. As I think every month is a good month to announce sports capital grants, the sooner we can get the announcement better. I commend the Minister of State and his team in the Department, who have been excellent at liaising with us. I echo the sentiments of Deputy Carey. I ask the Minister of State to give an indication of how much he requested from the Department of Public Expenditure and Reform. If he could give us an indication of a percentage that would be appreciated. Will he give us the information for 2020, 2019 or any previous schemes and the percentage of projects that never proceeded to full drawdown?

Deputy Brendan Griffin: I commend both the Minister and the Minister of State, in particular, on their work in the sports capital and equipment programme. It is really important that more funding is provided and I acknowledge the significant work the Minister of State has done in it. Quite simply, a bigger budget means more funding for a larger number of clubs. In the context of Covid, we know that over the past two years these clubs were unable to do the types of fundraising activity they normally do to supplement the capital grants they would have received through previous programmes. It is crucial now more than ever that the grants provided in 2022 will be as large as possible for as many clubs as possible. We all know the benefits.

I commend the work, as does everyone in this House, of the Minister and the Minister of State in this regard. The logistical exercise in getting all these applications processed and giving the second chances is significant. I acknowledge the dedicated team in Killarney who are doing that in the Department with responsibility for sport. It is a massive exercise and it takes time, but it is worth taking the time to get it right and it will benefit those clubs in the end.

Deputy Alan Dillon: I too commend both the Minister and the Minister of State on their work. As someone who has been involved in many sports throughout my lifetime, the importance of the sports capital programme to many clubs and communities is enormous. It is good to hear the Minister of State is fighting for additional funding in this regard. As I understand, each county will receive a set amount from the national total fund. It would be important to get clarity on that. That money will then be distributed among the clubs within each county. What

is the total number of applications received by the Department, with a breakdown per county?

Deputy Jennifer Murnane O'Connor: I too am in agreement. I thank the Minister of State, Deputy Chambers, for coming to Carlow and meeting several groups that are looking for funding. I have received lots of phone calls and emails asking when the funding will be announced. I ask that it be announced as quickly as possible. This is about the community. This is about survival. Particularly after Covid, this grant will make such a difference. It is also important that women in sport who apply are looked after because we have to make sure they get their fair share.

Acting Chairman (Deputy John Lahart): I am not without a stake in this. The Minister of State can take as much time as he wants in his concluding remarks. He can go on until 12 noon if he wishes so long as there is good news in it.

Deputy Jack Chambers: You may give me a few minutes more.

Deputy Denis Naughten: The Minister of State might as well announce it while he has the floor, but only to the Members who are here.

Deputy Jack Chambers: Lots of questions; lots of counties.

Acting Chairman (Deputy John Lahart): Do not forget Dublin South-West anyway.

Deputy Jack Chambers: On the question asked by Deputy Carey, we will try to maximise the total funding envelope. I expect its amount will be significantly up on what we currently have. I will not go into our negotiation. The outcome will be announced when we announce the package. It will be positive for clubs and we are ambitious to help as many as possible.

On Deputy Pádraig O'Sullivan's question, I will ask the Department. Covid has impacted a number of clubs around drawdown over the past two years in regard to construction and, as Deputy Griffin said, there have been difficulties with fundraising. One of the measures we are trying to take in this round is to allow the amount to be much closer to the ask. If we increase the envelope amount that will be more possible and, therefore, the drawdown will be more likely and that is important.

To answer Deputy Dillon's question, yes there is a split between the *per capita* consideration, which reflects the county population, and then it is based on the demand per county as well. I know Deputy Griffin was involved in developing that model. It has worked well in that there is a fair split and particularly rural and regional areas get a fair share of funding as well.

On Deputy Naughten's question about defibrillators, I will ask Sport Ireland to follow up on the legitimate points he made. We have supported the purchase of many defibrillators through the equipment programme. Some will be included in the sports capital. Through sporting organisations, we have funded many defibrillators as outlined in the announcement before Christmas. The Deputy is correct in that we cannot have an adverse court outcome impacting the fair usage and the incentive for people to purchase defibrillators.

On Deputy Murnane O'Connor's question, in this round we included a specific focus on female participation in sport. Clubs that are trying to attract women and girls to participate in their local clubs will benefit to a greater extent, and that is something we are keen to do in all the funding schemes.

As I said, I know people want to see this announced as quickly as possible. We expect it to conclude very shortly. The second chances will be finished in the next week. Following this, it is a case of finalising the envelope, which we are concluding, and completing the assessments. We expect this to be announced in early February. There will also be an appeal mechanism. The Government is conscious that it is important to give momentum to sport, volunteers and people participating in communities, and to allow the Government to match the ambition in our local communities with progress in terms of community infrastructure. This sports capital round will deliver on that when we announce the conclusion and the grant outcomes in early February. I expect the next time I am standing here answering questions, we will not be awaiting the current round.

Acting Chairman (Deputy John Lahart): The next time the Deputy will be standing answering a question is in about 30 seconds. My apologies, the Minister, Deputy Catherine Martin, will be taking the next question.

Ceisteanna Craolacháin

74. D'fhiafraigh **Deputy Aengus Ó Snodaigh** den Aire Turasóireachta, Cultúir, Ealaíon, Gaeltachta, Spóirt agus Meán an bhfuil sé i gceist aici aon dlí a chur i bhfeidhm sa stát seo bunaithe ar mhúnla an dlí DDADUE sa Fhrainc chun an treoir Eorpach um sheirbhísí meán closamhairc a chur i bhfeidhm ar chaoi a dhéanfaidh cosaint agus cur chun cinn ar earnáil closamhairc agus scannánaíochta na hÉireann agus go háirithe na Gaeilge, agus ráiteas a thabhairt ar an gcomhréiteach socraithe le déanaí idir an Fhrainc agus na comhlachtaí sruthaithe. [2635/22]

Deputy Aengus Ó Snodaigh: Sa Fhrainc, ar Netflix agus Disney+ agus araile, caitear 20% den ioncam a fhaigheann siad ar ábhair a dhéantar sa Fhrainc, a chosnaíonn agus a thugann tacaíocht bhreise don earnáil scannánaíochta. An bhfuil sé i gceist an macasamhail den DDADUE na Fraince, a chuireann treoir Eorpach um sheirbhísí meán closamhairc i bhfeidhm, a thabhairt isteach anseo?

Deputy Catherine Martin: Ag teacht leis an treoir athbhreithnithe um sheirbhísí meán closamhairc, foráiltear sa Bhille um Rialáil Sábháilteachta agus Meán Ar Líne a foilsíodh le déanaí go bhféadfadh coimisiún na meán tobhach ábhair a ghearradh ar sheirbhísí teilifíse agus físe ar éileamh atá ar fáil sa Stát chun tacú le léiriú cláir chlosamhairc nua i réimsí éagsúla lena n-áirítear an Ghaeilge agus cultúr na hÉireann, athrú aeráide, agus comhionannas, éagsúlacht agus cuimsiú. Forálann an Bille freisin go n-úsáidfí íosmhéid de 25% den mhaoiniú a bhaileofaí sa tobhach ábhair le haghaidh léiriú chláir Ghaeilge.

Ní bhainfeadh aon tobhach ach le hioncam a thuillfí laistigh den Stát agus ghearrfaí é go cothrom ar gach seirbhís a dhíríonn ar mhargadh na hÉireann, rud a chiallaíonn go mbeadh soláthraithe seirbhísí meán in Éirinn ar nós RTÉ agus Virgin Media faoi réir an tobhaigh. Ina theannta sin, bheadh seirbhísí in Éirinn agus seirbhísí atá lonnaithe san Aontas Eorpach i dteideal iarratas a dhéanamh ar an geiste um léiriú ábhair a bhunófaí mar thoradh ar an tobhach. Bheadh rioscaí chomh maith le buntáistí ann mar gheall air seo agus dá réir sin, ní chuirfí tús leis na forálacha tobhaigh sa Bhille um Rialáil Sábháilteachta agus Meán Ar Líne ach amháin sa chás go léireofaí i dtaighde déanta ag coimisiún na meán go mbeadh tabhairt isteach tobhaigh den sórt sin ina fhoinsé maoinithe cothrom agus inmharthana d'ábhar Éireannach.

Tuigim go bhfuil údarais na Fraince chun oibleagáidí infheistíochta a fhorchur ar sheirbhísí

sruthaithe ar nós Netflix agus Amazon. Ar mhaithe le comhsheasmhacht agus trédhearcacht socraíodh gurbh é tobhach ábhair an cur chuige is oiriúnaí don cheist i gcomhthéacs na hÉireann. Ar nós na scéime fuaimne agus físe atá ann faoi láthair, ligfeadh an múnla atá beartaithe sa Bhille um Rialáil Sábháilteachta agus Meán Ar Líne do léiritheoirí dul san iomaíocht le haghaidh maoinithe ar bhonn trédhearcach agus iomaíocht de réir chritéir oibiachtúla. Ní bheadh sé seo amhlaidh maidir le hoibleagáidí infheistíochta, ina mbeadh cinntí maidir le cineál an ábhair a bheadh le maoiniú le déanamh ag an gcuideachta faoi réir na hoibleagáide infheistíochta.

Deputy Aengus Ó Snodaigh: Dá mbeadh na rialacha mar atá siad leagtha síos sa Fhrainc i gceist maidir le, mar shampla, Netflix in Éirinn, chuirfeadh sé €10 milliún bhreise ar leataobh lena chinntiú go mbeadh ábhar breise scannánaíochta nó cláir chlosamhairc ar fáil. Mar chuid den chóras sa Fhrainc, caithfear 75% den 20% a chaitheamh ar ábhair i bhFraincis. Tá sé tábhachtach, agus muid ag féachaint air seo, go dtarlóidh sé sin. Mar a dúirt an tAire, tá RTÉ agus a leithéid i gceist. Tá ualach á chur orthu íoc arís amach anseo. Caithfidh siad a n-obair féin a dhéanamh ó thaobh na Gaeilge de. Sa chás seo, táim ag impí go mbeadh ar Netflix agus a leithéid ar a laghad 20% nó 25% dá n-ioncam a chaitheamh ar na hábhair seo agus go dtabharfar tús áite don Ghaeilge.

Deputy Catherine Martin: Mar eolas, i mí an Mheithimh 2021, d'fhoilsigh Rialtas na Fraince foraithe inar leagadh amach na hoibleagáidí atá ar sheirbhísí físe ar éileamh ar nós Netflix, Amazon Prime Video agus Disney+ maidir le saothair Fhrancacha agus Eorpacha a mhaoiniú. Sonraítear san fhoraithe go bhfuil ar sheirbhísí síntiúis ar a laghad 20% dá n-ioncam bliantúil sa Fhrainc a chur ar fáil d'fhorbairt léiriú scannánaíochta nó closamhairc ó thíortha Eorpacha nó ón bhFrainc. Is fiú a lua go bhfuil oibleagáidí i bhfeidhm cheana féin faoi chreat rialála reatha na hÉireann maidir le craoltóirí. Mar shampla, caithfidh craoltóirí 10% den am craolta nó 10% den bhuiséad clár a leithdháileadh ar léiriúcháin neamhspleacha. Maidir le hoibleagáidí infheistíochta ar sheirbhísí físe ar éileamh, ar mhaithe le comhsheasmhacht agus trédhearcacht, socraíodh gurbh é tobhach ábhair an cur chuige is oiriúnaí don cheist i gcomhthéacs na hÉireann, mar a dúirt mé cheana. Ar nós na scéime fuaimne agus físe atá ann faoi láthair, ligfidh an múnla atá beartaithe sa Bhille um rialáil sábháilteachta agus meán ar líne do na léiritheoirí dul san iomaíocht le haghaidh maoinithe ar bhonn trédhearcach agus iomaíocht de réir critéir oibiachtúla. Ní bheadh sé seo amhlaidh maidir le hoibleagáidí infheistíochta ina mbeadh cinntí déanta maidir le cineál an ábhair. Ina theannta sin, faoi dhlí an AE, ní féidir oibleagáid infheistíochta a thabhairt isteach bunaithe ar chraobh léirithe faoi leith san Eoraip. Is féidir liom níos mó info a chur ar fáil don Teachta.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas leis an Aire. Tuigim an cás. Is é an fáth a bhfuil mé ag díriú air seo ná go bhfuil muid ag iarraidh déanamh cinnte de, nuair atá oibleagáidí á leagan síos do sheirbhísí teilifíse agus a leithéid sa tír seo, go bhfuil na seirbhísí sruthaithe ar nós Netflix gafa leis na hoibleagáidí sin agus go mbeadh oibleagáidí orthu cloí le pé dlíthe atá ann ní hamháin san Eoraip, ach sa tír seo freisin. Sa chás seo, tá an Fhrainc tar éis léiriú dúinn gur féidir oibleagáidí a chur síos atá níos déine ná na hoibleagáidí atá ann ó thaobh na hEorpa de chun cosaint a dhéanamh ar an gcóras scannánaíochta agus a leithéid ina tír féin agus ar an teanga náisiúnta atá aici.

Deputy Catherine Martin: Leanfaidh mé ar aghaidh mar ní raibh mé críochnaithe. Má tá aon eolas breise ag teastáil ón Teachta, cuirfidh mo Roinn é ar aghaidh chuige. Faoi dhlí an AE, ní féidir oibleagáid infheistíochta a thabhairt isteach bunaithe ar chraobh léirithe faoi leith san Eoraip. Is féidir oibleagáid a thabhairt isteach chun ábhar a léiriú nó infheistíocht a dhéanamh in ábhair i dteanga áirithe, mar atá ann sa Fhrainc, faoi chásdhlí an AE toisc gur cuspóir chun

leasa chách é teanga oifigiúil ballstáit a chaomhnú agus a chur chun cinn. Mar a dúirt mé níos luaithe, cinntíonn ár gcur chuige maidir leis an dtobhach ar léiriú ábhair cheana féin go gcaitear ar a laghad 25% den airgead a bhailítear a chaitheamh ar léiriú ábhair Ghaeilge. Is fiú a lua chomh maith go gcaithfidh aon oibleagáid infheistíochta a bheith le haghaidh léiriúcháin ó thíortha Eorpacha agus ní gá go mbeadh ábhair Éireannach i gceist. Is dócha go gcomhlíonfadh go leor soláthróirí móra atá bunaithe san AE atá ag díriú ar Éirinn an riachtanas seo cheana féin tríd a n-infheistíocht reatha. Mar sin, is dócha nach mbeadh beart den sórt sin ina bhuntáiste d'Éirinn.

Online Safety

75. Deputy Alan Farrell asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the status of the efforts by her Department to address recommendations from the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media that proposed an individual complaints mechanism for harmful online content with regard to the Online Safety and Media Regulation Bill; and if she will make a statement on the matter. [2304/22]

Acting Chairman (Deputy John Lahart): The next question is in the name of Deputy Alan Farrell but is being taken by Deputy Higgins.

Deputy Emer Higgins: I will begin by thanking the Minister for progressing everything she is doing in terms of online safety and media regulation. I ask her to consider including an individual complaints mechanism for harmful online content in the legislation she is progressing. This is being called for by many of the NGOs that do such fantastic work in this space.

Deputy Catherine Martin: Thanks are due to the members of the Oireachtas Joint Committee on Tourism, Culture, Arts, Sport and Media for their extensive work on the pre-legislative scrutiny report on the general scheme of the Online Safety and Media Regulation Bill. This included 33 recommendations, which shows how complex and important this legislation is. One of those recommendations was that an individual complaints mechanism for harmful online content be provided. This is a matter I have been considering closely for some time.

The issue of providing for avenues of redress in terms of individual pieces of content in the online world is complex. The approach in the development of the Online Safety and Media Regulation Bill to date has been to provide the online safety commissioner with the power to require that regulated online services have effective complaints mechanisms in place with full powers of audit and investigation provided to the commissioner in that respect. The Bill also provides for a super-complaints mechanism whereby nominated bodies may notify the commissioner of concerns regarding a designated online service's compliance with an online safety code or relating to the availability of harmful online content on a service.

I am very conscious that the introduction of an individual complaints mechanism raises a number of complex practical and legal issues, including in terms of the sheer volume of content online. I am also conscious that Ireland will be regulating a number of services on an EU-wide basis, which involves regulating on behalf of a population of 450 million, and of questions relating to due process requirements and how quickly decisions could reasonably be made by the online safety commissioner.

In light of the recommendations of the Oireachtas joint committee, I am examining how

these issues can be addressed. I announced last week that I will shortly establish an expert advisory group. I hope the membership of the group will be announced in the coming days. This group will report on this matter within 90 days with recommendations as to how best to address this issue. Following the report of the group, I will consider how to give effect to any recommendations through amendments to the Bill.

Deputy Emer Higgins: I am pleased the Minister has established this advisory group and that it has such a tight timeframe, 90 days, in which to report back. It is a very complex area, as we know. We need to make sure there is a path through which to escalate individual complaints. I appreciate that this would involve a large population because of so many companies having their EU headquarters here. If there are any legal ways around that, we need to explore them. I also acknowledge the work of the Minister for Justice, Deputy McEntee, in this area with regard to making sure that Coco's Law came into effect. As legislators, we have a great responsibility to ensure the safety of our young people online, but the social media companies share that responsibility. Anonymous accounts and pile-ons can do a lot of damage to people's confidence and mental health. We need to acknowledge that. The fact that, as the Minister has said, so many social media companies are headquartered here in Ireland and, indeed, here in Dublin gives us the opportunity to become world leaders in this area. I ask the social media companies to step up to the mark.

Deputy Catherine Martin: It is exactly for all of those reasons that I have established this expert group to examine the proposals. There are significant complex legal and practical issues in this area. For example, in the constitutional and legal context, there is the complexity of upholding fundamental rights and respecting due process requirements for complainants, online services and the uploaders of content that is the subject of a complaint. I direct the Deputy to the binding codes and the real teeth this commissioner will have. Provision is to be made for fines of up to €20 million or 10% of turnover, whichever is greater, for criminal liability for those involved, search warrants and the blocking of platforms.

Within the expert advisory group, I hope to have the legal expertise required, particularly with regard to complexities of regulating the online world; knowledge of, and expertise in, the operation of complaints systems in other regulatory contexts; experience in the protection of children's rights in an online environment; and knowledge of, and expertise in, the practical requirements, such as resourcing an organisation required to operate an individual complaints system. That is what I hope to have in this expert group.

Deputy Emer Higgins: That sounds comprehensive and is really welcome. It is important that the online safety and media commission will have teeth.

A few months ago, I attended a protest organised by young people who feel it is time we as a society faced up to Facebook. Social media companies of this type use algorithms to target people to sell advertisements and generate engagement. As we all saw when Frances Haugen faced up to Facebook, doing so can have massive consequences. Social media offer major opportunities to all of us to sell our message and connect with people. There are many positives, but there are also threats, including to society, people's mental health and safety and our democracy. We must face up to that. I compliment the Minister on all she is doing in leading in this space. It is so important that the online safety and media commission tackles these important issues.

Deputy Catherine Martin: That is the intention. I spoke previously about the detail and

real teeth of this commissioner. We have already started the recruitment process for the commissioner, in parallel with the progress of the Bill through both Houses. I will be initiating the Bill in the Seanad, and I have written to the relevant joint committee in that regard. That we have started the recruitment process for the online safety and media commissioner shows how seriously this Government is taking this issue. This Government and I will always seek to protect children online rather than the technology companies. This is about safety online, and that is where our focus is.

Heritage Sites

76. Deputy Bríd Smith asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the role her Department can play in ensuring that a vital aspect of Dublin city's culture is preserved, restored and utilised for the benefit of the city and tourism in saving the Iveagh Market, Francis Street, from being totally destroyed due to neglect and legal interventions between Dublin City Council and persons (details supplied); and if she will make a statement on the matter. [2481/22]

Deputy Richard Boyd Barrett: I am taking this question on behalf of Deputy Bríd Smith, who has been delayed in hospital. The question concerns the Iveagh Market in the Liberties. It is an absolute scandal that the building has been sat on by a developer. It is derelict and could collapse. It is an historical heritage site and the local community wants it to be re-established as a market, which could really revitalise the Liberties area. The community and Dublin City Council have been frustrated at every hand's turn by the greed of a developer, essentially, who wants to sit on the site.

Deputy Catherine Martin: I must clarify that policy responsibility for the core issues at the heart of this matter, namely, the protection of architectural heritage, urban regeneration and planning legislation, rests with my colleague, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. Implementation of such policies on the ground falls, to a great degree, to local authorities, which in this instance is Dublin City Council. The local authorities have particular responsibilities and powers under the planning Acts regarding the safeguarding of protected structures, such as the Iveagh Market, and development proposals affecting such structures.

Our heritage and cultural offering, including our built heritage, is an important underpinning of the wider tourism offering, but any possible role for my Department or the tourism agencies regarding the Iveagh Market might only arise, once any legal issues have been resolved, at a later stage in the process, should a tourism-related development be proposed or advanced. This question from the Deputy concerns my responsibility in this regard in the context of tourism. In that case, in line with its tourism development functions, Fáilte Ireland could consider the proposal and any possible agency supports. My Department's role concerning tourism lies primarily in the area of national tourism policy development and in securing resources to assist the tourism agencies, Fáilte Ireland and Tourism Ireland, in implementing that policy. Accordingly, the development and enhancement of our tourism product offering and related funding decisions are operational matters for Fáilte Ireland.

Commenting more generally on the role of heritage and culture as part of the overall tourism offering, Fáilte Ireland has advised that prior to the onset of the Covid-19 pandemic more than 70% of overseas tourists to Ireland visited sites of historical or cultural interest. Accordingly,

to develop more participative experiences that bring local culture and heritage to life, Fáilte Ireland has prioritised capital investment in projects that will deliver innovative and interactive experiences in which our visitors can immerse themselves.

With specific regard to Dublin and Fáilte Ireland's supports to enhance the city's heritage and cultural offering, examples include the Dublin surprising stories small grants scheme. This is offered in tandem with continued support by Fáilte Ireland for tourism issues in Dublin.

Deputy Richard Boyd Barrett: I understand the Department of Housing, Local Government and Heritage is centrally responsible for this area, but this is a heritage site. It is an absolute scandal that this beautiful building is now on the brink of collapse, instead of having been refurbished, revitalised or redeveloped as a market for the people. That was originally what this building was intended to be when it was given to the people of the area by the Guinness family. The greed of a developer has frustrated efforts to get this vital heritage site back into use. It could transform Francis Street and the wider Liberties district, and be a win-win situation. The community wants this developer out of the picture and Dublin City Council and the State, including the Minister's Department, to-----

Acting Chairman (Deputy John Lahart): I ask the Deputy to finish up.

Deputy Richard Boyd Barrett: -----intervene to get this site refurbished in the interests of the people and our heritage.

Deputy Catherine Martin: In her absence, I commend Deputy Bríd Smith on the work she is doing on this issue. Again, I remind Deputy Boyd Barrett that the policy responsibility for the core issues at the heart of this matter, namely, the protection of architectural heritage, urban regeneration and planning legislation, do not lie with my Department but with that of my colleague, the Minister for Housing, Local Government and Heritage. Any role for my Department or the tourism agencies regarding the Iveagh Market would come at a later stage in the process, once any legal issues have been resolved, if a tourism-related development is proposed or advanced. The role of my Department comes later, once the legal issues have been resolved.

Deputy Richard Boyd Barrett: While that is the formal position, given that she is responsible for the protection of our heritage, the Minister should see this as a priority. What the community is saying is that the mediation with this developer, Mr. Keane, should end. This person has no interest. From looking at the record and the neglect of this beautiful site, and the resulting dereliction and vacancy, it is evident that he has no useful role to play. What we want is for all the arms of government with any stake in this matter to end this ridiculous and terrible situation and ensure this site is restored to its glory in the interests of the people. It should become one of the jewels in the crown of tourism and heritage, as well as an important local amenity for the people of the Liberties.

Deputy Catherine Martin: The Department held the remit for heritage before I became the Minister, but that responsibility has now moved over to the Department of Housing, Local Government and Heritage. I am looking at Deputy Bríd Smith's question before me and it directly relates to the tourism aspect. My role does not come into play until the legal issue is worked out. As I said, the architectural heritage responsibility rests with the Minister for Housing, Local Government and Heritage, while urban planning and development policy is primarily a matter for local authorities. County and city development plans are drawn up by the local authorities in accordance with their functions under the Planning and Development

Acts. I reiterate that the heritage responsibility is no longer with my Department but with the Department of Housing, Local Government and Heritage.

Gender Equality

77. **Deputy Patrick Costello** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the way that Sport Ireland and an organisation (details supplied) plan to address the issues of inequality within Irish women's rugby as highlighted by the recent letter from former and current players; and if she will make a statement on the matter. [2438/22]

Deputy Patrick Costello: There has been much talk in recent days about needing a new culture of respect. Treating women's sport equally is one of the many things we can do to contribute in that regard. Some 62 current and former Irish women rugby players wrote to the Minister of State seeking support to make meaningful changes at all levels of the women's game in Ireland, from the grassroots to green shirts. What is being done to support these women in their ambition to make the game of Irish women's rugby a world-beater?

Deputy Jack Chambers: On Friday, 10 December, the Minister, Deputy Catherine Martin, and I received a letter from a group of current and former female international rugby players in which they highlight a number of concerns regarding the Irish Rugby Football Union, IRFU, and its ongoing reviews into the Rugby World Cup 2021 qualification campaign and the women in rugby action plan. We are of the view that it is extremely important that the issues that were raised are addressed to ensure there is a positive future for women's rugby in Ireland.

We met with a representative group of the players on Monday, 20 December, at which meeting the players outlined their concerns in detail. We also met separately with the IRFU on the same day and raised with it all of the players' concerns. With the agreement of the players, we asked Sport Ireland to engage with the players to provide assistance and guidance to progress the issues of concern. Sport Ireland met with the group of representative players on 23 December and again earlier this week. Sport Ireland is currently working with the players and the IRFU to address the issues. I am hopeful that this process will result in a positive outcome for women's rugby.

I am also pleased to note that the announcement made by the IRFU on 17 December confirms that it intends to fully publish the two independent reviews being undertaken. The next steps will now involve the players meeting directly with the IRFU following their meetings with Sport Ireland. Sport Ireland will engage further in this process.

Deputy Patrick Costello: One of the issues raised by the players was the fact that these reviews have not been published. The commitment by the IRFU to publish them is welcome. It shows that the input from Sport Ireland and the Minister of State to help mediate between the players and the IRFU is essential. I ask that he and the Minister continue the good work and continue to support the players and any sort of mediation or resolution.

We spoke earlier about the importance of funding women's sports. However, there is also a level of institutional respect and organisation that needs to go behind that. There is a lot the Minister of State's office can do to drive positive changes here. It is one of the many things we need to do to improve our culture of respect and bring about the sea change we have all been talking about in this House.

Deputy Jack Chambers: I fully agree. Certainly at the start of this process, some of the remarks made did not show that respect. We were very clear in our engagements that it was something that had to happen. There has to be respect and there has to be a culture of equality within sport.

Equality in sport is a key priority for the Government. Our overall vision is for women to have an equal opportunity to achieve their full potential while enjoying a lifelong involvement in sport. Both the programme for Government and the national sports policy are unequivocal in their commitment to making this a reality. The national sports policy sets out that we want to eliminate the gender participation gap entirely by 2027 and commits to increasing female participation in sport, including participants, coaches, referees and administrators, as well as increasing the funding year on year for Sport Ireland's women in sport programme. It goes from the grassroots right the way up to the high performance system.

For sporting organisations, that means not only when they are dealing with their top teams, both men and women, but also at an organisational and governance level. In our sport action plan we have set ambitious targets for the leadership and board roles within sporting organisations. They need to ensure their boards reflect the broader population. Some of them have significant work to do and will face consequences in the next 12 to 24 months if they do not get with the agenda of ensuring their boards reflect the broader population.

Arts Policy

78. **Deputy Steven Matthews** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the position regarding the outcome of the recent stakeholder and public engagement for the universal basic income for the arts scheme; and the timeline for its launch. [2571/22]

81. **Deputy Cormac Devlin** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if an update will be provided on plans to support artists with a basic income. [2477/22]

99. **Deputy Catherine Connolly** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media further to Parliamentary Question No. 130 of 11 November 2021, the expected timeline for the opening of the basic income pilot scheme for artists; and if she will make a statement on the matter. [2439/22]

100. **Deputy Aengus Ó Snodaigh** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the status of the proposed basic income for artists scheme following the stakeholder forum in December 2021; and when artists can expect to benefit from the scheme given her previous commitment to open applications for the scheme early in quarter 1 of 2022. [2636/22]

120. **Deputy Gary Gannon** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the status of the pilot for a basic income for artists. [2649/22]

127. **Deputy Colm Burke** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if consideration will be given to increasing the resources of her Department for the basic income for the arts pilot scheme in the event of significant demand for same; and if she

will make a statement on the matter. [2378/22]

128. **Deputy Dara Calleary** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media if she will provide an update on the status of the pilot basic income guarantee scheme for artists, including its planned scope, start date and duration; and if she will make a statement on the matter. [2491/22]

130. **Deputy Richard Boyd Barrett** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the reason the basic income pilot scheme for arts and culture workers is limited to 2,000 persons rather than including all arts, entertainment and music workers; if she will reconsider this number; the way she plans to choose the participants in the scheme; and if she will make a statement on the matter. [2525/22]

152. **Deputy Colm Burke** asked the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media the way that her Department plans to award payments to all successful applicants to the proposed basic income for the arts pilot scheme; if the number of applications far exceeds the allocated funding of €25 million; and if she will make a statement on the matter. [2379/22]

Deputy Steven Matthews: I was happy to see the public consultation launched on the basic income for the arts. It is welcome. I know the Minister has engaged extensively across the sector over the last 18 months during the pandemic. She is aware of the difficulties that the arts, entertainers and musicians have suffered through the pandemic, like many other people throughout the country. Will she outline to the House her vision for what this basic income for the arts might deliver, the outcome of her engagements throughout the process and an approximate timeline for the launch when musicians and artists may start to receive payments?

Deputy Catherine Martin: I propose to answer Questions Nos. 78, 81, 99, 100, 120, 127, 128, 130 and 152 together. The number of questions on this issue goes to show the interest in and support for our arts in this House, which I welcome.

As Minister with responsibility for arts and culture, I am conscious of the value that this sector brings to all Irish citizens and how art is an inherent part of Ireland's cultural identity. The importance of Irish culture and art and Irish productions as a whole cannot be overstated. They contribute to individual and societal well-being, as well as to Ireland's reputation as a country with a rich cultural history and output. The intrinsic value of culture and the arts to society has been particularly evident during the pandemic.

I was delighted that as part of the economic recovery plan, I secured a commitment from the Government to prioritise the development of a basic income pilot scheme for the arts and cultural sector. This was the number one recommendation from the arts and culture recovery task force. Against this backdrop, and my own experience of the arts, funding for the basic income pilot scheme was a key priority of mine for budget 2022 and I secured €25 million to launch the pilot scheme this year.

The basic income for the arts will allow artists and creative arts workers to focus on their creative practice and to help support the arts as they recover from the devastating impact of the Covid pandemic. Stakeholder engagement has been central to my Department's response to the pandemic. As the Deputies are aware, my Department held a stakeholder consultation last month on the basic income for the arts, to provide the arts sector, those working in it and the resource bodies and representative organisations with the opportunity to engage with the policy development and share their views. Over 150 participants from 50 artists and arts workers re-

source and representative bodies came together to discuss the proposal and provide their views and feedback. Following the forum, I launched a public consultation on the pilot basic income for the arts on Thursday, 6 January. The consultation will remain open until 27 January. The purpose of the online consultation is to ensure that the general public, artists and those working in the arts and culture sector have the opportunity to contribute to the policy development. To date, we have received over 500 submissions on the public consultation. It is important that we get their suggestions from their experiences as artists, arts workers and members of organisations on the key issues such as the scheme's objectives, eligibility criteria, supporting emerging artists and participant responsibilities.

The selection process, application details and rate of payment for recipients of the basic income for the arts pilot scheme will be finalised following the stakeholder engagement and online consultation. However, I can confirm the following. Participation in the scheme will not be based on a means test. It will be a non-competitive process and, as such, once a person satisfies the eligibility criteria, he or she will be included in a randomised selection process. A number of unsuccessful applicants will be invited to participate in a control group to facilitate a comprehensive *ex post* appraisal of the pilot in due course. Proposals for the parameters of the scheme will be finalised in light of the stakeholder engagement.

Eligibility will be based on the legal definition of the arts as contained in the Arts Act, namely, that "arts" means any creative or interpretative expression, whether traditional or contemporary, in whatever form, and includes, in particular, visual arts, theatre, literature, music, dance, opera, film, circus and architecture, and includes any medium when used for those purposes. There will be a number of ways of demonstrating eligibility, including but not limited to membership of a relevant representative or resource organisation. Applications will be through an online portal.

The intention of the pilot scheme is to study whether a basic income contributes to ensuring the arts sector remains intact, provides artists and creatives with the opportunity to increase their practice, minimising the loss of skills and contributing to the sector's gradual regrowth, with ongoing benefits, social and economic, local and national.

On the timeline for the launch of the pilot, the Deputy will appreciate that this is a major policy intervention requiring significant resources to develop a coherent policy and to operationalise. This is a significant undertaking and work is ongoing to develop the online portal and review the hundreds of submissions received on the topic. I have always stated that my ambition is to open the scheme for applications in the first quarter of 2022 and that remains the case. Once applications have been received, these will need to be assessed for eligibility and I expect that process would take at least six to eight weeks depending on the volume of applications. On that basis, I would expect to see the first payments issue in April. That timeline could be subject to change if the volume of applications is very high.

12 o'clock

However, I reiterate that the basic income for the arts scheme is a key priority of mine and we in the Department are devoting as many resources to it as possible to ensure that we reach our goal of opening for applications in the first quarter.

Additional information not given on the floor of the House The basic income for the arts pilot scheme will bring new life and support to the arts and cultural sector and I hope it will

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provide an important legacy for our artists and creatives. In addition to this measure, I have also secured continued investment of €130 million for the Arts Council in 2022. Combined, these measures will significantly contribute to the development of the arts in Ireland.

An Leas-Cheann Comhairle: Since we have only two minutes left, I will allow the Deputies to make a quick comment.

Deputy Steven Matthews: I will be quick. I congratulate the Minister on securing this scheme. It is vital. We know the level of creativity across the arts sector. Anything we can do to support and nurture that is to be welcomed.

I note that the Government has agreed a new public holiday on St. Brigid's Day, which will give us a great opportunity to celebrate creativity and entertainment across the country as we emerge from winter.

Deputy Aengus Ó Snodaigh: I welcome the Minister's statement. I hope that, even though the system will be randomised, she will take account of how it will sometimes be people who are in groups who are applying. It would be divisive if one person got a payment but the rest of his or her group, troupe or whatever did not. We must be conscious that there are pitfalls. The €2,000 limit might have to be extended to take account of this type of situation.

An Leas-Cheann Comhairle: There is no time left. I gave Members extra time.

Deputy Catherine Martin: I will revert to all of the Deputies.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: Iarraim ar gach duine na srianta ama a chomhlíonadh.

Deputy Pearse Doherty: Cé go gcuirfidh siad siúd atá i dteideal an bónas €1,000 fáilte roimhe, níl go leor soiléiriú ann faoi cé go díreach atá i dteideal an bónas seo a fháil. Mar shampla, caidé faoi na glantóirí sna hospidéal agus iad sin nach bhfuil fostaithe go díreach ag Feidhmeannacht na Seirbhíse Sláinte? An dtig leis an Tánaiste soiléiriú a thabhairt faoi sin?

An grúpa ba mhó gur mhaith liom ardú ar maidin ná na cúramóirí baile. Le dhá bhliain anuas d'oibrigh siad go dian dícheallach gan stad agus níl na cúramóirí seo in ann leas ar bith a bhaint as saoire phoiblí eile. Bíonn a gcuid oibre ar siúl 24 uair sa lá, seacht lá na seachtaine. Caithfear aitheantas a thabhairt dóibh agus an bónas €1,000 a chur ar fáil dóibh.

Yesterday, the Government announced that some healthcare workers would receive a €1,000 bonus payment for their work during the Covid-19 pandemic. I am sure that this is welcome news for many of those who will receive it. However, there remains a high level of ambiguity about who exactly will receive the payment. The Government has not been clear about this over the past 24 hours. I would appreciate some clarity as to how who will be able to receive the payment will be determined and when they will receive it. For example, what about the cleaners in hospitals and other agency staff who are not directly employed by the HSE? Will they be entitled to this €1,000 bonus?

The group of people who feel most let down by this omission so far are family carers. As

the Tánaiste knows, family carers provide care that is very specialised, intense and intimate. They of course deserve recognition from everyone in this House, but they deserve more than just a pat on the back or soft words. Over the course of the past two years, carers have seen their respite as well as access to day centres for those whom they care for curtailed. This has increased what was already a significant workload for family carers. As a consequence of this, the State has saved money but the care they provide already saves the State hundreds of millions of euro every year. There is no use in telling carers that they will get an extra public holiday instead because family carers do not get the benefit of public holidays. Theirs is a 24-7 role. Indeed, family carers have said that it will probably put more pressure on them because day services and schools will close that day, meaning that family carers and full-time carers will have no supports that day. Their extraordinary efforts during the pandemic must be recognised. Will the Government do the right thing and move to ensure that those in receipt of the carer's support grant also qualify for the €1,000 bonus payment? It is the least they deserve.

This morning, the Taoiseach announced on "Morning Ireland" that a panel will be established to examine the categories of worker to be included in the Covid-19 bonus payment. This raises a number of questions that the Tánaiste might be able to answer. Who will appoint the panel or has it already been appointed? Have its terms of reference been agreed by the Cabinet and what are they? Who will the panel report to and when will we see a report? When will people know whether they are in or out? While yesterday's announcement was welcome, it is clear that the preparation has not been done, with many workers still not knowing whether they will receive this bonus payment. That is not fair. We understand that they will now be waiting on the work of this panel. There was no talk of a panel yesterday but it has now emerged that there will be one. This bonus payment was first promised by the Taoiseach in July, and the Ministers for Finance and Public Expenditure and Reform stated that it would be agreed and announced well in advance of Christmas, yet that did not happen. The Tánaiste is on the record of the House as saying that a bonus payment should not be limited to healthcare workers only. I am asking for clarity on these issues.

The Tánaiste: The Deputy is welcome back.

It is important to state that there are three elements to what the Government announced yesterday. The day of remembrance and recognition will recognise the 9,000 people who have died from Covid on this island and all workers, all volunteers and the general public for the efforts they made to help us bring this pandemic under control. That is the first element. There will be a four-day weekend, running from 17 to 20 March, with a State ceremony and service most likely on Sunday, 20 March.

There will be a new public holiday from which all workers in the public and private sectors will benefit. It will be an extra day off for which workers will be fully paid. People who have to work or choose to work on that day will get a day off *in lieu* or double pay. I appreciate that those who are not in employment or who are self-employed will not but we tried to cover as many people as we could.

The tax-free recognition payment of €1,000 will be paid to more than 100,000 front-line healthcare workers. It is difficult to know where to draw the line with these things. We gave it a great deal of thought and had some consultation and we decided that those who would receive this additional payment were those who worked in clinical settings, wore masks and gowns every day, were employees of the State and were exposed to Covid patients every day. I do not mean just at risk of being exposed to someone who might have Covid, but those who definitely

were exposed to people who had Covid, were in clinical settings and did all of that at a time when there were no vaccines. Those are the criteria that we have applied. They cover more than 100,000 people. Agency workers are included if their agencies were contracted to the HSE. An agency nurse, agency cleaner or agency paramedic working side by side with regular HSE employees is included in this payment. I am happy to give that clarification. However, where someone worked for a private company, for example, a private hospital, GP practice, pharmacy or private swab centre, he or she is not covered. There were substantial fees paid to those businesses and companies for the work they did during the pandemic. Many have already paid a bonus to their staff and can do so if they choose to. Up to €500 of the €1,000 can be paid without any taxation.

There will be further information today. It will relate to the criteria for those who are covered by the payment and those who are not. I can confirm that agency workers in public hospitals who were contracted or seconded to the HSE, if that makes sense, or a public body will be covered.

We do not have the membership or terms of reference of the panel finalised yet but that will be done in the near future.

When will the payment be made? It is our objective to pay it in February or March. There is an issue with legislation. This will require primary legislation to amend the Finance Act and the Social Welfare Consolidation Act. The latter need to be amended in order that we can make the payment exempt from income tax, USC and PRSI. That can be done quite quickly, and that is the objective in order that we can make these payments to people in their regular payroll payments in February or March.

Deputy Pearse Doherty: While I reckon there are three points to this, three different steps that were agreed, I am focused on the €1,000 bonus payment. This morning the Taoiseach stated that a panel will be established. When he was questioned directly about categories such as carers, he said they are not ruled out. The Tánaiste has given an answer here today that the payment will only be made to those working in clinical settings. Is there a possibility that carers will be included when it comes to the €1,000 bonus payment?

What is the role of the panel? What will its terms of reference be? What job has it to do? Is it to look beyond clinical settings? Is it to look at people such as carers or not? When speaking about the public holiday, the Tánaiste indicated that people will get a day off or, if they are working, get double payment. Carers will get none of that. Indeed, this will increase the pressure on carers. The latter were predominantly caring for those who were at highest risk during the pandemic, many of whom were immunocompromised. They will not get a day off or a double payment. This will increase the pressure on them because day services and schools will be closed, meaning that other supports that they would rely on normally will not be there. The Tánaiste has made the point previously that other jurisdictions limited their bonus payments to healthcare workers. I am of the view that carers are front-line healthcare workers. Does the Tánaiste believe that carers who have provided that valuable work for the State and looked after their loved ones during the height of the pandemic should be included in the bonus payment?

The Tánaiste: The Government decision yesterday was that this will apply only to employees of the State, but that includes agency workers working for the State. There are different types of carers, as the Deputy knows. There are HSE carers, carers who work for agencies, family carers who are in receipt of carer's allowance and carer's benefit and family carers

who are not in receipt of those benefits. Home carers employed by the HSE go around to lots of houses. They may have been exposed to dozens or hundreds of people through the course of their work. Family carers almost always provide care in their own home or perhaps in the household of a close relative, so I think there is a difference there. They do, however, deserve recognition. The main thing we want to do this year for family carers is to change the rules in order that they can avail of the State contributory pension. Generally, people in receipt of the carer's allowance are unable to get regular employment because of their caring responsibilities and they miss out on the State contributory pension as a result. We want to change that this year, and the Minister, Deputy Humphreys, has been tasked to do that. That is the way we can recognise family carers and would in fact be much more valuable in financial terms, if you work it out, than a €1,000 payment.

Deputy Catherine Murphy: We know we are in the middle of a cost-of-living crisis. We know that inflation has surged by 5.5% and stands at a 21-year high. Families are struggling with basic necessities. It is getting more difficult for a very large number of people to put food on the table and at the same time heat their homes. An increasing number of households can no longer afford to do both. Every facet of daily life has been impacted. There have been huge increases in food, transport and energy costs. We know that accommodation is a big one, as is insurance. Energy bills are expected to soar by an unprecedented €1,300 this year.

The Tánaiste was asked about this at the weekend. He cited a number of things the Government is doing, including changes to the budget and the forthcoming €100 credit, as making a meaningful difference to people. It is frankly a bit insulting for the Tánaiste to pat himself on the back in the context of the core social welfare rates and pensions, which were increased by €5. The Government was warned before the budget that the pension had fallen in purchasing power by €10.24 since 2019, which is the last time there was an increase. Given the surge in inflation in recent months, its real value has been eroded further. The €100 credit for energy bills that the Tánaiste claims will be introduced as a matter of urgency is not likely to come for a number of months. In the context of those working families trying to keep their heads above water, the Government tinkered around the edges with taxation measures and cuts. We can see that, for example, a single person on a low to middle income of between €25,000 and €35,000 will receive €2 a week, whereas somebody on €100,000 will receive something like four times that amount. Meanwhile, the minimum wage has increased by 30 cent, which is just about 3%, and that, obviously, has been decimated by inflation. If we add in sky-high housing costs, with rents at record highs and a 14% increase in housing prices, the scale of the crisis becomes evident.

Does the Tánaiste think the Government has done enough to insulate people from the cost-of-living crisis? Will the Government introduce further targeted supports for those who are struggling to make ends meet?

The Tánaiste: I acknowledge that the cost of living is rising very fast. We had a prolonged period across the world of very low inflation. That is now over; we now see inflation at about 5% in Ireland, Britain and other parts of the world. We have not seen that in a very long time. The rising cost of living is causing a real squeeze on family budgets and has resulted in rising costs for business. Most of the factors driving this are outside the control of the Government, at least. They are largely driven by increases in energy costs and international oil and gas prices and disruption to supply chains as a consequence of Covid. It is estimated that inflation will moderate throughout the course of this year, but that does not take away from the fact that the impact of rising prices is having a really severe effect on family budgets and is squeezing many

families in this State.

As to what the Government can do, it is multifold. The Deputy mentioned increases in pay. An increase in the minimum wage has just kicked in. There are increases in pay for public servants. Across the private sector, substantial pay increases are now being awarded to workers, and these are necessary to compensate people for inflation. There is the reduction in income tax, which kicks in this month. I will come back to that in a moment on foot of the Deputy's unusual comments in that regard. There are the increases in welfare payments and pensions, which also kick in this month, the 2% cap on rents, the freeze on childcare fees and the €100 grant for energy costs. Are we looking at other things we can do to help? Yes, absolutely.

Deputy Catherine Murphy: I accept that some of this is generated from outside the State, particularly in respect of energy. Let us look at how Ireland was doing before this inflationary pressure kicked in. The cost of living in Ireland was 36% above the EU average. Our cost of housing is the highest in Europe. The cost of goods and services in Ireland is the second highest in Europe. Our fuel costs are the fourth highest. We are therefore not on a par with other countries in how this is having an impact. When inflation is added in, what is happening is putting people, especially those who were struggling anyway, into a very precarious position where they are actually choosing between heating their homes and putting food on the table. The change to the minimum wage has been more than eaten up by inflation. We are not on a par with other countries, and that needs to be looked at specifically.

The Tánaiste: The Deputy is absolutely correct in saying the cost of living in Ireland is higher than the EU average. It is important also to point out that average salaries and wages in Ireland are much higher than the EU average. Both have to be taken into account when considering such matters. There are two areas in respect of which Ireland is a particular outlier, namely, the cost of childcare and of out-of-pocket healthcare expenses. As I indicated on Sunday, that is an issue on which I will focus in the next year or two.

I wish to take the Deputy up on what she said about income tax. She said the Government tinkered at the edges in the context of what we did to reduce income tax for working people. The Deputy's party opposed that. It was against income tax cuts. Income tax cuts happened because of this Government. What is that going to be worth for the average person earning around €40,000 a year or a couple, both earning in and around that, over the course of three years? We intend to do it over three years by widening the tax bands and increasing the credits. That average couple, who both earn around €40,000, will have €2,400 more in their pockets each year than they would under the Social Democrats, Labour or Sinn Féin. I really want people to know that. The Deputy cannot complain about the cost of living and then say that middle-class and working people should pay more income tax. They would under the Social Democrats.

Deputy Catherine Murphy: It should be progressive rather than regressive.

An Leas-Cheann Comhairle: We are out of time. I call Deputy Carol Nolan of the Rural Independent Group.

Deputy Carol Nolan: For the last few months, the vast majority of children at primary and post-primary level in this State have had to endure the sheer misery of being taught in classrooms and school buildings that are freezing cold. Indeed, it is not an exaggeration to say that thousands of very young children, especially those being taught in prefabs which were never warm to start with, are numb with the cold during the school day. I have had parents tell me that

their children are returning home from school with headaches or muscle pain from the constant clenching of teeth or shivering. This is a ludicrous, absurd and unacceptable situation. How on earth can we expect children to learn in an environment where they are distracted by the cold, unable to concentrate, with the constant rush of freezing air from the wide open windows, particularly in the last week? How can we expect our teachers to work in those conditions? We, here today as Deputies, are not working those conditions, so why do we expect others to work in those unbearable conditions? According to the Department of Education's guidance, issued in May 2021: "The over-arching approach for schools should be to have windows open as fully as possible when classrooms are not in use (e.g. during break-times or lunch-times and also at the end of each school day) and partially open when classrooms are in use." That is all very well in the warmer months, but at this time of year it borders on negligence to expect pupils as young as five years of age to begin their formative years of education in conditions more suited to a penguin than a child.

There are also the added complications that come with having windows constantly open for children who are hard of hearing or deaf. The level of background noise in a classroom is increased significantly and only adds to the challenges they face from having visual access to faces and lips obscured by the use of masks. Many schools are not fortunate enough to have indoor PE facilities. This means that children are being taken from freezing cold classrooms to the cold outdoors to warm up, then being brought back again to a freezing classroom. We know that some schools are actively sending children home because of the inability to maintain the appropriate balance between ventilation and heating. The teaching union's advice is that members are instructed not to work in rooms where the minimum temperature level of 17.2°C is not achieved. However, many teachers are deeply conflicted and are simply trying to manage a difficult situation as effectively as they can without closing the classroom or indeed, the school. I commend them for all of their efforts that mean they have kept the schools going, but this situation cannot go on. It is intolerable and inappropriate. We need cop-on and common sense.

The Tánaiste: I thank the Deputy for raising this important issue. It has been mentioned to me on a number of occasions. It is a case of getting the balance right between ventilation and temperature control. No child should be in a classroom and having to wear an anorak and gloves because it is so cold. I know that some children do have to experience that, often because of prefabs and inadequate buildings, even though we have replaced many prefabs in recent years. Things can be taken to an extreme. If a classroom is so cold, because all the windows are open, that a child has to wear gloves and a coat, that is probably passing the point of reasonable balance. I know that it is difficult for teachers and school managers to make that judgment. We are asking them to make that judgment and to be sensible in getting that balance right. Clean air is really important as we live with Covid. As we prepare for the possibility of future pandemics and do more to keep viruses under control, it is going to become more important in terms of what we do with our buildings and public buildings, in particular. That does involve ventilation and air filtration. That is why grants are being provided to schools which can be used towards the purchase of air filters. Increasingly, when it comes to new buildings, it will be about the use of UV light in ventilation systems to kill all viruses, not just the Covid virus. It is something we will talk and hear a lot more about in the years to come.

There are grants available to schools to help with this issue. I appreciate that it can only go so far and that work can only be done so quickly. There is a sensible balance between air filtration, clean air and comfortable and tolerable temperatures in any classroom or workplace. It is important that we get that right. One thing that can be done, for example, is to air a room. My

granny used to tell me how important it was to air a room. That does not necessarily mean that you have to leave the windows open for eight hours. It is important to try to get that balance right.

Deputy Carol Nolan: I think the real problem lies with the Department guidelines. The guidelines state that the windows have to be “partially open” during class time. Unfortunately, many of our schools buildings are very old and indeed, are prefabs. That is where the problems lies. The majority of principals and teachers are adhering exactly to what they are being told by the Department. Even when they are adhering to those exact guidelines, there is still an issue. Does the Tánaiste accept that the Department’s guidelines now need to be urgently updated, given that we are expecting to return to a greater degree of normality, which is most welcome? I appreciate the efforts of the Minister for Education and of the Government in trying to get the balance right, but I genuinely believe there is a problem here. It lies within the Department guidelines. We must ensure that there is common sense, cop-on and safety. Schools have done a fantastic job in keeping the schools running up to this point.

I also want to highlight an issue to the Tánaiste that has been raised with me by leaving certificate students, which relates to the issues in terms of the cold and children not being able to concentrate. The students are looking for the hybrid examination model. They feel that their studies have been disrupted and they cannot concentrate in class. I am calling for that issue to be addressed and for clarity to be given to leaving certificate students.

The Tánaiste: There is a group meeting today on that issue. I agree with the Deputy that it is important that leaving certificate students have clarity about this. They need to know the rules of the game, exactly what exam they are preparing for and the format and context of it. We will provide them with that clarity in the very near future.

When it comes to the pandemic, we are now moving into a different phase and chapter of managing it. Certainly, the risk in schools is lower than it was a few months ago, in part because the Omicron variant is less severe, because we are now able to vaccinate school children and also because of the level of immunity that has built up in our society. That leads to the reasonable view that we will have to look at all of our guidelines again. There will be a NPHET meeting today. There will be a Cabinet meeting on Friday. On foot of that, we expect to be able to ease restrictions. Following that, the change in the balance of risk will allow us to update our guidelines not just in relation to schools but also in relation to workplaces. We intend to do that.

Deputy Michael McNamara: As the pandemic winds down, we hope, we can look back at a lot of things. During the pandemic, one of the key shifts in the country was towards working from home. The Tánaiste himself has acknowledged that it is one of the key changes that is most likely to last from this pandemic. For many in this State, there is a huge obstacle to working from home, which is either a very poor broadband connection from an existing provider, or no availability of broadband. Two years ago, we had a general election just before the National Broadband Plan, NBP, was announced to much fanfare. It contained many excellent aspirations. It was to cost €3 billion, of which the State was going to contribute €2.6 billion. We were going to see 538,000 homes connected, 90% of them by the end of 2024. There was a specific target that by the end of this month 115,000 homes would have been passed, which means they would be able to avail of connection. Of course, we can bring a horse to water but we cannot make it drink. People may not want to connect. However, 115,000 people would be able to connect to broadband. The *Business Post* reported that this target was downgraded to 60,000 homes. By the end of December, only 33,000 homes had been passed. Where does

the broadband plan now lie? Is the Tánaiste confident that it will be done? If so, when? How far behind are we? I appreciate the Tánaiste is going to say we had a pandemic but much of the work to be done was outdoor work. There was never a better time for digging up roads and working in quiet country areas.

My second and related question is one I have asked repeatedly for the past 12 months. A key commitment in the programme for Government is to give additional powers to ComReg to introduce administrative sanctions against companies that are not fulfilling their contracts. This is where people already, in name at least, have a broadband connection but it is not good and they are not able to use it and they contact their providers. Eir was terrible for a while and this is an issue I have raised. Where does it lie now? The Tánaiste specifically told us that he, along with the Minister of State, Deputy Troy, was drafting a Bill that would contain it. The Bill was to be introduced first of all after Christmas last year and then after Easter last year. Where is the Bill? It is of importance to facilitate people working from home, which has many public health benefits and many benefits for people's lives and for rural communities throughout the State.

The Tánaiste: I will bring the competition (amendment) Bill to Cabinet next Tuesday and I expect it to be published later in the week. It will give the Competition and Consumer Protection Commission, and potentially ComReg, additional powers to impose administrative fines and make it easier to fine companies that are in breach of the rules and competition law and to give the agency more powers on interception and, in particular, surveillance. The legislation will go to Cabinet on Tuesday and will be published sometime next week.

With regard to the national broadband plan itself, National Broadband Ireland commenced connection to the new fibre network in January this year. More than 54,000 premises are available for order and pre-order in 21 counties. These are Carlow, Clare, Cavan, Cork, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick, Louth, Mayo, Monaghan, Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford and Wicklow. Despite the unprecedented challenges presented by the pandemic, National Broadband Ireland is making steady progress on the delivery of high-speed fibre broadband under the national broadband plan. The company has advised us that as of 7 January more than 154,000 premises are constructed or under construction, demonstrating that the project is reaching scale. National Broadband Ireland has confirmed that more than 5,000 premises have been connected as of 7 January. This figure is increasing week on week. To date, the level of connections are in line with projections and in some areas they are exceeding targets. For example, one area has seen a 25% uptake only after a few months of going live. It is the case that we are behind schedule but we can speed things up and we will do everything that we can to do so. This is a project I and the Government believe in. It can make a really big difference for rural Ireland and for becoming one of the only countries in the world to connect every farm and business to high-speed broadband, thus opening up possibilities for investment and home working that do not exist at present.

Deputy Michael McNamara: Those figures are somewhat at odds with some of the figures being reported. I hope the Government is verifying what it is being told by the persons and consortium behind the national broadband plan. We were all told the country would be largely connected by 2024. People can go online and type in their details and request an update as to when they will be connected and are being told it is anticipated they will be connected in 2025 or 2026. I appreciate that anecdotal evidence is easy to come by and is not very much good to anybody but I know of plenty of people. Is the plan on target? Is it over budget? The cost was to be €3 billion and now it is €5 billion. We have learned the person heading it up did so with an equity investment of €116,000. This is a lot of money but to head up a project of this size it

is a very small personal commitment. Most of this is being funded by very high interest loans. If it goes belly up in the middle of it there will be many secured creditors and the Government will effectively have to bail it out. Is the Tánaiste able to say we will meet the connection and financial targets?

The Tánaiste: The figures I placed on the record of the Dáil were provided to me by the Department of the Environment, Climate and Communications. I am sure it verifies them but I will check that it does so because it is important. It is fair to say we are behind target in the roll-out of the national broadband plan. We have not passed as many homes as had been anticipated. The figures I have indicate the numbers connected are doing quite well and are largely in line with the target. As the Deputy pointed out, we can pass premises but there is no obligation on them to connect. Estimates were made on how quickly people would connect and this appears to be happening in line with or better than target. We are behind in the number of premises passed. We can catch up and we intend to do so. With regard to the project, as far as I understand it is on budget because the way the contract is structured is that the company largely gets paid for the work it has done. It only gets the money when a premises is passed. If it runs behind schedule we pay less, if this makes any sense.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Pearse Doherty: I want to raise again with the Tánaiste an issue I have raised a number of times. This is the need for the Brandon report to be published in full. It found there were 108 incidents of sexual abuse perpetrated against at least 18 intellectually disabled residents by another resident between 2003 and 2016 at the Ard Gréine Court complex, Stranorlar, County Donegal. The publication of the report has been blocked at every turn by the HSE, the Garda and now by the Attorney General, according to reports in *The Irish Times* and by RTÉ. The Attorney General has legitimate concerns relating to victims families' rights to confidentiality. Equally there are legitimate rights in the desire of some families to have the report published in full. If any family wants personal information withheld, it can be redacted and the full report published. Does the Tánaiste, who is leader of his party, agree? If so, what will he do to ensure the full report will be published?

The Tánaiste: I thank the Deputy. The Minister of State, Deputy Rabbitte, was very keen to have this report published in full. She sought the advice of the Attorney General whose very strong legal advice was that it could not be published in full for reasons that have been explained. The Deputy is asking me whether it could be published in a redacted form. That I do not know. Perhaps it can be but it is something I will take up with the Minister.

I did not have a chance to speak in the House yesterday and very briefly I want to add my condolences to those expressed yesterday to Ashling Murphy's family, friends, community and colleagues. This unimaginable tragedy is one that has left the country reeling. I know it particularly resonated with so many women as their worst fears were realised. As a society, with the Government leading, we must do much more to make sure it does not happen again and women do not live in that fear. I heard some of what was said in the House yesterday. The powerful and shocking testimony by Members, particularly female Members, makes clear how determined and united we all are on this issue. I thank the Garda for the immense work it is doing on this case. I reiterate on behalf of the Government and on my own behalf a request for people to desist from speculation on the matter and to allow the justice process to take its course.

Deputy Aodhán Ó Ríordáin: I appreciate the comments that Tánaiste made earlier on the leaving certificate. I understand a meeting is taking place today with the education partners. There have been some very welcome comments from Government sources, including Deputies and Senators, who have been advocating for a hybrid model for the leaving certificate. Does the Tánaiste agree with these comments that have come from his own party? Will he commit that between today and tomorrow we will have finality on this? If the Cabinet is meeting tomorrow, there would be a reasonable expectation from the students who are sitting their leaving certificate that some clarity will be brought before the weekend because this really cannot trundle on much further than that.

The Tánaiste: I thank the Deputy. As he mentioned, those meetings are happening today. We hope and expect to be able to give students clarity on the format of the leaving certificate in the very near future. As the Deputy is aware, the orals and aurals will be taking place during the Easter holidays to allow more time for preparation. The decision on subject choices has been made already so there is just a final thing to decide on, which is whether there will be the hybrid or the more traditional model.

I have heard different views and the Deputy has alluded to the fact that there are different views within my own party on this. I prefer not to express a personal opinion because students do not want to hear mixed messages but just want to know what the story is going to be and we know what their clear preference is in respect of what the answer should be. I should allow those meetings to happen today and allow the Minister, Deputy Foley, to make an announcement in due course.

Deputy Holly Cairns: I thank the Leas-Cheann Comhairle. Given that the Tánaiste and the Minister for Agriculture, Food and the Marine are in the Chamber, the programme for Government commits to securing a sustainable future for the fisheries sector while supporting coastal communities. The small piers spread across our coastline and offshore islands are key pieces of infrastructure that support local communities. They enable the type of sustainable fishing that has been practised in Ireland for generations and facilitate recreational tourism opportunities.

The recent seafood task force recognised public marine infrastructure as a critical enabler to maximising the use and benefits to be gained from our rich marine resources. Every year Cork County Council and other local authorities receive vastly insufficient funds to even maintain, not to mention develop, these crucial pieces of infrastructure.

As I know that funding will be allocated in the coming weeks, I ask that the Government prioritise investment in this area, which needs to go further this time in order that local authorities can carry out that crucial work for coastal and island communities.

Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue): I thank Deputy Cairns for the question. I entirely concur with her on the importance of small marine infrastructure. It is very important to our inshore fisheries sector, in particular. It also allows us to develop the capacity of the marine resource from a leisure and a resource point of view. The past year, 2021, had a record level of funding for marine infrastructure under the control of local authorities. It was increased to over €4 million, which was an increase of one third on the previous year and was the highest on record. I will increase that significantly in the time ahead and I am highly cognisant of the report of the task force but, in particular, of the Government commitment to developing the potential of our coastal areas. I will be bringing forward an announcement in that regard in the near future.

Deputy Richard Boyd Barrett: The programme for Government committed to providing greater security for our tenants in the private rented sector. Those commitments are proving hollow for a group of tenants whose position I have raised on multiple occasions and who are now reaching the crunch point in a multi-unit apartment complex, St. Helen's Court, Dún Laoghaire, where a vulture fund, for no other reason than to increase the value of that property, are evicting the remaining tenants. The fund is taking them to court in the first week of February. These tenants have always paid their rent, are decent working people, have done absolutely nothing wrong and are terrified at the prospect that they are going to be made homeless. I am very worried about the mental health and well-being of some of these tenants, some of whom are elderly and unwell and the Government has nothing to offer them to date. I have raised this issue with the Minister for Housing, Local Government and Heritage and the Taoiseach and I am raising it with the Tánaiste now because I am very worried about the well-being of these tenants. That vulture fund has been sitting on 12 empty apartments in the same complex for two years and will not even rent them to those tenants.

The Tánaiste: I appreciate that the Deputy has raised this issue with me in the past but I am not familiar with the details of the situation. I will certainly let the Minister, Deputy Darragh O'Brien, know that the Deputy has raised it again to see if he can contact the Deputy directly on the issue.

Deputy Peter Fitzpatrick: The Disabled Drivers Medical Board of Appeal has handed its resignation into the Minister for Finance. This board plays a key role in the scheme to provide relief for vehicle registration tax, VRT, and VAT on vehicles for people with disabilities. The issue revolves around the disabled drivers and passengers' scheme which provides tax relief on the purchase of specially constructed or adapted vehicles for someone with a disability. To qualify, applicants have to obtain a primary medical certificate and the criteria for this certificate are to be without both hands or both arms, to be without one leg or two legs, be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg. The HSE officer assesses applicants for a certificate and if unsuccessful, the applicants can apply to the Disabled Drivers Medical Board of Appeal to make an appeal. This board has resigned. It was an independent body operating out of the National Rehabilitation Hospital in Dublin. It was there that on average, less than 5% of appeals for certificates were unsuccessful. In March 2021 both members met the Minister to raise their concerns. There are almost 400 people on a waiting list and I ask the Tánaiste to please give us an update on this situation.

The Tánaiste: I am afraid I do not have an update on this issue for the Deputy but I will ask the Minister, Deputy Donohoe, to provide him with one. He will need to make an appointment, as I believe it is under his remit rather than under the Department of Health that this is done. I will have to double-check on this but he will need to appoint people to fill those positions.

Deputy Mattie McGrath: There is great disappointment in both Tipperary County Council and Kilkenny County Council, which is the lead authority, in respect of the motorway and the upgrade of the N24 road project from Limerick to Waterford. While some limited funding was received to progress the Cahir to Limerick Junction stretch, no funding was received by Kilkenny County Council, which is the lead on it, to progress the project. Its consultants have been appointed but the council has been very much left in limbo with regard to further payments to these consultants and progressing this project. This is a very important piece of infrastructure to connect Foynes, Limerick and right on to Rosslare, especially with Brexit. It is very disappointing that no funding had been given to progress the work, not the physical work

but the preparatory work, with consultants and all of the design work, from Cahir to Waterford. There is great anxiety in the council but also among the daily road users who find this road very dangerous, with many accidents and it is below standard.

The Tánaiste: I thank the Deputy for his question. As this is matter for Transport Infrastructure Ireland and the Minister for Transport, I will ask him to provide the Deputy with a reply on it.

Deputy Thomas Pringle: On the mica redress scheme, it is seven weeks since I stood here to ask the Tánaiste to explain where the dubious sliding scale came from. On that day the Tánaiste said he reckoned that it was a sensible one. He may still hold to that thinking but he cannot continue to call it a 100% redress scheme and stand over the sliding scale at the same time. It is irrational and completely disingenuous of him. The people of Donegal are not fools and I ask that he stop the spin. I have asked a number of parliamentary questions of the Minister responsible for this issue but he fails to provide an adequate answer either. Seven weeks later, his Department has yet to release the records under the Freedom of Information Act on the issue either. This gives me the impression that the calculation was written on the back of an envelope at the very last minute in the Cabinet and rubber-stamped. There is a stench from it.

Can the Tánaiste give me a definitive timeline for when the Government will publish the mica legislation and will he commit to consigning the nonsensical sliding scale to the bin of bad ideas?

The Tánaiste: The legislation to establish the mica scheme on a statutory footing is priority legislation for the Government. It will happen this session. We expect it to be no later than Easter and probably before then.

Deputy Cormac Devlin: We witnessed a very significant volcanic eruption over the weekend which obliterated the south Pacific island of Hunga Tonga. The eruption generated a tsunami and ash cloud which has devastated the island nation of Tonga. We heard this morning that the first aircraft with relief supplies has arrived from New Zealand and according to the UN, about 84,000 people, more than 80% of the population, have been badly affected by the disaster with the supply of safe drinking water being one of the top issues. Can the Tánaiste please confirm what efforts Ireland, and indeed the European Union, are making as regards the financial aid, and indeed COVAX, to support the population of over 100,000 people on the island nation?

The Tánaiste: I thank the Deputy for his question. I join the Deputy in expressing my solidarity with the people of Tonga. They have experienced an extraordinary event, a volcanic eruption and a tsunami, which has wrought devastation on that small island state. As the Deputy is aware, Ireland is a member of the international community. As a member of the UN Security Council, we have a particularly special relationship with small island developing states, including Tonga, which were very supportive of us on a number of occasions in the past. We are liaising with the United Nations, with the EU, as well as with our friends in New Zealand, to see if we can help. We are very keen to assist the Tongan people if we can.

Deputy Emer Higgins: Yesterday we saw an amazing show of cross-party support in this House on the matter of violence against women, an issue which sadly unites us all. In that vein, I want to extend that cross-party support again today because I was glad to see the Labour Party raising the matter of miscarriage leave. Miscarriage leave is something I have spoken about a number of times in this House and Deputy Carroll MacNeill and I have been championing it

from the Government backbenches. More than one in five pregnancies in Ireland ends in miscarriage. It is a common occurrence, but it is an awfully traumatic experience. It is high time we acknowledge that trauma through appropriate support for the dignity that women deserve. Can the Tánaiste give an update on the Government's review to support women who suffer miscarriage by legislating for miscarriage leave?

The Tánaiste: I very much support the introduction of leave in the event of miscarriage. The Department of Children, Equality, Disability, Integration and Youth is going to commission some research in this area to see what is best practice and what is done around the world. Both the Philippines and New Zealand have a law on it. I would like Ireland to be among of the first countries to do so. However, it is a complicated area, perhaps more so than it may appear. There are many different types of miscarriage and the impact can be very different, depending on the circumstances. We are introducing legislation at present to provide for sick leave for people, but we need to think about proportionality as well. For example, if one provides leave for one condition, would it be legitimate to provide less or more leave for another condition such as cancer or a mastectomy? We have to ensure that we study this in the round and ensure that anything we do would not be struck down in legal terms. That is why it will require some research and work.

Deputy Chris Andrews: Figures secured by Involve Autism show that up to November 2020 a staggering €63,579 per day was spent on taxis and buses to take children with autism to school in south Dublin. Up to November 2021, that figure increased to €72,704 per day. That is an increase of 14.4% in the cost, so every journey is costing more as the children travel further. That is €72,704 being spent every day just in south Dublin. One wonders how many autism spectrum disorder, ASD, classes could be built for that figure. Dublin 6 is an example of where the section 37A process in the Education (Admission to Schools) Act 2018 has ended with not a single ASD class. Will the Government introduce a targeted section 37A process to address the lack of ASD classes in Dublin 2, Dublin 4, Dublin 6 and Dublin 6W as a matter of urgency?

The Tánaiste: I thank Deputy Andrews for raising this important issue. I am afraid I do not have up-to-date information on the matter but I will ask the Minister of State at the Department of Education, Deputy Madigan, to contact the Deputy's office directly with a reply as soon as possible.

Deputy David Stanton: The Industrial Development Agency, IDA, owns a fully serviced, 150-acre site between Carrigtwohill and Midleton in my constituency. It is lying idle since 2007. There were plans to upgrade the road outside, the N25. Millions have been spent on the plans to upgrade the road, but the plans have now been shelved and there is no clarity. There is also a plan to build 2,500 houses at the other end of that road. That is also in jeopardy. The road is extremely dangerous. I have written to the Minister for Transport and Transport Infrastructure Ireland, TII, but have not received a response. Can the Tánaiste provide some clarity on this matter as it is very urgent?

The Tánaiste: A number of Deputies have raised the issue of the roads programme with me in recent weeks. In the programme for Government we made a clear commitment that when it comes to investment in new transport projects, two thirds will go to public transport and one third will go to the roads programme. That means we still have a roads programme and we will continue to construct new roads and continue to produce a pipeline of additional roads. However, the money only goes so far and Transport Infrastructure Ireland has to make difficult decisions sometimes as to which projects progress in which particular year. I am concerned about

the very large number of projects that appear to be stalled, particularly those that relate to road safety, accessing industrial lands to create jobs and potential lands for housing. It is something we discussed at leader level and we will see if we can do something to resolve the situation. We must prioritise investment in public transport, but we cannot have a situation whereby we do not progress important road projects that contribute to road safety, can create jobs and provide housing.

Deputy Donnchadh Ó Laoghaire: Leaving certificate students and their families are eagerly awaiting this afternoon's meeting. What they want is certainty; they want to have a decision today. They do not want this to drift further. We all can remember our leaving certificate examinations. The examination is stressful and difficult in any year, but we did not have to contend with over two months of school closures, self isolation of staff and of students and all the anxieties of the pandemic. The Tánaiste will tell me there is a meeting today. That is understood. However, that does not preclude the Government going into the meeting with a preference and an opinion. I urge the Minister for Education, Deputy Foley, to go into that meeting with a preference for a choice-based model between written examinations and accredited grades. It is the fairest thing in recognition of the year the students have had. Will the Minister do that and will there be a decision today?

The Tánaiste: As the Deputy mentioned, that meeting is happening today. The Minister, Deputy Foley, is very keen to hear the views of all stakeholders - the teachers' unions, parent groups and student groups - and make a decision on it. As I mentioned earlier, the most important thing is that we should give leaving certificate students clarity in the very near future, without any unnecessary delay, about the format of the examination they will sit. It is only fair that we should give that information to them as soon as possible, but it is not for me to announce here. That meeting has to happen and the Minister, Deputy Foley, will make an announcement in early course.

Deputy Martin Kenny: The programme for Government gives an overall commitment to transparency across all Departments and programmes. In fairness, much progress has been made in the Department of Justice on Garda reform and so forth. However, in the last number of weeks we have seen the documentary "Crimes and Confessions" running on RTÉ. The most recent episode on the Sallins train robbery was shocking for people around the country and has generated public outrage about it. The events surrounding the torture and imprisonment of Osgur Breathnach, Nicky Kelly, Brian McNally and others appal people. It is time for the Government to come forward with a commitment to a full and independent public inquiry into these events, including the investigation and subsequent imprisonment of these men and, indeed, the actions of every arm of the State that was involved. It should not be limited to the behaviour of the Garda so-called heavy gang but must take into account each and every State body and Department that allowed this to happen. The first programme was on the Lyskey case in the Minister's constituency and next week's programme will be on the Kerry babies case. It is a very important issue and I invite the Minister to commit to a full public inquiry into this issue.

Minister for Justice (Deputy Helen McEntee): I thank the Deputy for his question. I watched the first programme which referred to a case many years ago in my constituency. A series of programmes has been broadcast over the last while. The Garda Síochána will always keep an open mind on any type of cold case or anything that has happened in the past, whether a case needs to be reviewed or reopened or on a more general basis in terms of any other arm of government where there needs to be further reviews or further work done. It is something the Garda Commissioner and I, as Minister for Justice, will always keep in mind. With regard to

the cases the Deputy discussed, I am happy to accept any information or to meet with anyone to discuss anything further.

Deputy Jennifer Carroll MacNeill: I ask the Minister, Deputy McEntee, to give more detail on the extensive suite of legislative measures she announced yesterday in respect of sexual offences, particularly the welcome legislation regarding non-fatal strangulation and stalking. Can she outline the timing for that and what she expects to be able to bring to the House later in the year?

Deputy Helen McEntee: The Deputy will have seen from the debate yesterday and, indeed, from the debate over many years that there is no single way to deal with domestic, sexual and gender-based violence. However, making sure that our laws are adequate is one way. It is not just introducing new laws but also improving the existing laws. Two such areas are non-fatal strangulation and stalking. I have listened to victims over the last year or so, particularly Eve McDowell and Una Ring on stalking and, sadly, some of my own friends on their experiences. I have listened to advocacy groups and An Garda Síochána on non-fatal strangulation and how that, in itself, leads to often fatal violence. Based on that engagement and consultation, I will bring forward ways in which we can strengthen and clarify the laws on those two issues. The miscellaneous provisions Bill, in which I will place both of these changes, will be published in this term and the intention is that it will be moved through the Houses as quickly as possible. Regarding the other legislative measures, some will be published in this term, some will be published in the next term and some will be in the third term of the year.

Deputy Marian Harkin: A pre-qualification tender for the provision of the Irish Coast Guard aviation service was published before Christmas. It specifies at least three bases nationally. Currently, there are four - Sligo, Shannon, Waterford and Dublin.

1 o'clock

It is absolutely essential the R118 emergency service continues to operate from Sligo Airport. For the past two years, on the basis of call-outs, Sligo has been the busiest of the four national bases, covering an area from Galway to Belfast.

Sligo has a major disadvantage in tendering. The other six airports receive Government funding and there is €159 million, including capital funding, allocated over the next four years but Sligo is not included. There is massive concern that Rescue 118 will be taken from Sligo. I am asking the Tánaiste for a guarantee that Sligo will be one of these bases.

The Tánaiste: As a former Minister with responsibility for transport, I am very aware of this matter and the essential search and rescue services provided by our Coast Guard and its contractors. As there is a contractual process under way, I am a little limited in what I can say. I can say what we expect to be the outcome and a contractual process must follow. We anticipate the outcome will be that there will continue to be four bases and they will be the same four bases at Waterford, Sligo, Cork and Dublin. I think it is those four. There is a contractual process under way, however, and it must follow a certain procedure. I hope it can give people some reassurance that the Government is very happy with the service we have currently and we would not like to see it diminished.

Deputy Marc MacSharry: The programme for Government speaks a lot about transparency and accountability, as well as public service reform as mentioned on page 119 of the document specifically. I do not want to address the matter the Tánaiste was discussing in his

radio interview last Sunday but, unfortunately, he said about his authority in terms of the public service:

We do not have authority over civil servants. We have no power to reprimand them or discipline them.

Is the Tánaiste aware of his responsibility and authority, given under section 2 of the Ministers and Secretaries Act 1924? If he is, is he not aware that he and his fellow Ministers, as the corporations sole, can and should be responsible for disciplining or examining the acts of Secretaries General in particular should misdemeanours occur? The Public Service Management Act 1997 and the Civil Service Regulation Act 1956 do not apply to disciplining them. Is it the Government's position that Secretaries General, earning between €190,000 and €300,000 per year, are, in effect, responsible to nobody when misdemeanours occur, be they impromptu or premeditated?

The Tánaiste: I thank the Deputy. I am very much aware of the Ministers and Secretaries Act 1924, as is anybody who has had the privilege of holding ministerial office. I know it confers enormous responsibility on Ministers but it does not confer on them the authority to discipline or reprimand civil servants.

Deputy Marc MacSharry: They are responsible to nobody then.

The Tánaiste: There are processes in place.

Deputy Marc MacSharry: We just give them a €90,000 bonus or put them into ambassadorial roles around the world.

An Leas-Cheann Comhairle: Could we allow the Tánaiste to reply?

Deputy Marc MacSharry: He has not given an answer.

The Tánaiste: As I said, when it comes to any public servant, there are-----

Deputy Marc MacSharry: Under what Act? I am specifically referring to Secretaries General.

An Leas-Cheann Comhairle: Deputy MacSharry, you are now eating into colleagues' time. Please.

Deputy Marc MacSharry: I get very little time. Other colleagues are up and down like a jack-in-the-box.

An Leas-Cheann Comhairle: The Deputy is eating into colleagues' time on the double now. Please have a little respect.

Deputy Marc MacSharry: Would you ask the Tánaiste to answer the question? What is the Act?

An Leas-Cheann Comhairle: I ask you to desist from interrupting. I will now move to the next speaker.

Deputy Louise O'Reilly: On 30 September last year, the term of seven members of the Workplace Relations Commission, WRC, board came to an end. That board now cannot be

constituted and four months later there is still no sign of new appointees taking office. When will the appointments be made and if those appointments are to be delayed, would it be possible, even on a temporary basis, to reappoint some of the members so the board can start to function and go about the business it should? That includes appointing WRC inspectors, and the Tánaiste and I both know these are very badly needed. There is a commitment in the programme for Government to increase those numbers but that cannot happen without the board. Will the Tánaiste give that timeframe and if he cannot, will the Government consider, even on a temporary basis, the reappointment of some members so the board can function?

The Tánaiste: That file is with the Minister of State, Deputy Damien English, as the matter was delegated to him. I anticipate those seven appointments will be made probably as soon as this week, or if not this week then next week.

Deputy Jackie Cahill: I also raise the question of funding for the N24 Waterford to Cahir road. This was at an advanced stage of picking a route and the consultants that were engaged to do the work must clearly be disengaged. There are a number of people along those three corridors for the proposed route and they have been told their land will be frozen for another prolonged period, which is just not acceptable. Money has already been spent on surveys and consultancy to get the project to this stage. There is a serious question mark about whether, when funding recommences, we will have to go back to scratch and start again. A sum of €2 million would keep the consultants engaged for 2022 and it is not acceptable that the route for this road is not being proceeded with or finalised.

The Tánaiste: I have enormous sympathy for people who are affected by sterilisation with regard to road projects. Even if it takes a long time for a road to be built, just going from five possible routes to one frees four tracts of land. If the road project is more advanced, narrowing a wide corridor a bit can free land on which people can build houses, farm buildings, etc. I very much appreciate the dilemma many people around the country face as a consequence of the announcement by Transport Infrastructure Ireland. The Government is discussing that currently. Even if it takes a long time to build some of these roads or get them started, being able to destilise or free people's land is really important. We will do that if we can.

Sitting suspended at 1.07 p.m. and resumed at 1.47 p.m.

Birth Information and Tracing Bill 2022: Second Stage (Resumed)

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

Deputy Chris Andrews: I welcome the Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O'Gorman, to the House, and I welcome the opportunity to speak on this important Bill. I recognise and acknowledge the hard work done by my colleague Deputy Kathleen Funchion in ensuring that the Bill and the process has been thorough, efficient and the best it can be.

Since the formation of the State, the routes available for accessing of information by adopted people in Ireland have provided little support and few answers. As a result, adopted people seeking information on their birth and early life information files have been left with no clear legislative framework. Sadly, the Birth Information and Tracing Bill 2022 brings little hope of change. I acknowledge that the Bill will make some slight progress on the current situation,

but it is very slight. Crucially, I believe that it fails to take on many of the recommendations contained in the report of the Joint Committee on Children, Equality, Disability, Integration and Youth. In fact, it has failed to take on board the most important recommendations. Yes, it has taken on some recommendations, but given that the report was only published on 14 December 2021, it seems that the Minister had already decided what he wanted to do with this particular legislation. With that in mind, we in Sinn Féin cannot support the Bill in its present form. We cannot have legislation that leaves some adopted people behind. We need inclusive legislation that provides all adopted people with the support and information to which they have a right.

We have many concerns on what we view as major weaknesses within this legislation. The Bill fails to provide unrestricted access to birth certificates, adoption files and early life information. The definition of personal data is not clear. This weak definition leaves the door open to various interpretations. The narrow definitions used in the Bill are very concerning and they need to be expanded to include individual agencies and institutions involved in forced family separations. We need stronger definitions put in place.

The method provided in the Bill for accessing records is hugely problematic. It allows only for part of the files to be released as opposed to the whole file. Applicants are expected to apply for several different categories of information. This will add completely unnecessary complications to the process. Perhaps the Minister will clarify why he is nodding his head. We need the process simplified to allow greater access to files, not unnecessary complications put in the way of adopted people that make it more difficult for adopted people when seeking their information.

Deputy Richard Boyd Barrett: I am glad that finally we have a Bill before us on birth information and tracing, the stated objective of which is to end the shameful situation where, for decades and decades, people were adopted and their mothers were, in effect, forced to give up their children even if sometimes it was technically consensual. In reality, the stigma that was imposed by church and State on women who had children outside marriage created the general culture that was anti-women. A culture of shame was perpetuated by church and State so that in reality the vast majority of adoptions in that environment were, in effect, forced adoptions and forced separation of mother and child. A Bill that attempts, or sets out as its objective, to end that denial of identity, history and heritage to adoptees is to be welcomed. Unfortunately, while the stated objective of the Bill is to address the long battle that adoptees and mothers who were forcibly separated from their children have experienced regarding the information they are entitled to about themselves, it does not come up to the mark in terms of achieving that aim.

Before I go into the provisions of the Bill, I wish to state that I met some of the Tuam families yesterday. As well as commenting on the issues addressed in the Bill, they wanted me to impress upon the Minister their continuing anger, which I share, at the insulting form the redress scheme has taken. I refer, for example to the arbitrary six-month date relating to availing of the redress scheme. In other words, people have to have been in an institution for more than six months in order to avail of the scheme, as I have said previously. The league table of financial compensation is, frankly, insulting and dehumanising for the people to whom we are supposed to be providing redress. The use of a league table format to assign a particular monetary value to the trauma, hardship and suffering people went through and arbitrarily exclude many people on the basis of the six-month line simply beggars belief.

Despite the verbal acknowledgements we have had about the wrong that was done to adoptees, mothers and so on in mother and baby homes and other institutions of various sorts, there

is a failure to approach the issue from a human point of view when it comes to redress. It is precisely that dehumanisation which lies at the heart of the wrong that was done to children and mothers for decades in this State. I ask the Minister to seriously reconsider the position in respect of all of that.

Another issue the families asked me to raise is the exclusion of many institutions from the redress scheme. It is not acceptable. As the Minister knows, I am an adoptee. Generally speaking, my situation has turned out to be a lucky one in that a wonderful family adopted me. My birth mother, with some considerable difficulty, which I will come to in terms of the provisions in the Bill, was later able to find me. I have had a happy outcome. For many people, however, that is not the case. Some have suffered terribly. They suffered abuse and have never found out the full details of their history. They have not experienced reunification. Their mothers may have died in the interim. Terrible suffering continues to be endured by many people. That is not limited to the institutions that are named in the redress scheme. As far as I know, Temple Hill, which is one of the mother and baby homes I was in, has been excluded from the scheme. Many people went through Temple Hill. That is not a major issue for me, but it is for many others. One such person was outside yesterday with the Tuam families asking why they have been excluded. The person also asked me to impress upon the Minister the urgency of getting the redress scheme right and getting it up and running. Another point the person made was that many of those affected are very elderly and it may be too late for them unless we get this right, establish the scheme and deliver redress as a matter of absolute urgency.

On the Bill, what is required is probably best summed up by the Clann Project when it said, “What we want is the file, the whole file and nothing but the file”. The Bill does not achieve that. I will listen. I know the Minister has genuinely engaged on this issue and has put considerable effort into the Bill. As I have said all along, we have to the needs and hopes of survivors, namely, the mothers and children who went through the institutions and suffered forced separation, at the centre of our approach if we want to get this right. The latter was lacking in the context of the mother and baby home commission report. Many feel it is not happening.

When I look at the provisions of the Bill, I can see that it is lacking in many respects. I am not disputing that it is an improvement. As I said, despite the happy outcome I have largely had there are gaps in my history that I would like to fill and information that I still would like to know. I will certainly be making an application for my information to, if nothing, test whether the system works as soon as it is up and running. I will be doing that not only on my own behalf but also as somebody who is a public representative and who wants to see whether the legislation will actually deliver what the Government said it wants to deliver.

Survivors groups, adoption groups and others have requested that there be a stakeholder group, involving survivors, to oversee the implementation of the Bill and they want it to be allowed to have input into an ongoing review of the legislation in order to improve it, fill in the gaps and make sure it actually delivers for the people it is supposed to deliver for. That request needs to be taken on board. Not having an approach that involves stakeholders, survivors and so at the centre was most egregiously manifested in the failure to attribute the proper weight in the report of the commission to the testimonies of survivors. As a result, the summary and recommendations were, quite frankly, insulting because proper weight was not given to the testimonies of survivors. In a similar manner, the voices that have emanated from survivor groups, groups like the Clann Project and various other campaign groups representing survivors reflected the recommendations of the joint committee to a large extent, but have not found their way into the Bill.

The Bill should be about accessing the file, the whole file and nothing but the file, something that is required under the general data protection regulation, GDPR. People should have access to all information relevant to them, including their history, their heritage, the history of their care and any files, administrative or otherwise.

2 o'clock

Some of those rights are subject to the caveat of a requirement to have an information session if the mother expresses a no-contact preference. That is not acceptable. It assumes, as one should not assume, adoptees necessarily want contact; they do not necessarily want contact. The Minister is bringing something into the equation. When people are simply looking for their birth and medical information, and trying to fill the gaps in their history, heritage and identity - things that have been taken from them which they are entitled to under the GDPR and entitled to morally in any event - why would we then import into that the assumption that they need to be lectured to about seeking to contact their birth mother or their birth parents?

Why would we make it in any way conditional on their accessing the file, the whole file and nothing but the file, receiving a lecture or warning about not contacting somebody when a no-contact preference has been expressed. It is wrong, insulting, unnecessary and should be removed from the Bill.

Even though the Bill makes references to the GDPR, it then - some are suggesting this is illegal - inserts the caveats, conditions and obstacles in the way of people having all the information that they are morally, and I would say legally, entitled to. While that is obviously critical, there are other issues.

The question of plain English is also critical. I still have not fully got my head around the Bill. I have more work to do on it before Committee Stage, when we will be tabling amendments. It is complicated and difficult legislation. I know legislation sometimes needs to be, but extra effort needs to be made to help all survivors and anybody who is seeking to get their birth information or to trace their parents and so on. Information on how to do that must be accessible to them. The Bill refers to illegal and unlawful adoptions as incorrect registrations rather than as falsely or incorrectly recorded where we know there was falsification of records. I do not see why the Minister would not concede that point which is very important given that it was a crime to falsify records. It is not just a mistake; it is a crime. That needs to be acknowledged in the legislation as illegal or unlawful adoption.

The other point is about people's right to access all the information from religious organisations or other institutions directly rather than having to go through the gatekeepers of Tusla and the Adoption Authority. That needs to be included. People should have the right to go directly to the religious orders or to the bodies or individuals who were in charge of their adoption, in charge of these institutions, to get all records, information and items that may relate to their adoption and their care.

We need clarity on the training for the people who will be overseeing this in assisting people with tracing and providing people with the information. We need to ensure we have the staff resources and the proper training. That training must include full knowledge of compliance with the GDPR with no caveats, restrictions or obstacles to people's rights under the latter.

I could raise other matters, but I simply refer the Minister to the failure to include many of recommendations of the joint committee. Organisations such as the Clann Project are very

concerned and dissatisfied at the failure to put their requests into this legislation.

I will listen intently to the Minister's response to all these things and will do so with an open mind. However, there are major gaps, as has been rehearsed by other speakers. I hope the Minister will respond positively to the calls to amend the legislation to make it better than it is.

One very important issue I forgot to mention is the question of mothers' rights to all the information regarding their children. This relates to the first point about forced separation for most mothers. The Bill does almost nothing to enhance the very limited rights of mothers to access the information about the children they were effectively forced - sometimes actually forced, but more generally culturally forced - and pressured into giving up their children to adoption. The only additional thing the Bill does is to allow them to get that information if their child died in the institution, which is not good enough.

I know this from personal experience and from many stories I have heard. Mothers who were in effect forced to give up their children and the new environment are seeking information, history, etc., on their children have encountered severe difficulties. They have also been wronged and this legislation should remove those obstacles denying them the information about the children they were forced to give up. That also needs to be included in the legislation.

I eagerly await the Minister's response. I look forward to the further discussion and, hopefully, amendment of the Bill on Committee Stage.

Deputy Emer Higgins: I am grateful for the opportunity to discuss this important legislation, which has been long awaited by many people. It follows years of repeated attempts over decades to legislate for information rights for adopted people, all of which ultimately failed. The critical need for this legislation has been recognised by all political parties, by stakeholder groups and by professionals working in the area. I welcome the work the Minister has done in making progress on this legislation such a key priority of the Government. It is clear to me from the volume of messages, emails and letters I have received from my constituents how important this matter is for many people. That is why it is even more important that we get this right. We need to use this as an opportunity to right the many wrongs of our past.

The Bill will provide the much-needed, long-awaited access to birth and early life information for people who have been adopted or for those who have questions about their origins. Previous iterations of this legislation allowed for information to be withheld or entailed adopted people being forced into arguing for their birth certificates. This legislation is different. It is different because it guarantees access in all cases. For the first time, legislation will enshrine in law a clear right to a full birth cert and to early life, care and medical information for all those who have questions on their origins.

We have heard the testimonies. We have heard the horror stories. We have heard evidence of Ireland's long and dark history of illegal and forced adoptions - babies being ripped from their mother's arms, children growing up with no knowledge of their origins or their family history. This Bill is about giving people access to that and access to the much needed sense of self that they deserve and treating their birth records with the dignity they deserve. This Bill went through lengthy pre-legislative scrutiny and the committee heard from numerous stakeholders, officials and, most importantly, those with lived experience. I welcome that the Minister has accepted the committee's recommendations around the advisory group, specific terminology, information campaigns, procedures for passing on information and records, among a number

of other recommendations made by the committee, and those who have lived through the adoption process. We need to use this as an opportunity to highlight their voices, because it is their voices that matter the most. For some directly affected, they feel the provision of an information session in order to access records is particularly problematic. They feel, be it in person or by phone, it is a step that should not be required. The message I have got from constituents is that it seems like an enforcement of power where no enforcement should be necessary or that it fits awkwardly in a Bill that aims to right the wrongs of the past. I understand why those who seek their birth information may feel this provision reinforces the narrative that those requesting adoption information cannot be trusted or do not deserve access to their history, and that is so far from true. However, I do not believe for one minute that these are the intentions of the Minister or the Department.

As I have said, the Bill went through intense pre-legislative scrutiny and many people sat in their homes, on their computers and phones, taking in every moment of these broad discussions and lengthy debates, which I am sure felt very personal to an awful lot of people. That is why it is vital that we honour as many of the expert recommendations as possible and honour the people at the heart of this legislation, because growing up with unanswered questions about who you are or where you came from is an agony that some people can relate to. On a practical level, this creates a range of difficulties from a medical history and early-life records perspective. We have heard valid criticism from campaigners and survivors of forced and illegal adoptions and we need to listen carefully to those concerns. I ask the Minister to validate these criticisms and address them sufficiently as the Bill goes through various stages before it becomes law.

Deputy Paul Donnelly: While this Bills seem like a step forward, it takes several steps back, unfortunately, and I am getting a huge response from people who have said that it does not go far enough. They have said that they find the Government spin that this Bill is a win for adoptees as most disappointing. I welcome the Minister's attempt to change antiquated adoption regulations and bring us in line with international norms. Unfortunately, it seems this Bill does not go far enough. Unrestricted access to birth certificates and information have not been provided for in this Bill, a redline issue for adoptees, which the Minister and the Government are well aware of. It is also missing a raft of recommendations from the report of the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth, as has been stated time and again by Deputies.

From the formation of the State, Governments, hand in hand with religious orders and others, have treated adoptees, single mothers and women in general as second-class citizens. They portrayed those who fell into the clutches of the mother and baby homes as having some sort of dirty secret. As we know, many of these stories of the women are absolutely heart breaking and it is time we stopped stigmatising these citizens and their children. I wish to ask the Minister, and I will follow up with him on this, about access to birth certs and birth information.

Is it being considered on a 32-county basis? I was sent an email by a gentleman whose mother was from the South. They were moved to another institution in the North and then back down South again. How will that information be obtained? I note reference in section 36 to applications by certain adopted persons for tracing services in another jurisdiction. From reading this, it seems to pertain to people from outside the State who are looking for information because they were adopted outside of the State and are seeking information in the Twenty-six Counties. There are anomalies between people who were in institutions in the North and South and moved between two institutions, who live in the North and the South. How will that be

addressed?

In the case of adoptees who seek their birth information record on medical grounds relating to a possible hereditary illness, it is wrong to deny or tie in red tape the information they seek. I am concerned with wording “relevant information”. Who decides what is relevant or not? That is something that needs to be addressed. I understand it is a very emotive subject. I have already outlined in the Chamber my family’s personal experiences in regard to this, in that my wife was adopted. I understand the Department has to work within general data protection regulations, but it is important that we make it accessible to all and let the Department deal with individuals on a compassionate basis. Let us heal the hurt as best we can.

I thank all those who were in contact with my office and commend all the adoptees, survivors and their families and advocates for their unending and relentless pursuit of justice over the 20 years since the first legislation was introduced.

An Ceann Comhairle: Deputy Canney is sharing time with Deputy Shanahan.

Deputy Seán Canney: Some of our citizens have gone to their graves without finding their families or ever receiving from the State the most basic information many of us take for granted, such as knowing the family of our birth, heritage and medical history, which can literally save a life. I am happy to take the opportunity to speak on this important Bill. Survivors from the Tuam Mother and Baby Home Alliance who contacted me are anxious that all persons are treated with the same dignity and respect afforded to all other citizens.

Access to records, as the Minister knows, is not as straight forward as it might appear. In circumstances where a mother does not wish any contact from her son or daughter, a mandatory information session is triggered whereby the adoptee engages with a third party who explains the mother’s request for privacy. Adoptees and boarded out children are adults. Some are parents and some are grandparents. They perceive the State is treating them in a paternalist fashion as it decides how their birth information should be provided. This is a problem and it is not an easy one to solve.

We know from the independent review by Marion Reynolds into incorrect birth registrations that some adoptions were falsely registered - I have seen at first hand some of them - with long-term consequences for those affected. Not only were names changed but birth dates were also changed, making it virtually impossible via documentary evidence, if it were available, to find one’s birth family. There seems to be little appreciation by the State of the impact of such illegal adoptions and various explanations that sanitise such practices as incorrect birth registrations do not capture the illegality or the extent of trauma inflicted on the adoptee and their birth family. Therefore, it is necessary to insert the text in the applicable section to read “illegal birth registrations”, that is to make things precise and to make them truthful.

One of the first things a consultant asks anyone who presents with a medical condition is about family medical history as there may be a genetic component or predisposition to a disease. This is particularly true of cardiac disease and cancers, both of which are life threatening. As stated earlier, regarding the mandatory session for assessing birth care information, the necessity to engage with a third party, be it a general practitioner or a medic, is not treating the adoptee with the dignity and respect afforded to all other citizens. Survivor groups that I have spoken to are unhappy that information which could literally save their lives is conveyed by a third party or not conveyed at all.

The committee on children chaired by Deputy Funchion presented a detailed report and suggested a total of 83 amendments to the Bill. One of these involved the insertion of an appeals process or oversight mechanism and appears to have been dismissed. It is important to all of us that those affected have the right and the opportunity to challenge and appeal the decision if they do not agree with it and if they wish to do so. I mentioned previously the children's committee, which submitted no less than 83 amendments. It appears that, in certain instances, these were disregarded. The committee laboured for months and sought expert views and opinion to enable the production of a comprehensive report, which was presented just last month. Adoptees and survivors of institutions are dismayed that their contributions, and those of the experts and the committee, have been discounted. No legislation is better than bad legislation that ends up in judicial review proceedings in the domestic courts or in international courts. Concerns relating to the general data protection regulation and data protection rights have been expressed by advocacy groups involved. It is incumbent on all of us to work to ensure that the legislation enacted is robust and effective. We owe it to those who are central to the process. I urge the Minister and the Department to put human rights at the centre of the legislation. The motto of the Minister's predecessor, Katherine Zappone, was "nothing about us without us". She adopted this motto to ensure that nothing was decided about adoptees' rights, entitlements and truth without the adoptees themselves.

I thank the Minister for bringing forward this legislation. It is not the easiest of Bills to bring forward. It is intricate and adversarial. We need to make amendments to allay the fears of the adoptees and mothers.

Deputy Matt Shanahan: This legislation is long-awaited and seeks to right significant wrongs. People were let down by people in authority, by religious institutions, by caregivers and, it must be said, by their own family members in some cases. It is to be hoped that this Bill will deliver full access to birth and early life details to people who have been the responsibility of the State in any capacity in order that they can fully understand their origins. This information can be made available to any person aged 16 years or older. We have a wonderful county but, as much as we laud it, we must also recognise that we have a shameful past in respect of how we dealt with mothers and children and how the State victimised some of these people who found themselves faced with unplanned pregnancy, separation, rape or incest. Part of that shame relates to how the State and religious actors colluded to hide pregnancy and how, having hidden pregnancies, some institutions, religious and otherwise, financially profited from forced adoptions and forced labour. In a final ignominy, records detailing family relationships were destroyed or hidden, heaping further distress on many children, who felt abandoned, and on young mothers who were denigrated as fallen women and left with no opportunity to challenge the State or to be involved in their child's upbringing. In some cases, this shameful abuse extended to the under-reporting or failure to report to the deaths of children in institutional homes. This is a significant stain that can never be fully washed away. I know the Minister and the Government have fully committed to addressing these issues as an ongoing priority.

Enactment of this Bill is designed to secure the release of the birth certificates, birth information, early life information and care and medical information of all persons who were adopted, boarded out or subject to an illegal birth registration. They are referred to within the Bill as "relevant persons". There are still concerns regarding the availability of information where parents of adopted people have decided to adopt a position of refusing future contact and how these relevant persons may get access to full information in those cases. I align myself with calls for amendments regarding how that process is to be observed, which have been previously

discussed in the House.

I welcome the fact that relevant persons will be able to access their details in the event that parents named on the birth certificate are deceased and, additionally, that information can be released to the next of kin of a relevant person who died as a child in one of the institutions specified in the Bill. The Minister has included in the Bill provision for the setting up of a statutory tracing service for persons wishing to make contact or to share or seek information. Perhaps he can highlight how the development of this statutory body is to come about.

The legislation seeks to bring about a vital development that should allow both parents and their children to gain increased access to their information where it is held by a number of State agencies. It has been known for many years that information was available in religious institutions and State agencies but that it was kept under lock and key, away from those wished to access it. This deprived many parents and their offspring of any opportunity to develop future relationships with their blood relatives. It deprived many of any meaningful redress for what befell them in their early lives and childhood.

The Minister's Bill also provides for a contact preference register, to be established in law, through which people can register their preference in respect of contact from a child or genetic relative. It will also allow personal communications to be lodged. These provisions within the Bill must be lauded. It also provides for protection by statute for the safeguarding of future relevant records. This has been cited previously and is also to be welcomed.

One of the key provisions of the Bill that stands out relates to the information versus privacy debate. Under this Bill if enacted, for the first time, even if biological parents say that they do not wish their children to have access to a birth certificate or related information, such children will still have access. That is a significant step forward.

On the face of it, this Bill appears to pave the way for a greater degree of transparency for those who, up to now, have been largely kept in the dark as to their family origin or what blood relatives they may have. A question still remains as to whether this Bill will deliver totally unrestricted no-holds-barred access to full birth and origin information for relevant persons. There is no doubt that, for some people, the passing of this Bill will create a high degree of discomfort. Some such people are mothers who, for whatever reason, had to give up their children. The wishes of mothers who have expressed a desire to stay anonymous, possibly because the birth in question remains a secret in their present family circumstances, must be balanced against the rights of those who are desperately trying to understand their origins and the details of their birth. This legislation will go a fair way towards that.

The balance here is to be restricted. For some parents and children who are both still living, reconciliation may now be an impossible task, even if desired. A further relationship may not be possible or desirable from the perspective of one or both parties. For some people, the search for their history may be motivated purely by a desire to understand any congenital medical issues they may have concerns about rather than any wish they harbour to pursue a family lineage from which they feel permanently excluded. For many, understanding their origins is at the heart of this question. People are asking who they are and they have been asking for too long.

As I have said, many people who wish to have their true origins or identities revealed to them have suffered at the hands of State-supported actors. For a large number, this has coloured their lives. It has led many to harbour feelings of confusion, doubt and anxiety and to engage

in soul-searching. It must also be said that many mothers suffered forced adoption, not knowing where their children were in later life or how they were developing. This has also taken an extreme toll. I align myself with Deputy Boyd Barrett in saying that further information and securities must be provided for mothers who are trying to pursue details of where their children have finished up in the case of forced adoptions.

We can never truly wipe the slate clean with regard to how so many mothers and babies were treated so cruelly and inhumanely in and by our State. It is incumbent on us all, as legislators, to do everything possible to draw a line under our savage contemporary history and to ensure, in this new century, that those who were failed in the past will now be fully supported, that those who were victimised receive recognition and adequate redress and, most of all, that those for whom every day brought feelings of loss and abandonment will now feel found, valued and recognised for what they have endured.

Deputy Jim O’Callaghan: I welcome the introduction of this legislation to the Houses of the Oireachtas and commend the Minister, Deputy O’Gorman, on bringing it forward. This legislation is extremely important because it engages with some of the fundamental rights enjoyed by Irish citizens under the Constitution. Bringing legislation that involves giving statutory effect to a constitutional right through the House can often be easy because all you have to concern yourself with is one fundamental right. However, it is very challenging here because the Minister has to deal with two conflicting fundamental rights. On the one hand, we have the right to identity, while on the other hand we have the right to privacy. It is important that the House consider what the law is now regarding each of these rights before we give effect to this legislation.

In respect of the right to identity, in 1998, in the case of *IO’T v. B*, the Supreme stated that one of the unenumerated rights under our Constitution is the right for people to know who they are and who their parents are. In that judgment, the Supreme Court pronounced that right. It was on foot of an application by an applicant under the Status of Children Act 1987 to try to get a declaration that the applicant’s mother was the respondent in the case. Although the Supreme Court recognised the right to identity in that case, it also stated that there was another, conflicting right. As is always the case, no right appears to be absolute. The Supreme Court said the conflicting right in that instance was the right of the mother to privacy and confidentiality. That is how the Irish courts have dealt with this issue in the context of the 1998 case heard by the Supreme Court.

The right to identity is also a major issue in a European context. In 2003, the European Court of Human Rights, ECHR, gave a judgment in the case of *Odièvre v. France*, where a French woman challenged the very strict laws that operated in France to prevent individuals from gaining information about the identity of their mother or parents. The ECHR looked at the case and said that under Article 8 of the European Convention on Human Rights, one of the rights we have is the right to identity and to know who we are. Similar to our Supreme Court, though, the ECHR stated in 2003 that the right to identity was one that had to be balanced with the equally strong right of a mother to preserve her privacy and her confidentiality. In that case, the ECHR stated that the Article 8 right did exist, but that it was not breached in that instance because the French Government was operating within the parameters when it decided to have laws that were very protective of the mother’s privacy.

Therefore, in introducing this legislation, the Minister is in the difficult position of trying to balance these two conflicting rights. At some stage this legislation is going to be appraised by

a court. When that court comes to look at this legislation, it is going to examine the way the Houses of the Oireachtas balanced these rights and how weight was given to the right to identity, but also to the right to privacy. That is why it is so important for us to not just ignore the other right which exists in this context when we are balancing them up. I remember speaking to the Minister's predecessor, Katherine Zappone, and I said to her that my opinion when we have these two conflicting rights was that the right to one's identity should trump the right to privacy. That is a big statement, but I believe it is correct. I believe the Minister has done that in this legislation.

The right to privacy, however, does not become completely forgotten or eliminated. It is important that we recognise that the right to privacy still exists in respect of other individuals. If I wanted to find out information as to whether a woman had a child 20 or 30 years ago, and if I had no relationship with her, then I would not be entitled to the information because it is private to her. The circumstances would obviously be different, though, if I was the child of that woman and I was trying to find out that information. Therefore, it is very important that we balance these conflicting rights. When a Supreme Court looks at this legislation in future and asks whomever represents the State where the Oireachtas considered or gave effect to the right of privacy, it will be important to be able to point to where that happened. Section 17 deals with the information sessions and, in that context, the State will at least be able to state that consideration was given to the right to privacy in the Oireachtas, and that it was not acting irrationally or without any consideration of the right to privacy. The inclusion of information sessions in this legislation recognises that the Oireachtas did take into account the right to privacy.

The right to identity is one of the growing rights around the world. It is fundamental as we go through life that we recognise the importance of knowing who we are. That is why the Minister deserves to be commended for this legislation giving statutory recognition to the right to identity and, in circumstances where it conflicts with the right to privacy, giving supremacy to it. It must also be recognised that the right to identity does not begin and end in the area of adoption. We are going to introduce legislation on surrogacy at some stage this term. Again, in that context, it will be necessary for us to ensure that the right to identity, which is recognised as a right in the Constitution and under Article 8 of the European Convention on Human Rights, is given proper protection and recognition in any such legislation.

Many people have suffered badly because they have not been able to extract information about their own identity. For many years, in the context of the decision in the case of the Supreme Court in the case of *IO'T v B*, and the judgment of the ECHR, the State acknowledged the need to balance the right of the mother and to give equal recognition to that right to privacy along with the right to identity. Not only do I commend the Minister in this context, but, equally, the legal advice has changed in recent times and the Attorney General also deserves to be commended on giving what is broader and braver political advice concerning what is permissible under the Constitution. I believe he is correct in his assessment that a court which may come to look at this legislation, provided we give recognition to the right to privacy, will respect that as policymakers we have made the decision that we wish to ensure, notwithstanding that right to privacy, that the right to identity supersedes it in this type of situation.

Deputy Réada Cronin: I welcome the opportunity to speak on this issue, and particularly in a week when the nation is so closely examining the wrongs done to our women. I am also glad to see that the Bill has given up hurtful language, such as "birth mother" and "natural mother". Even so, it persists in being patronising and patriarchal, based on privacy, oddly. This is not about privacy, but kind of about secrecy and about maintaining it. We all have secrets. It

is part of being a human and we all value our privacy. Equally, we know that life is complicated and messy. This legislation needs to get into the messiness and the complications of life. We should not try to hold ourselves at a remove from those aspects and I believe the contribution from Deputy Jim O'Callaghan went into that.

We are talking about flesh and blood here. The right to know who we are and who we come from and our medical history is the same for adopted people as it is for the rest of us. It is basic information that is being sought by people in the context of this legislation. It is not the “The Waltons” or anything like that. This Bill concerns information that the rest of us take for granted, and this legislation will not give it to them. There is no unrestricted access to birth certificates, files on adoption or early life information. There is no clarity regarding what constitutes “personal data”, leaving adopted people to depend on luck, chance or kindness to access their own information. In certain circumstances, information can still be withheld. To get vital medical information, it will be necessary to get a GP to intervene. This infantilises the adopted person and diminishes us as legislators and as a State.

The Minister has the duty and the opportunity to right the wrongs perpetuated on innocent people, including the incarceration of our women and the removal of children from their mothers. I ask the Minister to please listen to what adopted people are telling him. They are the experts in their own lives and on what they need from the State, nobody else. It is up to the Minister. He should listen to the activists and the campaigners. We have all heard them on the radio, and they are mainly women. They are another generation seeking rights, recognition and justice. Sinn Féin will be tabling amendments to this legislation but I have been here long enough now to know how that process goes. The Bill is certainly an improvement, but adopted people really need and deserve so much better. They are depending on the Minister to give them that. I hope he will please look after them.

Deputy Michael Collins: There are many provisions in this Bill but there are also parts of it that need to be amended. The legislation provides a right of access to birth certificates and to birth and early life information to all persons who were adopted or boarded out, the subject of an illegal birth registration or who otherwise have questions about their origins. It also includes provisions for care and medical information for those who have questions about their origins. The Bill provides that the information session where a parent has expressed a “no contact” preference will no longer be a physical meeting with a social worker. The information session will include recognition of the identity rights of the applicant and their right to access their birth information and birth certificate. Next of kin will be able to avail of the legislation to access information about a family member in specific circumstances.

The Bill also expands the definition of early life information to provide for release of baptismal certificates and entries on the baptismal register, and uses the term “mother” instead of “birth mother”. It also establishes a new statutory contact preference register. This offers a means for people to register their preference for contact with family and also a mechanism to lodge communication and contribute medical information which can be shared with family members.

The State's regulator for adoption services and custodian of over 70,000 adoption files and records including all adoption files from 1953 has welcomed the Bill's publication. The Adoption Authority of Ireland said it was correct to give adoptees their original birth certificates, all of their early life and care information and, critically, their medical information. The co-founder of the Adoption Rights Alliance said she would welcome changes to the legislation but

warned that if any sort of mandatory information session remains in the legislation, it would be extremely discriminatory as no other Irish citizen making a similar application would be obliged to go through with an information session with a social worker. Susan Lohan, co-founder of the Adoption Rights Alliance, said that in addition, many of the definitions within the Bill are unnecessary, limiting or extremely vague. These include care and early birth information, which had suggested time limits in a Bill that was published last year. While the Bill is to be welcomed, concerns remain especially around the fact that adopted people would still have to hold an information session with officials by phone where a parent has expressed a “no contact” preference.

Some 83 key recommendations from the report of the Oireachtas joint committee on Children, Equality, Disability, Integration and Youth have not been included in the final Bill. The extensive work undertaken by the committee, the hours and hours of testimony from adoptees, mothers, survivors and their advocates, the significant and all-encompassing report and comprehensive consultation all appears to have been in vain.

Most of us grow up knowing everything about ourselves and take for granted those precious details such as our time and place of birth. Compassion demands that adopted people should be entitled to the same sense of their own identity. Unfortunately, adopted people had to engage in a fight they never should have had to engage in in the first place. This was due to the State for years repeatedly failing to vindicate the most fundamental right of adopted people, the right to know their origins.

It is seldom I get to watch TV but I do watch programmes about families who have been separated for whatever reasons getting together decades later. This could be a mother or father with their son or daughter and the joy it brings to all parties. It brings an end to decades of pain and opens up doors to new family members. Maybe it is easy for me to say this but surely so much joy should not be denied to anyone. Yes, questions will need to be answered in all these reconciliations and there is pain in that in some cases but the benefits far outweigh the negatives. Watching these programmes I wonder how their adoptive parents feel, something we never really see much about. They are people who have taken a child into their care and shown love and affection to that child as if one of their own and the child is one of their own. They have done so much and sometimes must feel a little hurt in their own right. They have reared and loved the children. They were their parents, their carers. They must now also be protected in some way going forward.

While talking about carers, and it is a different issue, I may add that I got so many calls today from carers and home helps on their omission from the €1,000 recognition payment. It is shocking but it is an issue for another day. They should be treated equally.

Today we must concentrate on this Bill. While it looks like it is one step ahead, it is also two steps back for some people. It has to be amended before it comes into force. Hopefully we can end the pain that has been applied to so many people for decades and at least let them have some peace and happiness. As I said earlier, each and every one of them would love an opportunity to meet their loved one and bring an end to this mess that has been in our society for so long.

Deputy Mattie McGrath: The Minister is genuine in efforts to deal with this very sensitive issue. We all have come across people and know people and families and trauma over the years and decades. It is long past time that we tried to deal with it. As Deputy Jim O’Callaghan made very clear in his speech, and he is a legal person himself and probably has a better understand-

ing of it and of the history of different court cases than I have, it is necessary to try to balance the two rights in any issue. Even a referee on a field - I am not making little of the situation - has to make judgment calls. It is necessary to try to balance the right to privacy of the mother and the right to information and knowledge of the adopted person. It is a very sensitive and difficult, challenging area.

I am disappointed to hear that although the committee on children gave long consideration to it and made so many recommendations, 83 I think in number, none of them was accepted. That is fine if that is not the case but too often it happens. We can have robust debates in politics but this is one for us all to come together to try to be united and to try to deal with this situation. On the number of people who came forward and testified, I want to thank them from the bottom of my heart. It is not easy for them to come and testify and talk in a quasi-public arena. I refer to the pain and heartache and the years of trauma and loneliness and desperation. Many of them feel now that they were not listened to.

We are all getting floods of emails in the last days about this legislation. Some of us who are not on the committee and were not at the meetings would not have been aware of the extent but nobody seems to be happy with it. It is kind of rushed. No legislation is better than bad legislation. Delaying it for another couple of months might be better because they are not happy with it. They are very concerned about it. We know where it will end up, namely, across the river with the wiggled gentlemen. We know what that entails and the challenges and delays. It may go to Europe and whatever. Make haste slowly.

I am not diminishing the importance of the situation one bit when I say that we had a forestry Bill brought in here two years ago which I voted against because it was just pure useless and we would have been better off having no legislation than what it was. It is a difficult topic to introduce when we are talking about people's lives but I am just giving that experience because I knew it was going to be no use and it is no use. This is too sensitive. Too many people have been hurt and damaged. We need to be able to have it right and give solace to those people it is meant to give solace to.

The joy and we all have of being parents, knowing our parents and having our siblings through life is a privileged experience and is thanks to our parents and everybody else. The trauma is there. I know some of them. I meet them. There is one particular gentleman who I meet regularly and he is so desperate to find his mother. He actually did at the finish but she chose not to meet him. It is so harrowing and traumatic.

In the Minister's press release it all sounds great, referring to landmark legislation and stating that there will be for the first time enshrined in law a clear right to full birth, early life care and medical information for all those with questions of their origins. That is lovely on paper and the spirit of it is lovely but when people are so unhappy with the Bill it really undermines the Minister's ambition. The Attorney General has to give advice and the Minister has to deal with the draft of this legislation and so on. I do not know. However, those in the organisations who are championing this cause are not happy with the Bill. I know that doing this is not easy and is challenging, but many people are unhappy with the Bill. Will it end up in the courts? If it does, where will we go then? I appeal to the Minister to consider the issue again. He has denied that a number of amendments were rejected. Perhaps he will outline in his reply how many were rejected. I am unsure and am only going by what I have been told.

We all have experiences and are all in the Dáil to do our best. Ní neart go cur le chéile. We

need to get this right and work together to see if we can ease the pain and suffering on both sides of this sensitive issue. There has been trauma and agony for many mothers as well. This is about where the twain shall meet. We want to get it right. I appeal to the Minister to be as responsive as he can, accept some amendments and return to the drawing board with this legislation so that he gets it right.

Deputy Richard O'Donoghue: I welcome the Bill that has been introduced by the Minister because there is at long last a voice for those who have gone unheard for decades - the voice of a mother or father trying to find a son or daughter and the voice of a child unable to discover his or her birth family, access health information or just get a birth certificate that is accurate. Within this legislation, there will be opportunities to share information, especially for adoptive parents seeking information that would explain something that they were unaware of concerning their children, be it medical issues or otherwise, and allow them to help. I have spoken to many people over the past year who were affected by the outrage that was the mother and baby institutions. It was a shame that people had to tell their stories in public for this legislation to be made a priority and introduced.

I am heartened to see that baptismal information that had once been redacted will now be available and that the details of birth parents and godparents will be visible. Equally, I welcome the support offered to young people in dealing with information that was hidden from them until the present. I welcome that relatives of deceased children will be able to access information on how and when those children died and what was recorded at the time. The legislation could go much further but I welcome what is being proposed.

I have many friends who are adopted. I grew up with them. They were lucky with the families they were adopted by and they have had great a upbringing and great lives but while they view their adoptive parents as their parents, they have always wanted to find out about how they came into this world. I saw the heartache on their faces when they went to find their birth mothers, brothers or sisters. In one case, a man and I spent an hour chatting about his whole life. He was ten miles away from his sister. He had passed her many a time over 40 years without knowing she was his sister. That is heartbreaking.

I am from a family of 11. My mother, God rest her, died when I was young. I wanted to find out about my family tree. I had dealt with people whom I knew could not find out about their family trees. I was able to go back generations through my mother's side - the Devanes, Rycons and Englishes. Recently, I was in Newcastle West when a man sitting across from me at a vehicle testing centre told me that we were related. I had never met him before. He was a Collins. He was related through my mother's first cousin. He was my second cousin. That is why I was investigating our family tree and going through all the different records. When I was sitting down over Christmas and telling my story to people who were in my company, I knew they could not do that, so I was uncomfortable even discussing it with them.

I welcome what the Minister has brought to the table but why did it take people having to tell their life stories before the those in government listened? It was about protecting other agencies and other people and not about protecting the vulnerable people who had been adopted or lost their lives in mother and baby homes.

Yesterday, we spoke about poor Ashling Murphy. It took an outcry over what happened to that girl for things to change in this country and for Members of the Dáil to unite and move forward. Everyone in the Dáil is united on ensuring that we look after the most vulnerable. For

decades, there were mistakes as well as cover-ups to protect institutions and people's names and families. Our job is to protect the people of this country. Our job is to protect those who cannot protect themselves. We have failed. Previous Governments have failed. This Government needs to fix the wrongs done by previous Governments. Be they female or male, Ministers must be strong in their Departments, dig in and make sure this happens. They should not do it for the sake of populist vote getting. They must do it for the right reasons and for the people of this country whom we represent. There is always political propaganda flowing around this Chamber but there is also the difference between right and wrong. The Bill is a move in the right direction and will help to right a wrong caused by the State.

Nothing should be put in the way of these people getting every support and benefit regardless of who or what institutions we used to try to protect. We must stand up and say we are sorry for what happened and will do our best to fix this without having any political motive for doing so. I feel so sorry for the people who had to tell their life stories and bring up again what happened in their families for this Bill to be introduced.

I look forward to working with the Minister on the Bill, as do many other Deputies. If amendments must be made for the betterment of those who have suffered enough, the Minister should please take into account the information from all parties and none inside and outside the House so that we get matters right this time and these people can look forward and back, put everything together and live into the future.

Deputy Patrick Costello: I welcome the opportunity to speak on this important Bill. Yesterday, the Minister laid out the long history of legislative false starts on this issue and the litany of legislation that tried to address this issue in what were often difficult or dangerous ways. Previous legislation proposed criminal penalties for attempting to contact mothers who did not want to be contacted.

3 o'clock

This legislation does none of that. It is important to acknowledge that we are taking, as Deputy Jim O'Callaghan said, that unenumerated right to one's identity and placing it on a legislative footing, not trying to fetter it as previous legislation has attempted to do. I acknowledge the work the Minister has done on this sensitive and difficult area, tied up as it is with the history of abuse in the mother and baby homes, kidnapping, forced adoptions, illegal birth registrations and the abuse mothers received in those institutions. I also acknowledge the Minister's widespread engagement with survivors and families, which is essential to the success of any legislation such as this. It is also a mark of his commitment to trying to do his best on this issue for the people who most need this legislation, those whose right to their identity is most vulnerable and most needs to be enshrined in legislation.

We have heard some of the previous speakers say that none of the recommendations of the pre-legislative scrutiny report were taken on. I will talk about those recommendations in a moment, but there has been a lot of talk about the pre-legislative scrutiny report from the committee and a lot of praise for the report and the work of the committee. It is natural with any sort of group project or committee that some people do more work than others. On that note, I thank Deputy Funchion - I see her sitting in the Chamber - as Chair of the committee for herding the cats, marshalling the committee, which is a difficult committee at times, and getting out that robust report.

The Minister has taken on many of the committee's recommendations, including on the use of plain English. A plain English guide and frequently asked questions, FAQ, document have been published alongside the explanatory memorandum. I know the Minister is preparing to propose the establishment of a stakeholder advisory group. These are, therefore, recommendations that have been taken on.

There are recommendations on changing the terminology used in the Bill and on the need to add more institutions. The Minister has acknowledged there is a need to add more institutions than those already scheduled in the Bill. Creating a mechanism to do that, as the Minister has committed to do in the Bill, is really important because it allows us to do so not just now as we pass the Bill but into the future. That flexible approach is positive and to be commended.

There are recommendations in the pre-legislative scrutiny report looking for a wider definition of care information. The new draft of the Bill reflects a wider definition and provides a more open-ended definition. There are recommendations looking for access for more than just parents and immediate relatives. Two new Parts of the Bill were added to provide access to next of kin. There are recommendations in the report on sharing of medical information. Again, the Bill provides greater clarity on how that medical information can be shared and what can be shared, all of which is very important.

As I said, the Bill will put on a legislative footing a clear right of access to a full, unredacted birth certificate. Access to birth certificates is welcome but not enough. We have heard many speakers say that yesterday and today in the debate. We have to acknowledge that the Bill will also provide access to wider information, not just a birth certificate. Baptismal certificates were mentioned yesterday. There is early-life information, care information, medical information and any letters or items left by parents. These will all be made available to people as part of the Bill. As I said, this is taking an unenumerated right, one that has been found by the courts to exist in the Constitution, and making it stronger by putting it on a legislative footing. As Deputy Jim O'Callaghan said, this will likely end up in the courts. I did not hear his full speech so I do not know if he said this, but it will also likely end up being challenged in the court in Luxembourg. We need to do what we can to recognise, vindicate and support that right to one's identity.

I acknowledge that to do this will cost money. I look at what happened in the budget, where the Minister provided money for Tusla and the Adoption Authority in order that this right to one's identity can be facilitated and vindicated, with provision for training, staff and the adequate resources that the committee's report said would be necessary. I hope the Minister will continue that budgetary commitment to ensure that those who seek to vindicate their right to identity are supported, not just in the legislation we hope to pass but also with financial supports to ensure that the services are fit for purpose, well resourced and able to do that. I thank the Minister for his commitment to doing that in the most recent budget and hope he will continue to do it in the next one.

Deputy Donnchadh Ó Laoghaire: Listening to the contributions on this legislation, I think there is a sense of sombreness but maybe a sense of weightiness too. I think everyone is taking the Bill very seriously. I do not believe it is being treated in a partisan way. I think people understand the weight of what is involved here. It is also worth acknowledging that this is an advance on previous iterations of this legislation. That shows the importance of robustly challenging sometimes conservative advice that can be given to Governments and pushing back against it.

The Bill is not there yet. We have some concerns about it. It does not provide for unrestricted access to birth certificates, adoption files and early information files. There is a bit of an issue with the information sessions and the impact they could have on those who were adopted. The definition of “personal data” is not clear. There are a number of issues with the legislation that we wish to address on Committee Stage. This is so important. It is undoubtedly the case that the right of someone to know who they are and who their parents and birth parents are is one to which people should absolutely be entitled. They deserve their truth, their story and their history.

There are issues connected to this that the Department needs to explore. We talk about people’s history and story. There are relatives of those who were born, lived and died in Bessborough who are very concerned about the Bessborough site. I call on the Department in this regard. A planning application for the site was refused by An Bord Pleanála. Many people believe that some of the many children who died in Bessborough - far too many children - may be buried on that site. The Minister’s Department has a responsibility in that regard. Of course there is a planning process and so on, and the application was refused. In State policy terms, however, the Minister and his Department need to identify the best way these sites - and Bessborough is not the only site like this - can be treated, preserved and investigated in a way that is sensitive and finds out exactly what went on. This is an issue of concern to the people of Cork generally, but particularly to those who were born in Bessborough or who had people belonging to them in Bessborough and, as I said, who died in Bessborough. That story needs to be told. The Minister’s Department has a role in that. There needs to be an investigation. We need to establish what happened there and where those children are. That goes to the ethos of this legislation and the ethos of everything that should be happening regarding the mother and baby homes, the county homes and all the various institutions that were part of this infrastructure of, in some ways, incarceration and significant cruelty and hardship to both mothers and children. It was all part of the same infrastructure, and we need to acknowledge that as well.

Deputy Catherine Connolly: Fáiltím roimh an deis píosa cainte a dhéanamh ar son na reachtaíochta seo. Ar dtús báire, ba mhaith liom a chur in iúl don Cheann Comhairle nach bhfuil leagan Gaeilge den Bhille ar fáil. Tá sé thar a bheith deacair an Bille a phlé trí Ghaeilge gan é a bheith i nGaeilge. Chuir mé ceist ar oifig an Aire agus níl sé ar fáil fós agus níl a fhios agam cén fáth. Baineann sé sin le ceist níos ginearálta ó thaobh Billí de. Tá sé tuillte ag daoine le Gaeilge ó dhúchas nó Gaeilge mar theanga chumarsáide go mbeadh leagan Gaeilge den Bhille acu.

Aithním go bhfuil dul chun cinn déanta anseo. Don chéad uair riamh tá sé leagtha síos, sa Bhille seo, go mbeidh ceart uathoibríoch ag gach duine lena mbaineann an reachtaíocht seo eolas bunúsach a fháil. Tá sé dochreidte go bhfuil gá le reachtaíocht chun cearta a thabhairt do dhaoine atá uchtaithe a sonraí pearsanta a fháil nuair nach bhfuil aon ghá le reachtaíocht domsa, mar shampla. First, I deplore the fact that there is no Irish version of this Bill available. We have gone beyond excuses. I do not blame the Minister personally. This is a continuous and everyday occurrence in relation to Bills. It is extraordinary that we do not have an Irish version. In Europe, Bills and other legislation are handed out automatically in the Irish language, yet we cannot do that in the national Parliament. Second, I welcome this legislation and acknowledge the work the Minister has done to bring it this far. He said he would bring it before the Dáil and he kept his word. I acknowledge and appreciate that.

The Minister stated that the legislation is groundbreaking. It really is. I am going to go around in circles and come back again to the legislation in relation to why it is groundbreak-

ing. Am I satisfied with the legislation? No, I am not, because we have not quite got there. We have not quite broken the chains of the patriarchy that tell us that they know best, including about how to protect a mother or somebody who gave up their child for one reason or another, or was forced to give up their child for adoption. They tell us that we need to protect them in some way, as opposed to giving them maximum information and letting them make up their own mind and, equally, letting the child who was adopted and has grown up do the same. We are still holding on to the chains of patriarchy. They are a little bit weakened, but they are still there. They are telling us what is best for us.

I welcome the progress made in the Bill in relation to the schedule of the organisations affected. I am not sure why a schedule was necessary. I would have thought every entity that had children in its care, with their mothers or without their mothers, in whatever circumstances, would come within the ambit of the Bill. I welcome that there is provision to extend the schedule of the organisations affected. I welcome the change in language and the fact that we have dropped the idiotic, terrible distinction between birth mothers and adoptive mothers. I welcome other matters in the Bill as well.

It is a very extensive Bill. It consists of 59 pages, ten Parts, which we are very familiar with, and 60 sections. I would be telling an untruth if I said that I had gone into it in detail. I was not on the committee, an issue to which I will return shortly. I have done my best understand and to be fair in relation to the progress being made, but we are still operating within a framework where the patriarchy knows best, as opposed to one where there is parity of respect and equality. We have not got there yet.

The Bill has many origins. The Minister inherited all of it and he is operating within that. That is why became a Minister. On the question of the origins of the Bill, I will focus on the latest development, namely, the Commission of Investigation into Mother and Baby Homes. I have been quite critical of the commission of investigation and I hope have done so constructively. Every time I have spoken on the issue I have recognised the enormous work that was done in the various chapters of the report of the commission of investigation. However, the executive summary of the report, which is the main part that everybody reads, is written in a very sloppy manner. I have said it previously, so I will not waste my time on the issue today. It is there. The work on the various sections is good and they are useful for the future. The recommendations in the report are all mixed up, with recommendations, conclusions and opinions all put in together, which does not make for easy reading. However, the recommendations set out clearly that the right to identity is a fundamental right. It is stated that “a person’s right to his or her identity is an important human right and should only be denied in exceptional circumstances.” According to the report, “The Commission considers that there should be such a right even though it is acutely conscious of the concerns expressed by some birth mothers about this.” It is one of the report’s clearest recommendations. The commission has recognised that there is a right to identity.

On the question of where this report came from, I think it is worth using my time to go back over it. Our memories are becoming dimmed and we are under media pressure to react all the time, as opposed to read and consider. It is important to consider where this report came from. The commission has acknowledged the work of Catherine Corless was a catalyst. That much respect has been shown. Over Christmas, I had the privilege of reading a number of books while I was isolating for many reasons. One of them was Catherine Corless’s book. I recommend that everyone read it. Among many issues, what jumped out at me was what Catherine Corless went through, even up to very recently, when she was in the county council buildings

doing research, finding the records on the burial of babies, or noting their absence. There are 796 names. She was supervised in the county council office, the door was locked and an official sat with her. She outlines this in her book, among many other issues. As the Minister will be aware, Ms Corless is not given to any sort of exaggeration. Indeed, I would call her the personification of an understatement in the way she has proceeded. It really is worth reading her book in relation to an ordinary woman doing extraordinary things in a manner that is an example to us all. She was the catalyst for the report. Her work was done on a shoestring budget for a magazine of the local historical society. I probably have the name wrong. She wrote an article for that publication, then continued her work and discovered that there were 796 missing babies and records. That is probably the best way to put it. The bodies of infants and babies were found in what appear to have been containers for sewage. We know all that. That eventually led to the establishment of the commission of investigation. We must put it into perspective. I will come back to the point.

There were eight interim reports, along with the final report, some which were published and some of which were not. The last report was published along with this report. The Minister probably did his best to get it published. What was never explained was why there was a delay. I am talking about trust here. Coming back to the Bill, there is a huge issue in relation to trust. We are not trusting people who come forward to seek information. An information session is being arranged. We are dissembling and being disingenuous here. We are saying that the information session is not mandatory, but it is a requirement. I will return to that point later.

As the Minister well knows, trust is huge in this process. There were many times when one could have easily lost trust in the process, particularly when the end result was published. There were many time extensions. We should note that the final report was with the Government from October 2020. It was not published until January 2021. The penultimate interim report was also published then, with no explanation as to why it was not published earlier, why the report sat in the Department until January 2021 and why there has been no end result in relation to the leaking of the report. The Minister will recall that we were promised that.

I do not wish to personalise the issue. I am putting it all into context. I am only highlighting a handful of issues. I could speak for two hours on the many issues that have arisen. When the Government announces an investigation into a leak and then nothing happens, we question why there is such a distance between the people on the ground and politicians. We increase that distance at our peril, because democracy is all we have. Whether I agree with the Minister or the Minister agrees with me, the important point is that I can have trust and disagree with the Minister and know what we are disagreeing about. That is vital for people who are watching and looking at democracy. I deplore what has occurred on social media with politicians being insulted and abused. I have no time for that. However, if we make language meaningless, as has been done repeatedly, with an investigation into the leak being announced and no conclusion to the investigation, and when the Taoiseach of the country participates in the interview following that leak, it is difficult to have trust. I am speaking about the interview in the *Sunday Independent*. He is part of it. We have to have trust and it is very difficult to have it. We then had the debacle over the tape recordings.

In my opinion, the Department knew for a very long time about illegal adoptions and illegal birth certificates. I mentioned Mike Milotte whose book was published in 1997. I want to mention Conall Ó Fátharta who has written in the *Irish Examiner*. There are many others who strove to bring this information out into the open. On many occasions I have referred to the memoranda. If I had more time, I would come back to them. The Department was fully aware.

This is in the context of the McAleese report.

We then had St Patrick's Guild, when Tusla suddenly discovered that there were a number of irregularities and another report was commissioned. I will rephrase this because I see the Ceann Comhairle cringing. Tusla made us aware of a number of irregularities in more than 100 records. Another report was commissioned, this time from a woman from Northern Ireland. I will not mention her name because I understand that when the report was published, she was unhappy with some issues and asked for her name to be removed from it. If I am wrong, I ask the Minister to correct me. I will be the first to put up my hand and apologise. I understand her name remained on the report even though she did not want that to be the case. That report was never discussed in the Dáil. This is with regard to illegal records. If it was never discussed in the Dáil, how can we be fully informed about legislation? The report has cast a long shadow. On 9 March 2021, the Government had been in possession of it for approximately two years. It took almost two years for it to be published.

There was a sample of 1,496 records out of a total of 74,350. It was 2% sample. Of course, what the author of the report did was to supervise or monitor the two agencies involved, which were Tusla and the Adoption Authority of Ireland. I will not go through the minutia. She said the existence of markers that alerted Tusla, and anybody reading the file, that something irregular was occurring which needed further investigation raised concerns that between 4,900 and 18,900 records could potentially be related to incorrect or irregular birth registrations. What did we do with this report? Did we discuss it? Did we get an explanation as to why that lady wanted her name removed? Will we ever discuss it? What is the point in commissioning reports if we do not do so?

I understand that report has gone to the special rapporteur for children and a report was promised on 31 October 2021. The report is with the Minister and is yet to be published. We have repeatedly asked for this, just as with violence against women and all of the reports. Language has begun to mean nothing. We are told things will be published shortly or will be published in the coming weeks but it does not happen. We are all reduced to giving out as opposed to implementing the policies. What did we learn from the woman who wants to remain nameless who produced a very moderate report? How did it feed into policy? How do we know it fed into policy if we have never seen it.

With regard to the mother and baby commission, a group of specialists compiled a report on the Tuam site but action was not taken. The group has come forward publicly, which I understand is most unusual. The professional archaeologist stated that they went in for a short period and left the place in a temporary protective condition that they thought would be for weeks or months but that can now be counted in years. Nothing has happened. Can we imagine what this does? It creates a vacuum in which there is no trust.

I welcome the Minister's detailed contribution. He quite correctly set out the background from the Adoption Act 1952 forward. That Act became operational in 1953. It was passed by the Dáil in 1952. It was clearly a closed-loop system designed to tell us what was best for children. The regulatory impact analysis for the Bill before us states, in a nutshell, that there is no legislation governing the release of birth information to adopted persons and others seeking to know their origins. It also states that the Adoption Act that came into effect on 1 January 1953 placed adoption on a statutory footing in Ireland, and that all adoptions have been required to comply with that legislation. It further states that the Adoption Act 1952 contained no provisions regarding access to information or tracing. This is what I find significant. The authors of

the regulatory impact analysis tell us that at the time society believed that closed adoption was preferable, whereby a child was legally transferred to another set of parents and the bond with the original parents was severed.

The society I belong to never accepted that breaking a bond between a child and a mother was acceptable. When we get a regulatory impact analysis that perpetuates this narrative from the mother and baby homes to the effect that it was society's view, I take exception to it. It was not the view of the society that I belong to. We were fully aware of the importance. I lost my mother, which is immaterial. I never wish to bring personal matters into it, but every family has something. The importance of bonding cannot be underestimated. Here we have a document in the 21st century telling us that it was society. It was not society; it was the powerful against the powerless, which, unfortunately, continues in the Bill.

We now have unconditional access to information but, in an Irish fashion with an Irish solution to an Irish problem, we have included a little hurdle. People no longer have to meet a social worker but they do have to meet a designated person. I do not know who this person will be or what qualifications he or she will have. A designated person will meet people seeking or have a virtual meeting. An example might be that person saying to me, "Hello, how are you Catherine. I have information here for you.", and I would look up to heaven and ignore everything. That is what I would be doing if I were subjected to this hurdle. What is the purpose of it? Will somebody assess the quality of the interaction? Is that what the Minister will do? I would go through the motions. Perhaps on another day I would decide not to go through the motions. In the case that I did go through the motions and I did not interact in any way but just listened, would this not bring home the idiocy of what the Minister is doing with this extra hurdle? It is adding to the insult of another Irish solution.

I do not wish to be dramatic but we have to put it in a picture. A designated person will be speaking on the phone or in a virtual meeting while the person who has been called will have their eyes up to heaven as they go through it. The obligation, supposedly under the Constitution, which I find difficult to understand, to treat that mother with delicacy will have been complied with by speaking to the adopted person who does not have to do anything about it. It is mind-boggling and not understandable. I have put it as absurdly as I can to bring home what is happening while at the same time recognising the tremendous work that has gone into this.

Let us go back to the 83 recommendations from the committee. I have read the 83 recommendations. I have gone through them and looked at what has been said on alternative ways of communicating the information, including the use of registered letters. Those recommendations have been utterly ignored. There are many other recommendations. Some of these the Minister has taken on board and others, which are very practical, have not been looked at. This was after intensive engagement with all of the witnesses who came before the committee. I pay tribute to the Chair and the members. This is the way to deal with legislation. It is to tease out issues in the committee and then come before the Dáil with further amendments having been made. We will now be in the position of having amendments to the Bill. The irony is that more than likely I will be in the Chair in the Dáil Chamber bringing down a guillotine on the debate. This is not the way to deal with this, and certainly not after our history and certainly not as a woman Deputy and a mother. Information as of right must mean just that.

An Ceann Comhairle: Gabhaim buíochas leis an Teachta. D'ardaigh sí ceist mar gheall ar leagan Gaeilge den Bhille. Tá mé tar éis comhairle a fháil chun an cheist a shoiléiriú beagáinín di. Tuigim gurb é an nós atá againn anseo ná go bhfoilsítear Billí a bhaineann leis an nGaeilge

nó leis an mBunreacht i mBéarla agus i nGaeilge ar dtús. Ach i gcás Billí nach mbaineann leis an dá chás sin, ní fhoilsítear iad i nGaeilge ach i mBéarla amháin agus nuair atá an reachtaíocht rite, is ansin a fhoilsítear an tAcht i mBéarla agus i nGaeilge. Níl sé sin sásúil agus ba chóir go mbeadh an dátheangachas ann ón tús, ach toisc an deacracht agus na fadhbanna atá i Rannóg an Aistriúcháin, is mar sin atá sé faoi láthair agus bhí sé mar sin le tamall maith anuas. Tá brón orm faoi sin agus déanfaimid iarracht rud éigin a dhéanamh faoi sin.

Gabh mo leithscéal but we move to our next contributors who are Deputy Devlin sharing time with Deputy Carroll MacNeill.

Deputy Catherine Connolly: Go raibh maith agat, a Cheann Comhairle.

Deputy Cormac Devlin: Gabhaim buíochas leis an gCeann Comhairle. I welcome the publication of the Birth Information and Tracing Bill 2022. At the outset I thank the Minister and his officials for progressing this important legislation. It has been discussed many times in this House, has been demanded not only by Members but by the public, has been long-awaited by many and follows decades of attempts to amend the Adoption Act 1952, which in many ways copper-fastened a culture of distrust and secrecy around adoptions in our society.

This legislation will provide a clear and guaranteed legal right: the right to a birth certificate; the right to birth, early life and care information; the right to medical information; and the right to documents like baptismal certificates to everyone who was adopted, boarded out, subject to those illegal adoptions or who resided in a mother and baby or county home, which I hope will also be addressed in time.

I was contacted by a constituent not too long ago who told me a story of where in school, she dreaded every time a baptismal certificate was requested because of the rigmarole she had to go through and of the fear that it instilled in her. In fact, the publication of the Final Report of the Commission of Investigation into Mother and Baby Homes prompted her to make contact with me to tell of her story and the trauma that it all brought back to her as a child.

The Bill establishes a statutory tracing service, a statutory contact preference register and, importantly, provides for the safeguarding of adoption and related records. The legislation also addresses the issues facing people who are the subject of an illegal birth registration, providing a legal mechanism for the registration of accurate information. I know the Minister has accepted many of the recommendations proposed during the pre-legislative scrutiny process, which is very welcome. There are, however, still a number of points I would like to raise in the time available.

The text and language around “illegal adoptions” is less than satisfactory and I hope the Minister would consider recognising the reality of the situation and strengthening the language. A number of issues have been highlighted, by people who were adopted and representative groups, including around the need for mandatory information sessions before details can be released in circumstances where a birth mother has expressed a no-contact option.

Speakers have noted that the General Data Protection Regulation, GDPR, provides a right to access to personal information and they have suggested that a legislative framework may be unnecessary. As noted by some speakers, including my party colleague Deputy O’Callaghan, the courts have upheld the right to identity but they have also noted the rights to privacy.

In my view the right to identity is a principal right, particularly the right to medical informa-

tion. While I accept GDPR may vindicate this right, it also creates a situation where individual data controllers are assessing applications and interpreting rights. I have personal experience of constituents who were adopted being passed from the institutions to Tusla and back to institutions, time and again. This is very frustrating given the ordeal that these people have already had to endure.

There are other cases, such as that of another constituent, Susan Kiernan - I raise her name because it is in the public domain, a Cheann Comhairle - who was illegally adopted. She and her daughter Lisa Kiernan had dreadful difficulty establishing information. Their case has been well-highlighted to date. This situation is completely unsatisfactory and I welcome the standard legislative format established by this Bill.

Speakers from across the House have raised many other important points. In the general spirit of cross-party support for the legalisation I ask the Minister to give these suggestions detailed consideration as this Bill progresses. Gabhaim buíochas.

Deputy Jennifer Carroll MacNeill: Gabhaim buíochas leis an gCeann Comhairle. I thank the Minister for bringing this Bill forward to enable us to discuss it. I also acknowledge Deputy Funchion and her work as Chair of the committee which did such significant work to analyse where and how this Bill should go. She will be returning to the Chamber shortly as she has been here all along. I am not a member of that committee and have not been part of that same level of detailed process but I wanted to reflect upon this Bill from slightly different perspectives on how far it has come, what that means since 2011 and 2012 when the Government was talking about this initially and what that means for the constitutional dial and the scope that gives us for imagination for the future.

I had the good fortune and privilege to work in the Government, in the Department of Children and Youth Affairs, in that period of 2011, 2012, 2013 and 2014. That was a very interesting and difficult period. We created the first Department of Children and Youth Affairs precisely because of how many issues of real challenge there were in child protection services and historically in respect of sexual abuse, right across the State, the church and the social architecture. There were so many issues to be addressed and a dedicated Department of Children and Youth Affairs was established to do that.

I recall when I started work there that the first thing I was given was the Cloyne report to read and prepare for publication. That was one of the most difficult reports I had ever seen, obviously at that stage in my career, and the preparation for the reaction to it was very important. Excuse me for taking the time to say this, but I say it by way of context building in seeing quite how far the work that the current Minister has done has come and where this work came from.

At the time, if the House can recall, the reaction to the Cloyne report was around a different architecture for the reporting of child sexual abuse and, in particular, the creation of mandatory reporting and what that meant. I recall the then Minister, Frances Fitzgerald - I know that she will not mind me saying this - and the background and the challenge that she had within the Department but also within the church, and the ideas and reaction from the church even then about mandatory reporting.

Mandatory reporting, as a concept, was already well-established in law. It had been there in the white-collar offences legislation some time previously so I do not know why it was an issue. It became one, however, in the context of the response to the sexual abuse issue from a

legislative perspective. As the idea was there, why not then just have equivalent legislation?

Of course, it had a different context and tone. I remember thinking that the church might respond with questions around freedom of religious expression and I was surprised when the argument that was advanced at that time by the people who were there at that stage was in respect of the seal of the confessional, which was to my mind such a weak legal argument to advance against the strong constitutional position that could be taken by the Government of protecting the primacy of the public good. I was very surprised that, A, they advanced any argument against mandatory reporting and, B, that the argument would be so weak. I remember taking great confidence at that time in the Government's position and the position of the then Minister, Frances Fitzgerald, in being able to press ahead against what was a cultural difficulty but not a perceived constitutional difficulty and she did press ahead. I remember one interview, in particular, with Pat Kenny where she just said that she was doing this, it was in the public good, irrespective of the seal of the confessional and the ideas of mandatory reporting which were already in law. This was what she was going to do. It was an important constitutional moment for the Government in the context of the Department of Children and Youth Affairs.

Similarly, the children's referendum at the time came through this process of evolution. The House may recall that back in the period up to 2007, a cross-party committee was established to look at the rights of the child and the Constitution. It came up with wording which was a phenomenal piece of work. From a constitutional perspective it was difficult to put forward as a referendum because there were so many constitutional phrases in it which did not have constitutional standing, which meant that there was a read across which was problematic with many of the different ideas, concepts, new words and so on. I remember before the 2011 election, the then Attorney General, who is actually the same Attorney General now, produced new wording under the Minister of State with responsibility for children at that time, former Deputy Barry Andrews, and it did not come up to the mark of what the people on the committee had hoped for and expected. It went away. There was an election and the new Government was formed with a mandate to implement either the 2007 wording or something akin to this wording.

A great amount of work was done for many years about shifting the constitutional dial from what had been advanced by the then Minister, Brian Lenihan, in 2007, what was advanced then by the Barry Andrews wording at the end of 2010 and the beginning of 2011, to what we ultimately reached. It could not reach the ideals and the words of the 2007 committee wording, but it was where we got to. I do not want to say it was a tortuous process because it was not. It was a careful, important process but it was one that created challenges between a new Government and a new idea about children as rights-holders in and of themselves, as opposed to deriving rights from their parents. The arguments there were about the words "may" and "shall" are debates the Minister has been through as well, but the political decision-making and drive, accommodated within the Attorney General structure, ultimately won the day on that matter. We came up with a wording which at least gave us the basis for the establishment of the rights of children, the capacity to intervene in family circumstances in a way that had not been considered constitutionally permissible previously and the basis for articulating rights such as the voice of the child and the best interests of the child as being absolutely of primacy as opposed to being something that was derivative.

The reason I mention all that is because this legislative measure was also there at the time, and it was one we just could not get through. We just could not do what we wanted to do, which was put through this Bill. It was about identity. We came up against the challenge that is well documented - I believe Deputy Bacik was involved at the time - involving the balance between

the rights of the birth mother and the right to identity. Interestingly, the right to identity came up shortly afterwards through the legislation in respect of assisted human reproduction. Birth identity, health identity and all those concepts were around at the same time. However, this was a barrier that could not seem to be overcome. There were a few reasons for that. One is that it was ten years ago and it was closer to the time when, perhaps, there were more people who were able to articulate, or were closer to, the experience. I am not sure why. However, the political will was very strong. I went back through the comments of the then Minister, Frances Fitzgerald, and her replies to parliamentary questions regarding the things she wanted to do. I could see her expressing her frustration - obviously, I had seen her frustration in to a greater extent because she was not able to express it publicly - with regard to this balance between privacy and identity.

Of course people have come to this debate from different perspectives. Of course there are those who left behind a very difficult time in their lives, moved away from it and chose to or were socialised to move away from it in a particular way, which was to protect a secret. We respect their experience in every way. However, the right to identity, to know who one is for a baby born in circumstances where he or she did not know where he or she came from and being able to establish contact are the principles the Minister has been able to include now. I am very glad he has. I am glad he has been able to do this work and bring it to this balance instead of that balance. I respect the comments made by Deputies on all sides of the House who asked the Minister to go further, to do better and to do more, recognising that he is operating within a particular constitutional structure and within the rights structure that we have.

I respect all that, but I must comment on how far the constitutional dial shifts and can shift. One might ask why that happens. It is the same Constitution. Okay, it is a living Constitution and there are some judgments by the courts which point the dial this way or that, but it is largely about public sentiment as represented by the public's political representatives and how far they can push ahead through the architecture at any given time, having regard to the broader context. Unfortunately, much of where the constitutional dial gets pushed to comes from a place of difficulty. We managed to do the mandatory reporting because of the Cloyne report. Absent that report I do not know if we would have been able to get it through. Now we have an architecture for child protection across every sports club in the State where it is simply accepted. There is no question about it and there is no difficulty. That is the cultural norm now. In the same way, with regard to any outstanding pieces where the Minister can do more and can create more imaginative solutions to the practical problems that Deputies correctly throw up on Second Stage, because that is our opportunity to tease the Bill out, I hope he will push ahead with confidence and take the experience of the past. The Minister has delivered a Bill which delivers the constitutional dial that we tried to deliver. Much has happened in between. The Minister has been able to do this because of the desperate experience of the people in the mother and baby homes and others, including all the people who had been articulating this long before with regard to adoption rights. There are many people who have contributed to this development in legislation or to the impetus for the development of this legislation.

I recognise the constitutional architecture in which the Minister is working but I ask him, where he can, to be pushy and imaginative and to take the opportunities, because it will always happen eventually in some way. I commend him on his work to date and ask him to be imaginative, where possible, as the Bill progresses through both Houses.

Deputy Denise Mitchell: I thank the Minister for bringing this legislation forward, despite its many flaws. Many Ministers before him made promise after promise but failed to deliver,

so I must give credit where its due. The Bill is far from perfect, but if we all work together it can be improved.

The treatment of adopted people seeking access to personal information has been well documented in the last few years. It is shocking that in 2022 they are still fighting for their rights. Many of the issues were discussed in detail during pre-legislative scrutiny. The committee made 83 recommendations, but it appears that many of the concerns it raised have fallen on deaf ears. Every person deserves a right to his or her private and sensitive information. This Bill must be amended to reflect the views of adopted people, instead of putting up further barriers to prevent people accessing information to which they are entitled. It should not be partial access, but full access to all information relating to them that is held by the State. People are entitled to know their background, and the Government should not be in a position to prevent them knowing more about themselves.

The notion of an information session, in whatever form it is put forward, is patronising. It must be scrapped. It is insulting to adopted people. In addition, the idea that a person needs the permission of a GP to access the person's medical information needs clarity. It is as if the Department is inventing unnecessary barriers. There is no logic in putting up hoops for these people to jump through to get information to which they should be entitled. The need for one agency to hold all adoption records was discussed at length. That makes sense, even if it is only to provide oversight of the bodies that hold the records at present. Adopted people feel that they cannot trust the agencies currently holding their records, and that must be recognised by the Minister.

The Bill goes some way to address issues that were raised in previous debates over the years, but it still falls short. We cannot leave people behind, and the opportunity must be taken by the Minister and his Department to get this right. My colleague, Deputy Funchion, has engaged with the bodies representing adopted people and they are not happy with what is being proposed. Their voices have to be heard. Deputy Funchion will table a number of amendments on Committee Stage to address the pitfalls. We need a proper definition of personal data. In addition, all institutions must be included in this legislation. Otherwise, it will be undermined from the start. This is an opportunity to deliver justice to adopted people once and for all. We need to ensure their rights are realised.

Deputy Mark Ward: The history of access to information for adopted people in Ireland has been fraught over decades with inaction and indecision. This has ultimately resulted in no clear legislative framework for adopted people seeking information about their past and accessing their birth and early life information files. I listened to the Minister's opening remarks last night and it was like a box set of "Reeling in the Years" as he went through the history of the Bill and the failures of previous Governments led by Fianna Fáil and Fine Gael to legislate for adopted people. I commend the Minister on getting it this far.

I am also a member of the Oireachtas joint committee that undertook pre-legislative scrutiny of the Bill and, again, it is welcome it has come to this Stage. It has, however, been a rushed process from 14 December to now in getting it this far. I also believe it is a failed opportunity. There was a chance to finally put adopted people front and centre in a human rights-based approach. The State has consistently failed adopted people in this country. The recent mother and baby homes report has brought the matter into sharp focus again but we must be cognisant that this issue affects all adopted people and not just people in mother and baby homes. I am very mindful of this but I always go back to the heartbreaking testimonies of some of the people af-

fected by the mother and baby homes. I have said that before in this Chamber to the Minister.

The committee of which I am a part made 83 recommendations to the Minister. I still call myself a relatively new Deputy and it struck me that the process was very collegial, involving all parties and none, including the Acting Chairman. It involved people of all parties and none, the Government parties and the Opposition. I really felt it was not about party politics, which were instead set aside. We came together to make these 83 recommendations and I was disappointed not all of them were taken on board. I acknowledge that some have been taken on board but this is nonetheless a missed opportunity.

This is a missed opportunity to develop a new agency, for example. This could have been done in a way that would not delay the process because we do not need any more delays. We recommended an ombudsman-type body for appeals and oversight of Tusla and the Adoption Authority of Ireland in the meantime. This recommendation was also not taken on board. Given that redress is the next matter we will debate in a few months' time, a new agency would have been appropriate and perhaps it is even necessary.

The question of information sessions has been brought up numerous times and I have been getting constant emails - I am sure the Minister is getting them too - from people affected by the matter. They feel this is offensive to adopted people and the concept of privacy should not have to be explained to any applicant in any proposed format. Basically, the provisions for mandatory information sessions have not been removed, although they have been changed slightly. There is still an information session and it explicitly states in the legislation that part of the reason for it is to explain to the relevant person the importance of the privacy rights of parents.

My colleague, Deputy Funchion, is the Chair of the committee and I commend her on the way she steered us through this highly emotive legislation. The children's committee features legislation heavily and much emotive legislation has gone through it, including this Bill and the burials Bill. The assisted decision-making (capacity) Bill is coming up this term as well. I commend my colleague on steering us through it.

I was listening last night and Deputy Funchion spoke about clarity for Part 4 of the Bill, relating to hierarchy of next of kin. There is a hierarchy in the next of kin, starting with the mother or father and then on to siblings. I will ask the same questions that were asked last night. What happens in a case where somebody has died in care where the parent does not want to get the information but a sibling does? Is he or she entitled to get it or must the parents have passed away? Is there a hierarchy for siblings and are older siblings given more consideration than younger siblings? I genuinely seek clarity on these matters.

I have other areas of concern. The Bill as it stands does not provide unrestricted access to birth certificates, adoption files and early life information. Institutions have been excluded and the definition of personal data is not clear, which leaves the door open to various interpretations. Information can be withheld in certain circumstances and definitions in the Bill are extremely narrow; this must be expanded to include individuals, agencies and institutions involved with forced family separation. The provisions for accessing records are very problematic in the Bill. Rather than whole files being provided, partial files will be issued.

I acknowledge that some advances have been made in the current Bill but I cannot support the legislation in the current form. We had the opportunity to produce a Bill that would not require amendments but now we will have to come back to debate this all again, dragging out

the process further by submitting amendments. The Bill has many weaknesses and, crucially, it does not take on most of the recommendations contained in the children's committee report.

Proposals to legislate in this area must not leave any adopted person behind. This is a human rights matter. Successive Governments, in my opinion and that of Sinn Féin, have been in breach of adopted persons' human rights dating back right to the foundation of the State. As I said, we will submit a significant number of amendments to the Bill to ensure no adopted people are left behind.

Acting Chairman (Deputy Jennifer Murnane O'Connor): We are now going to the Independent Group and Deputies Pringle and Harkin have 20 minutes.

Deputy Thomas Pringle: I am thankful for the opportunity to speak on the Birth Information and Tracing Bill 2022 today. I start by making it absolutely clear that this Bill does not provide unrestricted access to birth certificates for adopted people and I, along with many others, see through the narrative that this Government is trying to push that this is a fantastic Bill that gives adopted people exactly the access they want. This Bill does not give adoptees full and unfettered access and any suggestion that it does is wrong and intentionally misleading. As has been said, the devil is in the detail of this Bill and I acknowledge adoptee groups, and in particular Dr. Claire McGettrick, for combing through this legislation and shedding light on the hidden details in this Bill that are very problematic.

I will first address section 17, which is incredibly discriminatory. It states that in a case where a natural parent has lodged a no-contact preference, a birth certificate will only be given after the adopted person has completed an information session. Part of the purpose of this information session is to explain to adoptees the importance of respecting the parents' privacy. We should make it very clear that adopted people do not need assistance in respecting people's privacy. It does seem, however, that this Government needs assistance in respecting adopted people's rights. Birth certificates are public documents and every citizen in this State has a right to them. Under the 2004 Act, all born in this country have a right to obtain a copy of their original birth certificate on application to the chief registrar. To deny adopted people the right to their birth certificate without a mandatory information session is clearly discrimination and there is no dressing it up. This is completely unacceptable and it needs to be addressed immediately. The discrimination against adopted people must end now.

I will also address the issue of the interpretation of "personal data" throughout this legislation. When my colleague, Deputy Catherine Connolly, and I introduced our Adoption (Information) Bill 2021 last year, the Minister, Deputy O'Gorman, told us his Government would ensure that "full and unredacted birth certificates, access to birth, early life and medical information and a robust statutory basis for tracing and safeguarding of relevant records" would be delivered "through a single, integrated and comprehensive Bill that enables all of these matters to be dealt with in a way that is compliant with GDPR and the Constitution". Despite this, the Birth Information and Tracing Bill 2022 that he has put forward redefines personal information under various different categories such as medical information, care information and early life information.

Some of these categories even have timeframes on them, such as care information. In doing this, the Minister runs the risk of personal data falling through the cracks and this threatens to compromise EU GDPR rights. Under the GDPR, one should have complete and unfettered access to personal data and this Bill is introducing restrictions to that, which I believe to be a

serious breach of EU GDPR rights.

The definition of personal data should have been left alone and the fact that the Government sought to redefine what privacy means and what that information comprises is just insulting. The idea that the Government would even consider compromising its citizens' GDPR rights is incredibly concerning.

4 o'clock

As Dr. Claire McGettrick continually states, what these people are looking for is “the file, the whole file and nothing but the file”. I do not know what is so hard to understand about this. After introducing our Adoption (Information) Bill 2021, we were told by Ministers that our Bill had not considered the many complexities associated with access to records. I do not see what complexities need to be considered or discussed and I cannot understand the lengths to which the Government has gone to make this so complex. I believe it is very simple: give access to the file, the whole file and nothing but the file, as Claire McGettrick has said.

The Government has once again missed the mark on this, just like it has done with the redress scheme for survivors of mother and baby homes. I wish to point out that it is completely disingenuous for the Government to keep referring to this scheme as the €800 million scheme. Why do the Taoiseach and his Cabinet insist on continuously calling it the €800 million scheme as if this is something to be proud of? It does not matter whether this scheme costs €800 million or 2,000 million euro. The focus should be completely and wholly on the survivors and not on the cost. Every time this scheme is referred to in terms of monetary value and not in terms of human life, one takes away from the survivors and from their experiences. The entire system of forced family separation and the institutionalisation of women and their children in this country is nothing to be proud of. The fact that this redress scheme is necessary in the first place should only be a cause of serious shame to us.

Deputy Connolly and I introduced our Adoption (Information) Bill last March. The Bill would have given adopted people complete, untampered, unredacted and unconditional access to their records. The Minister, Deputy O’Gorman, spoke to the Bill at the time and said that the Government did not oppose it but that it was going to bring forward its own comprehensive legislation that would serve the needs of adoptees and survivors. The legislation was to deal with all of the issues pertaining to this sensitive and complex issue in a robust and comprehensive way. We were led to believe that the Government would bring in legislation that was full and comprehensive but as I read this Bill today, I cannot help but feel disappointed. I am disappointed at the missed opportunity and, most of all, disappointed for the survivors and for the adoptees who have been fighting so hard and waiting so long on this Bill, only to be let down by the State once again.

I acknowledge all of those survivors and adoptees today, because I know it has not been easy. This Government has been dragged kicking and screaming to bring them this legislation. After all that work, I am very sorry that they have been left with this substandard Bill. While we stand here and debate this legislation, we must remember who it affects. Most of us will never understand what it feels like to not have access to our own information. I stand with all the adoptees affected by this legislation and I will continue to fight alongside them until we get this right.

After Deputy Connolly and I introduced our Adoption (Information) Bill, I asked how

much longer must we continue to let these people down, how much longer must we continue to deny adoptees rights to their own information and how can we justify continually asking them to fight this fight when they have already been through so much. I put those questions to the Minister yet again today. What exactly will it take for this Government to do the right thing?

This Bill does nothing but give a continuation to the system of forced family separation and the institutionalisation of women and their children in this country. When will it end? What will it take? How many times will we require people to share trauma for the Minister to listen? I ask that the Government would stop putting pressure on these people and on groups to accept this substandard legislation. Adopted people know exactly what they want and what they need. They do not need the Government telling them that this is great legislation or that it should be welcomed. They see this for what it is. They see the Government trying to steer the narrative on this and they see the State, once again, providing far too little far too late. It is not good enough. This legislation will not be shoved down our throats or touted as a win, because it most certainly is not.

Deputy Marian Harkin: How often, in recent times, have we heard the phrase “Do not let the perfect become the enemy of the good”? In many ways, I believe that this applies to the legislation we are discussing today. Much of what is in this legislation is good, and in that context I commend the Minister on bringing forward the legislation. I listened carefully to the Minister’s contribution yesterday. One of the things I appreciated was the fact that the Minister gave credit to many others who had worked on this legislation before him, and he named them. The Minister’s own contribution indicates his determination to ensure that the legislation we end up with is fit for purpose. That much I welcome. This Bill, however, which I would call good, is good only in the context of the current, totally unsatisfactory situation. I believe, however, that amendments are needed to improve this legislation so that a good Bill can become a better one, even if not a perfect one.

Because the Minister gave credit to others for their work on this legislation up to now, I hope that the Minister will show the same flexibility in the coming weeks when it comes to taking on board at least some of the more important recommendations from the Joint Committee on Children, Equality, Disability, Integration and Youth in its report on the general scheme of the Birth Information and Tracing Bill. The work of the committee, and all who made submissions to it, is hugely valuable in that it adds to the legislation and refines it in such a way as to make it fully fit for purpose. There are 83 recommendations in the report and I have gone through it. The Minister has taken some of the recommendations on board but many others he has not. I ask the Minister to take those into consideration on Committee Stage. Some of the more important outstanding recommendations include the removal of the mandatory information session requirement. It is important to note that the committee puts in place a positive and reasonable alternative to that requirement in cases where a mandatory information session is required. The report states:

The mandatory information session should be removed from the legislation. An alternative appropriate safeguard should instead be provided for, such as the sending of correspondence by registered post.

I put it to the Minister that this would vindicate the right to privacy just as well as any mandatory information session. A letter that clearly sets out the situation and the circumstances would be as legally sound as an individual delivering the same information. One could also include, for example, the possibility for an adopted person to request further information where

he or she thought it necessary.

The right to identity trumps the right to privacy but we know and agree that consideration must also be given to the right to privacy. I believe that the consideration and the right can be vindicated, and does not require attendance at a mandatory information session. Other colleagues have said it, and I hate to repeat it, but it is true that the requirement for a mandatory information session shows a paternalistic approach. Perhaps it will be a lecture by somebody employed by Tusla, or some other person, rather than information provision. In other words, it is a case of “Listen to me and what I am saying” rather than “these are circumstances that we want you to take into consideration”. If a letter or short document is given to a person then he or she is much more likely to read it carefully and pay attention. One hardly remembers half of what people say to you. If we really want to vindicate the right, then I honestly believe that a written document would be more powerful and perhaps more legally sound than anything an individual might or might not say at an information session. Whether the Minister likes it or not, the truth is that many people feel demeaned by this requirement. Basically, they feel that they are being told “Sit down and listen to what I have to say”. The Minister must find an alternative. I believe and hope that he will.

I have read the committee report. I am not on the committee and I do not pretend to be an expert. I have read what the Clann Project has said, and there has been some excellent analysis of the situation and the legislation. I have also received emails on the issues from many constituents and other people throughout the State. I have time to raise only some of the more important issues. The issue of the false registration of births has to be recognised in the Bill. There is a huge difference, in terms of a criminal offence being committed, between deliberately falsified and incorrectly recorded details on birth certificates. Illegal and unlawful adoptions must be fully recognised and acknowledged. I can see that the Minister is taking notes. I hope what he says in his reply to the debate will make me feel better about that particular issue. As I said, I am not an expert in this but I have gone through the report.

The Minister is in charge of the Bill. That is a great responsibility. It is very difficult for him to right all of the historic wrongs but now is the time, because many will not live to see further legislation vindicating their rights. Changes must be made to ensure that the Bill allows unconditional access to birth certificates and birth information for everyone and a clear statutory right to access one’s own care or adoption file. Many colleagues have quoted the Clann Project’s request for the file, the whole file and nothing but the file. There can be no discrimination when accessing personal data. There has to be a strong presumption towards openness.

There must also be a statutory right of access to administrative records. It does not matter who holds that information, whether they are adoption agencies, institutions, State bodies or others. We all recognise that the Bill must be robust. One or two colleagues have spoken about the fact that it may be tested in the courts. We understand all of that. While the legislation must be robust, it also has to be fit for purpose. In this case, the purpose of the legislation is to, for once and for all, deal with the many historical wrongs imposed on many adoptees who have had no access to their information.

I agree with Deputy Pringle. I know the Minister feels the same as we do. We must fully understand who is affected by this legislation. That cannot take away from its robustness. At the end of the day, there are only a few sticking points. I believe that the report from the joint committee offers the Minister alternatives and possible solutions to ensure that the legislation remains robust, while taking into consideration its impact on many people throughout the coun-

try who are eagerly awaiting it. He has probably read the report many times. I ask him once again to look at it and use the flexibility that he has. I believe Committee Stage will also help to ensure that, as I said at the beginning, while this legislation may not be perfect it can be better than it is right now.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I want to thank everybody for their detailed contributions over the past two days and consideration of the Bill since it was published. I want to thank the Acting Chair and Deputy Costello, in particular, as members of the joint committee, for speaking about a number of recommendations we implemented in moving from the original draft of the Bill last May to the Bill published two weeks ago.

It has been said in the House and on the national airwaves that no recommendations were implemented. A significant majority of the recommendations of the joint committee were implemented in the Bill. Another body of recommendations cannot be implemented in the Bill but will be implemented in terms of how it operates. A small number of recommendations were not suitable for inclusion in the Bill as they dealt with other elements in terms of legacy issues. We respectfully disagreed on a small number of areas and those areas can be teased out further on Committee Stage.

We recognise that the Bill is complex. Deputy Funchion asked that my officials provide a detailed briefing on the Bill for Members of the Opposition, and I am happy to arrange that prior to Committee Stage.

There was discussion yesterday that the Bill should have been written in plain English. If all legislation could be written in plain English, I would happily embrace that but we know we have to legislate as we legislate. Our Department published a detailed plain English guide alongside the Bill. We also published a detailed FAQ document in plain English which answers questions individuals may have about the Bill. When the legislation is in operation, we will work to ensure that all of the relevant guides indicating how people can use the legislation are provided in plain English.

Some Deputies asked about the different categories and how that causes confusion, in particular in cases where people may not apply for all of their categories of information. Let me be very clear about how people can apply for this information, assuming the Bill is passed and becomes operational. People will be able to tick a single box and apply for medical and care information and birth certificates. We will also design the system so that if people only want certain parts of information they may only request that. We will make the system as simple as we can in order that people can get as much information held on them as is possible. That is what we are trying to do with the Bill, namely, give people all of the information that is there with no redactions and holding nothing back.

There was discussion during the debate today and yesterday about accessibility to medical information. I want to clarify the position. Adopted people and those who were boarded out are, under the legislation, fully entitled to all of their own unredacted medical files held by any of the relevant bodies. They can and will get those unredacted files under this legislation.

An issue arises when an adopted person is seeking information about the health records of someone who is in their family. In most cases, that will be about mothers and whether there are hereditary conditions in families that people need to know about. That is information they

need, and we recognise that people need that information. Deputy Funchion said yesterday that as a non-adopted person she can get all of that information. I can get all of that information.

However, we do not have legal rights to that information. We get it because we have good relations with our parents, but none of us have a legal right to information about our parents. If my parents wanted to withhold medical information about themselves from me, they are entitled to do that, even it is information I need to know. Under the Bill, we are giving an adopted person a legal right to information about a third party. The third party is not able to consent to that information being given to a person; it will be a legal right. The information is provided through a GP because it is a significant broadening of the adopted person's rights in terms of being able to get information about somebody else without his or her consent. When I met a group of mothers, they were concerned about this and broadly wanted to provide information. Somebody else getting their medical information without their consent is a big deal, and there have to be protections put in place around that. That is why we are suggesting a process of going through a GP for that part.

In the case of adopted people who want to access their own medical records, such as vaccination records or anything like that, that information will go to them directly, unredacted and fully released. I hope that provides some clarity and reassurance on that point. Some Deputies said they believe our definitions of birth information are too broad. I do not accept that. We have broadened them further, but we will continue to look at those definitions.

Several Deputies spoke about use of the term "incorrect birth registration". I know illegal birth registrations happened and I have acknowledged that. I have always used the term "illegal birth registration" in any of my communication on that issue. Our concern was that if we said something was an illegal registration, that category of information could only be accessed by those who could conclusively demonstrate that they were the subject of an illegal birth registration, therefore narrowing the number of people who could use that category. We want to create broad categories and Deputies have called for broad categories in all of this. That is why we were worried about using the term "illegal" and we used the term "incorrect" because it is a wider category. That is why we did not accept the recommendation in the JLC report to use the term "illegal".

One of the Deputies used the term "false or incorrect". We will consider making a change there to try to recognise that. The sole purpose was to get as broad a definition as possible so as many people could get as much information as possible. I have always recognised that illegal birth registrations were undertaken by institutions. A significant piece of this Bill is to address their situations, particularly the 151 individuals who were in St. Patrick's Guild. We have done a significant amount.

I have met groups and individuals seeking to provide them with a way to correct their incorrect birth registration and also to recognise the identity under which they have lived their lives. They have a real fear that because they were using a different name from the name that would have been on the birth register but for the illegal act, the contracts they have entered into all their lives may have been based on a false initial premise. This legislation deals with that. It provides a brand-new legal system to recognise their social identity which is so important. However, we will look at the definition of incorrect registration. I think Deputy Harkin also asked that we look at that.

We did not accept the JLC recommendation that a new agency be created to take on the

functions of Tusla and the AAI as regards this Bill. I have always said that I wanted to provide information to adopted people as quickly as possible. My sense is that everyone across the House believes this needs to be done quickly. People have waited too long. We all know stories of survivors or adoptees who died before being able to get that vital piece of information.

If this Bill is passed, there will be a three-month period within which people can register their contact preference and then people can start to get their information. If we wait until the creation of a new agency, it will take 18 months or two years. We need to be upfront with people about that. A new agency would require a statutory basis and require people to be employed or perhaps be transferred from existing agencies. It will take a significant period of time. I am not prepared to ask adoptees for that. Deputy Funchion indicated she would table an amendment on that and we can discuss it further on Committee Stage. However, if this legislation is passed, after three months people can get their information. That would not be the case if we were to start a new agency.

Section 64 of the Bill calls for a review of the operation of the legislation after four years. If it is determined by me or whoever succeeds me in this office that the legislation is not working or that it is not being applied in a way that survivors or adopted people are satisfied with in terms of Tusla and AAI, a new body can be created. On Committee Stage, we can consider if the four-year period for review needs to be truncated somewhat and that we should look at the operation of this legislation earlier. We need to be very upfront with people. A new agency takes a long time, leading to a greater delay before adopted people get their information. That is why I did not accept that particular piece.

Regarding how we operate this legislation, there will be a stakeholder group, involving adopted people, to assist and guide the Department, the Adoption Authority of Ireland and Tusla. Just as the Oireachtas joint committee's meeting survivors influenced its report, my departmental officials and I have been meeting survivors, adoptees and persons whose births were illegally registered. That has assisted us significantly. The meeting with mothers convinced me that we needed to change the term from "birth mother" to "mother" in the legislation. Deputy Funchion will recall I asked the committee to meet them even though they were too late to make a submission. The committee kindly extended the time to allow that important voice be heard.

During this debate many people raised the issue of the information session. Deputy Jim O'Callaghan's speech was important in setting out what we are trying to achieve here. The focus of legislation is on the constitutional right to identity, which, as I said when I spoke yesterday, has been ignored and the State has failed to vindicate for adopted people for such a long period of time. However, another constitutional right is at play here: the right to privacy. In the legislation we have decided to give pre-eminence to the right to identity which is why everybody who makes an application under the provisions of this Bill will get all their information. Unlike in previous Bills where there were exceptions, even narrow exceptions like if the mother's life was at risk they would not get information, that is not the case in this Bill. Everybody who makes an application on this under the provisions of this Bill will get all their information.

In taking two constitutional rights and deciding to put one over the other, which is what we are doing here, we must demonstrate, primarily to the courts if the constitutionality of the Bill is challenged, that we have considered both sets of rights and that we are balancing them in a fair and proportionate way. It is our view that the system we have provided for in this legislation with an information session - no longer in person and no longer done by a social worker - where that no-contact preference is conveyed to the adopted person is the best way to ensure that the

constitutional right to privacy is sufficiently present in this legislation. I believe this means that we do not risk it being challenged constitutionally and that we do not risk the Supreme Court at some point determining that there is not enough protection of privacy rights and declaring the legislation to be unconstitutional.

We know that there was a challenge to the issuing of information in the past - the *I O'T v. B* case. Therefore, I am concerned to ensure the Bill is constitutional. Obviously, every Minister wants to introduce legislation that is constitutional but there is a history of the constitutionality of legislation in this area being challenged. That is why it is so important to get the balancing of rights correct.

I believe Deputy Cairns said yesterday that a very small proportion of mothers will have a no-contact preference. I want to explore that because she is correct in that. The information session only takes place in circumstances where a parent has registered a no-contact preference. If the parent has registered a preference for contact or if the parent has not made any entry into the contact preference register, the adopted person seeks the information and the information is sent out to him or her. That will cover the vast majority of cases. We have a contact preference register at present. It is non-statutory and run by the Adoption Authority Of Ireland. We will replace that with a statutory contact preference body. My understanding is that 4,500 birth relatives of adopted people have registered contact preferences on that register. Of those, 99 registered a no-contact preference. Of the 4,500 parents who used the existing system, only 99 requested no contact. Going forward, I think that will be the kind of ratio we will see between those who will register no-contact preferences versus contact preferences. Even if only one parent registers a no-contact preference, he or she will be actively setting out a privacy concern about the potential release of his or her information to the adopted person.

Yesterday, Deputy Martin Kenny spoke about the secrecy and shame when the adoptions took place and the pressure, be it moral, situational or actual, put on women to give their children up for adoption. He is absolutely right in that regard, but this will be a decision taken by parents, by mothers, that they wish to register a no-contact preference now. It will be something they consider they need in their life now. If they make a decision that they want to register a no-contact preference, it has to be conveyed and be part of the process of balancing those rights.

The Acting Chair spoke eloquently about a criticism of the approach recommended by the Oireachtas joint committee on the use of a registered letter. We can go into that in greater depth on Committee Stage. I believe the system whereby a face-to-face meeting or, importantly now, an online meeting or even a phone call is used to convey to an individual, in the very limited circumstances set out in the legislation, the constitutional preference of a mother is the way to ensure that if this legislation is challenged in the High Court or the Supreme Court, the court can say it considered both sets of rights and decided to elevate the right of adopted people to their identity and information but that it sufficiently considered the position of the right to privacy in making that call. We will no doubt discuss that further on Committee Stage.

The position we have reached is one that we have given significant consideration in the Department. Information sessions have been a feature of previous draft legislation, so it is has not come out of the blue. The use of a letter is a matter we considered and one that was raised with the Attorney General. It was thought not to be sufficiently protective of privacy rights. As I said, we will discuss that further on Committee Stage.

As the Minister responsible, I want to ensure we take every opportunity to strengthen this

legislation. I will listen and be open to all amendments that come forward on Committee Stage. However, I am also conscious of the need to progress this legislation rapidly. I am somewhat surprised to learn that I am being criticised for the tight turnaround in respect of the time between the Oireachtas joint committee making its recommendations and this legislation being brought forward. Everybody has told us this legislation must be progressed quickly and it is progressing quickly. Officials in my Department have worked very hard because everyone wants to see this legislation passed in order that people get the information they deserve and need.

I will bring two sets of amendments forward on Committee Stage. Both attempt to provide further protections and guarantees to those who are subject to illegal birth registrations. First, the interdepartmental group on the St. Patrick's Guild incorrect birth registrations recommended to the Government that amendment be made to the Succession Act to provide that persons affected by incorrect birth registration should, in addition to their existing right of succession in regard to their birth parents, have succession rights in regard to their social parents as well. The Minister for Justice, under whose remit the Succession Act falls, is preparing a legislative amendment to the Succession Act 1965, which will give full effect to that policy. Subject to the approval of the Government, I hope to incorporate that amendment by way of a Committee Stage amendment.

Second, I plan to add a provision to the Bill that will afford assurances that any transaction entered into by a person in his or her social identity - again, in the case of someone who is subject to an illegal birth registration - will not be invalidated because the person was subject to an incorrect birth registration. This should provide certainly regarding a variety of transactions entered into in good faith of the fact that it was not known that the birth of the affected person was incorrectly registered or, as is often the case, illegally registered.

I will introduce those two amendments on Committee Stage. I will listen closely to and consider the discussion we have had in the House in the past two days. I will also continue to look at the analysis. I know there has been a lot of academic analysis of this Bill. I know a question has been asked as to the issue of consent under this legislation. My officials are already engaging with the Office of the Parliamentary Counsel to ensure we make every part of this legislation watertight.

I come back to the point I concluded on yesterday by recognising again that for such a long time - it is 70 years since the adoption legislation was first passed - successive Oireachtais have struggled with this issue and failed to bring about a result. They failed to conclusively provide adopted people, those who were boarded out and those who were subject to illegal birth registrations with full access to all their information. This Bill finally does that. There are no exceptions. No information will be left out. Nothing will be redacted. Everyone will get his or her full set of information. That is an extremely positive advance in this field. I know many Deputies have recognised that.

We will work on Committee Stage to continue to strengthen this legislation. It is a good Bill, which has been needed for a long time. I look forward to bringing it through Committee Stage and, hopefully, passing it rapidly through this House and the Seanad and signed by the President, thereby finally allowing adopted people access to this vital information.

Question put and agreed to.

Birth Information and Tracing Bill 2022: Referral to Select Committee

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I move:

That the Bill be referred to the Select Committee on Children, Equality, Disability, Integration and Youth pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

Regulation of Providers of Building Works Bill 2022: Second Stage

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

I am pleased to have this opportunity to present the Regulation of Providers of Building Works Bill 2022 to the House. Many examples of building failure as a result of non-compliance with building regulations have come to light in recent years and more may continue to emerge in the coming months and years. The Government’s plan for housing, *Housing for All*, sets out an ambitious target of 300,000 new homes by the end of the decade to address our national housing crisis. As part of that plan, addressing the legacy of poor workmanship and regulatory failure while ensuring it never happens again has been a priority for the Government and me, as the Minister responsible. The establishment of an independent working group on defective housing was a key commitment in the programme for Government. For many years, many of my colleagues from both sides of the House and I have been highlighting the plight of homeowners who were left with the consequences of poor workmanship or the supply of defective materials. I have visited homes with fire safety or structural defects in my constituency and right across the country. I have seen at first hand the relentless worry and stress that this has caused these families.

As someone who took part in negotiating the programme for Government, I was pleased, as were many people, to see a range of commitments set out in that programme in respect of tackling the issue of housing defects. I have said time and again that we must, and will, grasp this nettle and give hope to these families. The Government has not shied away from our responsibilities. Since coming into office, I have established the independent working group on defective housing and have brought forward the enhanced defective concrete blocks scheme. The independent working group encompasses key stakeholders. I pay tribute to those stakeholders in my Department, the local authorities, the Apartment Owners’ Network and the Construction Defects Alliance and its member organisations. They are playing a key role in comprehensively assessing the scale of the problem and outlining solutions. The working group will report to me in the coming months. It has a timeframe to adhere to. I will work with my colleagues in government to make sure that affected owners of homes and apartments are supported appropriately. I use this opportunity to again state that very clearly in the House.

I will also take this opportunity to inform the House that the working group to examine defects in housing will be launching online surveys in the coming weeks. These will seek the views of current and former homeowners, landlords, directors of owners’ management com-

panies and property management agents on their experiences of defects relating to fire safety, structural safety and water ingress in purpose-built apartment and duplex buildings constructed in Ireland between 1991 and 2013. Views are sought from people regardless of whether such defects in those properties are currently known and where no such defects have arisen to date. The information will be used as part of work to examine the scale and nature of the problem of defects in housing. I encourage all those stakeholders to complete these online surveys to assist in the work of the working group. Further details will be publicised next week.

The issue of defective concrete blocks is very well known. This is due, in no small part, to the efforts of the homeowners in the west and north west in particular, but also those in other parts of the country. Significant enhancements to the defective concrete blocks scheme have been announced and legislation to underpin these changes is being developed in my Department and will be published this session as a matter of priority. I expect the co-operation of the House in getting that legislation, which is needed to underpin the enhanced scheme, through the House as quickly as possible. It is a commitment of €2.2 billion to the homeowners in question. Work is also ongoing with the Society of Chartered Surveyors Ireland in respect of the rate. I expect to receive the results of that work in February or March.

Today's Bill forms part of a suite of measures to meet our housing needs and strengthen regulation and oversight while helping those impacted by past mistakes. The main objective of the Regulation of Providers of Building Works Bill 2021 is to develop and promote a culture of competence, good practice and compliance with the building regulations in the construction sector. It will benefit consumers and the general public and is long overdue.

The establishment of a robust, mandatory, statutory register is critical for the development of a culture of competence and compliance in the construction sector. Mandatory statutory regulation is necessary to protect the public from the risks posed by defective buildings as it is the only way to ensure that builders can only take on work they are competent to complete and registered to undertake. Stronger compliance with building standards and the broader building control reform agenda are critical to meeting key commitments made by the Government under the Construction 2020 strategy. Under Housing for All, Construction 2020 and the Action Plan for Jobs, the Government has signalled its commitment to placing the Construction Industry Register Ireland, CIRI, on a statutory footing.

Statutory registration of builders, as provided for in the proposed Bill, is seen as an essential consumer protection measure, giving those who engage a registered builder assurance that they are dealing with a competent and compliant operator. It is also seen as a critical step forward in addressing shadow economic activity in the construction sector and ensuring fairer competition for compliant operators in the industry.

CIRI was established by the Construction Industry Federation, CIF, on a voluntary basis in 2014 and approximately 800 building and contracting entities are currently included on the register. When the register is operating on a statutory footing post the passing of this legislation, it is envisaged that at least 5,000 entities will be required to register. The legislation will require providers of building services to register with CIRI. This will apply to entities or individuals who hold themselves out for consideration as a provider of building works for both residential and non-residential buildings. It does not include employees of such entities but does include sole traders. This will have a significant impact on all sections of the construction industry, from small contractors and craftspeople up to larger construction companies.

Housing for All sets a target of building an average of 33,000 dwellings per annum. The State plans to invest €20 billion over the next five years, more than €4 billion a year. This is the largest investment in housing in the history of the State. Housing for All seeks to eradicate homelessness and promote social inclusion over its lifetime. This requires a vibrant and innovative construction sector that supports the development of its existing workforce and presents an attractive and sustainable career for those preparing to enter the labour force. This legislation will set out minimum competence requirements for the sector, which will greatly help in the achievement of shared ambitions for upskilling and reskilling. It will also underpin the opportunities presented by the 27,000 new construction jobs this plan will create. It will ensure greater safety and competency for workers across the construction sector and will aid in making the sector a more attractive career for all involved.

It will also complement a number of key measures government has put in place to strengthen the arrangements in place for the control of building activity following the widespread building failures that have emerged in recent years. These measures include the revised Building Control (Amendment) Regulations 2014, the activation of registration arrangements for construction professionals provided for in the Building Control Act 2007, the development of the nationwide online building control management system and the move to risk-based, standardised inspections by local building control authorities. In addition to these reforms, I am also committed to establishing an independent building standards regulator to strengthen the oversight role of the State with the aim of further reducing the risk of building failures and enhancing public confidence in construction-related activity. I have received Cabinet approval to proceed with preparing that legislation.

I will now turn briefly to the main provisions of the Bill. It comprises 64 sections divided into seven Parts and two Schedules. Part 1 sets out standard provisions relating to the Short Title, commencement, interpretations, exemptions and general powers to make orders and regulations. It defines a “provider of building services”, that is, who is covered by the Bill. The legislation will apply to any builders holding themselves out for consideration or receiving payment for carrying out building works which are subject to the building regulations. It also outlines exemptions from registration. For example, there is an exemption for electrical works as these are covered under separate legislation. Also exempt are those who do works on their own buildings. This exemption does not apply to any contractor or subcontractor engaged.

Part 2 provides for the appointment of a registration body, the requirements for such a body, the functions and obligations of the body and the transfer of functions, if required. It provides for the remuneration of the boards, registrar and staff and contains provisions in relation to funding and fees that may be charged by the registration body. It provides for the specification of fees in respect of registration and related activities and the publication of an annual report by the registration body on the discharge of its functions under the Bill. The registration body requires the consent of the Minister to set the registration fees. The registration body is required to publish an annual report of its activities under the Act, which shall be laid before the Oireachtas. The Minister may direct the body to provide any other information required, including any document or account prepared by it. This Part also provides that the accounts of the registration body shall be audited and published as appropriate and contains provisions to provide funding from the Exchequer and policy regarding the code of practice.

Part 3 provides for the establishment of the admissions and registration board, committees of the board and the appeals committee. It provides that all members of the admissions and registration board and the appeals committee shall be appointed by the Minister and that the

Minister shall have a majority of nominees on these. It also contains appropriate safeguards to ensure the independence and objectivity of the registration board and the appeals committee.

Part 4 provides for establishment of a mandatory statutory register of providers of building works to which the building regulations apply. The registration body will have delegated responsibility for the day-to-day maintenance of the register within the confines of the specific and limited parameters set out in the Bill. This Part also provides for the registration of builders, including builders specialising in specific building elements and technologies. This will be achieved by establishing different divisions and subdivisions across different elements of building works. The criteria to be used to determine the competence required is set out in this Part. Those criteria will be used to determine the specific criteria required to be considered competent to be registered in each division. Eligibility for registration can be achieved through qualifications or experience, and I wish to be clear about this point, or a combination of both. Part 4 also provides that a competent person must fulfil the criteria for registration and outlines the procedures whereby a competent person leaves an entity and how that person would be replaced. In addition, this Part provides that a subsidiary of an entity may fulfil the competence criteria for registration.

Part 5 provides for the operation of the register, and outlines prohibitions against operating as a provider of building services while not registered. It outlines the application process and the requirements for registration, and the renewal of registration. These include a requirement to complete an induction course, undertake continuous professional development, CPD, and provide evidence of tax clearance. This Part provides that the admissions and registration board may grant registration where it is satisfied the applicant is eligible and may refuse registration where it is not satisfied that is the case. It also provides for appeals of any such decisions.

Part 6 provides for the handling of complaints and appeals from applicants regarding registration decisions and from complainants in respect of the activities or conduct of registered members. It outlines the role and powers of the inspector who may investigate the complaint and the roles of the board, the appeals committee and the High Court in the imposition of sanctions. The board may impose major sanctions, for example, removal or suspension from the register. Such sanctions are subject to the appeals process and require confirmation by the High Court.

Part 7 contains some miscellaneous provisions including provisions for offences and penalties. It provides for the publication of sanctions and convictions, arrangements for restoration to the register and transitional arrangements in the event of a change in the appointment of the registration body.

Schedule 1 details the provisions applicable to oral hearings held by the admissions and registration board.

Schedule 2 contains miscellaneous matters concerning the board and appeals committee, including provisions concerning the tenure of members and the procedures to be observed at meetings.

In addition to these Parts, I will be bringing forward amendments to the Bill on Committee Stage regarding data processing and governance. These will be in line with the Data Protection Act 2018 and the Data Sharing and Governance Act 2019. I will also bring forward amendments to allow for the sharing of information by building control authorities on enforcement

and prosecutions with the registration body, once it is established. Entry on the register is open to all builders, whether sole traders, partnerships or registered companies, that: demonstrate competence in construction at the appropriate level of registration; commit to the continuous development of knowledge of building practice; confirm tax compliance; declare any convictions under health and safety or building control legislation or both in any jurisdiction, not just here in the Republic; have the appropriate public liability insurance and employer's liability insurance, if it applies; undertake to adhere to a code of conduct; and complete the CIRI induction module online.

The independence and objectivity of the registration board and the appeals committee will be critical to acceptance and success in this regard. Several provisions are included in the Bill to uphold the independence of the registration system at all times. Although it is proposed that the registration body will be delegated the statutory powers and functions to independently operate and maintain the register, in practice the powers it is to be given are narrow and prescribed to guard against any potential conflict of interests.

To be fair, discussions and engagement with the industry highlighted the ready acceptance by the sector of the critical role that the register must play in re-establishing public trust in the industry. The administrative and cost burden of the proposed mandatory register on builders, and on small builders in particular, was a key element in the development of the proposed register. In this regard, the level of any fee must be approved by the Minister. The requirement for continuing professional development must be proportionate to the complexity of the work for which the builder is registered to carry out. The voluntary register has been in operation since 2014 and has approximately 800 registered members. This number will increase substantially once the register becomes mandatory, and therefore a transition period will be required to provide sufficient time for builders to adapt to their new obligations.

To ensure insofar as possible that the register will not discriminate against builders established in other jurisdictions, my Department has engaged with the Department of Enterprise, Trade and Employment to ensure that the registration requirements for inclusion on the register do not discriminate against those seeking registration from other EU member states and to facilitate applications from third countries. In that regard, it is provided for that the registration process may be completed online. In addition, work undertaken in other jurisdictions may be submitted to the board to demonstrate the required level of competence, as we have set out in this legislation. The minimum competence requirements and CPD obligations will ensure that existing providers of building services continue to upskill as required.

The establishment of a statutory register requiring minimum competence for providers of building services will support the development of the skills required to achieve several actions under the climate action plan. These include the delivery of 33,000 nearly zero energy building, NZEB, dwellings per year, the retrofitting of 500,000 homes to a building energy rating, BER, of B2 by 2030 and the installation of 600,000 renewable energy heating sources in both new and existing buildings.

Once the CIRI legislation is enacted and the registration body is nominated, the registration body will incur a substantial pre-commencement establishment cost. To establish the register and enable a smooth operational transition, the CIRI registration body will need sufficient funding to establish the statutory regime. An initial grant will be provided of approximately €1.8 million, which will be subject to appropriate governance in accordance with the Department of Public Expenditure and Reform Circular 13/2014 regarding the management of and account-

ability for grants from Exchequer funds. The registration body is required to submit an annual report to the Minister and that will be laid before the Houses of the Oireachtas.

In conclusion, I emphasise the importance of this legislation. Statutory registration of builders will be an essential consumer protection measure. It will give those who engage a registered builder the assurance that they are dealing with a competent and compliant operator. The establishment of a robust, mandatory and statutory register is critical for the development of competence and compliance in the construction sector. It is a key regulatory measure in the context of the broader building control reform agenda and the Housing for All objective of delivering quality housing. I look forward to the contributions from Members on Second Stage and to working with them during the passage of this legislation through the Committee, Report and Fifth Stages of the Bill in this House and on into the Seanad.

An Ceann Comhairle: I call Deputy Ó Broin, who is sharing time with Deputy Gould.

Deputy Eoin Ó Broin: I thank the Minister for his opening remarks. As the Minister said, defects and shoddy building work continue to impact tens of thousands of private homeowners and social and private rental tenants across the State.

5 o'clock

Today's news about the additional cost to taxpayers arising from building practices in our public schools once again confirms not only the legacy of light-touch building control regulation and the underfunding of council building control departments, but also the need at every opportunity to strengthen our building control and compliance system.

I want to give the legislation before us today a very cautious and heavily caveated welcome. I will outline those concerns in a moment. It is important to reflect that this legislation has an incredibly long history. The earliest versions of the construction industry register were first circulated by the then Department of Local Government in the 1960s. Members of the Department will probably be aware that in 1977 the Law Reform Commission heavily criticised those drafts and called for a fully independent and robust construction industry register. In 1997, there was a strategic review of the construction industry by the Department and other sectors and again that recommended an independent register. Phil Hogan, in his 2014 post-Priory Hall reforms, promised such a statutory register and, as the Minister said, introduced it first on a voluntary basis. The general scheme of this Bill was published in 2017 as the Minister will remember. We did pre-legislative scrutiny at that time. Finally, 60 years after the beginnings of this, it is coming before the House. I share the Minister's view that we urgently need a statutory register of construction industry professionals to ensure compliance, raise standards and, crucially, provide much-needed consumer protection.

Unfortunately it gives me no pleasure to say that the Bill before us is deeply flawed and will need significant amendment. We genuinely want to work constructively with the Minister and his officials to try to strengthen this much-needed legislation. In general, our key concerns are that in the first instance there are no clear aims or functions of the register. They are not listed as would ordinarily be the case at an earlier stage in legislation, to provide absolute clarity for the holders of the register and those individuals and organisations on it.

For this register to work it has to be completely independent. It should not under any circumstances continue to be located within the Construction Industry Federation. That was never acceptable as a voluntary register and it is not acceptable now. The reason is simple. The

Construction Industry Federation is a lobby organisation for industry. It is not the appropriate mechanism to ensure full compliance with codes of conduct or indeed wider aspects of building control. I am firmly of the view that the National Building Control Office, independently established by a previous Government, would be the right location, albeit with a requirement for a significant increase in staff and resources.

The lead-in time is far too long. The voluntary register has been in place for industry to acclimatise to since 2014. If I understand the legislation and the press release that accompanied it, registration may start next year. The requirement for some of the designations will be a statutory requirement from 2024 but there is no timeline for when all of the designated construction industry individuals and professionals will actually be required to come under this. My view is very simple. They have known this was coming for a very long time. They know what the requirements are. They are very similar to what is there on the voluntary register. Once this legislation is passed, they should have to register as a matter of urgency and within a period of six to 12 months.

The inspection process is incredibly cumbersome. High Court approval at the end, particularly given that there is already a High Court appeals mechanism, is completely unnecessary. The sanctions are too limited. There is no mention, when an offence is ultimately determined, of fines, compensation or adjudication for remediation of defective works. It is also completely unclear how this legislation will relate to existing building control regulation, in particular the building control amendment regulations, and compliant enforcement. There is no requirement for building control officials or expertise on the board or the appeals committee. There is no reference to building control expertise in the competencies. I am still a little unclear as to which category of building works the provisions of this Bill will eventually apply. As the Minister knows, we have four different forms of commencement notices. Are they all included? What about works that do not require commencement notices? That is particularly relevant in the context of the large number of self-built homes the Minister is dealing with in the western seaboard counties affected by defective blocks.

On the same note, it is also deeply concerning that there is no mention of building suppliers, construction product suppliers and market surveillance. Although not in the original Bill, which was to do with construction industry professionals, I see no reason those manufacturers and suppliers of construction-specific products could not also have been brought under this legislation given that they are related.

Sinn Féin is not opposing the Bill. A bad statutory register is better than a weak voluntary register. However, given what we know about the impact of both builders and developers, I am strongly of the view that we have to do much better. We have already started working on significant numbers of amendments to address our concerns. Before I hand over to my colleague, I will go through specific concerns section by section. I do not expect the Minister to reply to every one of these in his response. I would be most grateful if the Department could respond to some of them by way of a written note to the Oireachtas Joint Committee on Housing, Local Government and Heritage by way of clarification, in case my interpretation of the Bill is wrong or to provide the Minister's view.

Why are the aims and objectives of the register not listed in the Bill in an article or section very early on as would normally be the case? I just do not understand it and think it is an omission. In section 8, the appointment of the registration body, the criteria are completely arbitrary. Why can one only appoint a body for the register that has been in existence for ten

years and has more than 300 employees? The only reason to have those criteria included is to ensure that it is only organisations like the Construction Industry Federation. That does not indicate competence to do the job and therefore I am not clear why those criteria are being used. They make little sense to me. It is clear that those criteria are there for the purposes of the CIF being the body that is appointed. How can that be considered independent? I am not questioning people's individual integrity or operations. However, if people want to ring this body to make a complaint, they will be ringing through to the building where the Construction Industry Federation operates and will then be diverted to the complaints officials who will be staffed, if I understand the Bill right, by employees from within the registration body. That raises all sorts of potential problems.

I am a bit confused about section 9 and why there is not an explicit reference to the public appointments system. I know in fairness to this Minister, for example, in the appointment of the chair to the board of the LDA, he rightly used the Public Appointments Service as he said he would do. However, some of his Cabinet colleagues are not so diligent in using the valuable Public Appointments Service. There have been recent controversies. Why not just name it in the Bill for the avoidance of doubt?

Section 18 allows the registration body to make its own rules. This is a very broad provision. Why, for example, is the Minister, Department, Government or indeed the Oireachtas not directly involved in that? That is something that concerns me greatly.

Section 19 has no specified role for the relevant Oireachtas committee in terms of the registration body's annual report. It is an omission and should be amended. Section 21 is in respect of the inspectors. Will they be staff members of the registration body and therefore of the Construction Industry Federation, an organisation that lobbies for the very same people the inspectors will be inspecting with all of the problems involved?

I will make the same point about section 22 in respect of the board. It would be cleaner to mention the requirement for the Public Appointments Service. Sections 22(4)(a) and 22(4)(b) seem to be contradictory. There will be group of people on the board who are not allowed to be construction industry professionals and there will be other people on the board who are allowed to be construction industry professionals and indeed will be required to be such. This seems to be a tension. It could be that I do not understand the reasons for it. I would be interested to know them. Again, section 24(10) requires the appeals committee to be independent. How can that be the case given all of the concerns about where this register and the staff involved will be located?

On section 26(12), why will all appeals not be held in public? Why are some potentially in the public interest while others are not? I would have thought all of these were in the public interest.

For example, the RTB publishes all of its determinations, not just some of them depending on the view of its board.

Is section 44(1)(f) on complaints relating to the code of conduct strong enough? Given that we do not know what the code of conduct will be, surely this provision should reference non-compliance with building control regulations, malpractice, evidence of defects, etc.

One of the oddest provisions in the Bill is section 44(4). If I as someone with a concern about the work done by a registered building professional make a complaint, it will go to me-

diation. That is eminently sensible. If the mediation fails, though, the complaint will automatically go to adjudication as would be the case in the RTB. I will have to make a fresh complaint. This makes no sense, will create an additional administrative burden and waste time. The complaint should go straight to determination as would be the case in the RTB and other bodies.

Regarding section 48, it makes no sense that the inspector cannot make a recommendation on sanctions. That is what happens in the RTB, albeit slightly differently. An Bord Pleanála's inspectors make recommendations. I see no logic in an inspector who knows the case and has set out the facts not being entitled to make a recommendation. The board could then make a decision on whether it accepts that recommendation, as is the case with An Bord Pleanála in respect of planning permissions.

Regarding section 49, surely oral hearings should be held during the investigative period in order to expedite matters. Why leave them until afterwards? It is an unnecessary delay, cost and concern.

Why are there no fines, compensation or remediation under section 49(8)? Obviously, striking someone off the register is significant and it is right to have two tiers but why only that sanction and not others? If a builder has been struck off for defective work, who will remediate the contracting party for shoddy work?

Something that makes no sense to me is section 53. If a determination has been made that someone is guilty of an offence and that person does not appeal it to the High Court, why should the board still need to have its determination approved by the High Court? That seems unnecessary. Of course there should be the right to a High Court appeal for the person affected by the decision - that is correct - but if he or she does not appeal, why force on the registration body and its board the cost, time and inconvenience of having to go to the court? It does not happen with the RTB or other agencies. It seems to be one of those cases where our current Attorney General, who does not like administrative justice, wants to reassert the primacy of the courts once again whereas administrative justice works very well, as we know from the RTB and other bodies.

Section 58 is on the publication of sanctions. All documentation – the decision, the sanctions and the inspector's report – should be published.

I wish to repeat my comments on the transitional arrangements under section 59. We need clarity on the timelines. By when will everyone have to be registered?

I could be wrong in my reading of section 63 on the relationship between investigations and criminal proceedings. Are we seriously saying that, if the registration body finds a registered contractor guilty of an offence and that finding stands in the High Court, no other criminal proceedings can be taken against that individual? Would that prohibit building control officers in local authorities or the National Building Control Office from taking further action in respect of significant defects? Does that affect all proceedings in the courts, including building control enforcement? If that is the case - I hope it is not – then it presents problems.

I urge the Minister to work with us on this. He knows that I have a passionate interest in matters of building control. Like him, it is an issue I have been working on for a long time. This Bill could be very good. The additional protections for good-quality contractors and those who contract their services and live or rent in the homes they build could be even greater. Please work with us to strengthen the Bill and deal with many of the issues that other Members

and I will raise. We will then have a construction industry register that is fit for purpose.

Deputy Thomas Gould: Like my party colleague, I cautiously welcome this Bill. It is about time we started regulating the construction industry properly but there is still a great deal of work to be done to make the Bill fit for purpose so that it delivers what we all want to see delivered.

In my city of Cork, we have a housing development on Kilmore Road in Knocknaheeny where construction stopped in early 2021 and has now resumed at a snail's pace. The only reason for this I can get from the local authority is that there are some issues with the quality of the work. This goes to the heart of the Bill. Public money is being used to build these desperately needed public houses and there is anger in the community that I represent at housing that people badly need being delayed because of a discussion or disagreement about the quality of the work. There needs to be more transparency. Where there are issues with local authorities' construction contracts, we need to be able to get answers. We are in the middle of a housing crisis. We cannot have the construction of homes being halted for no clear reason. There are people waiting on these houses and hoping they will get one. They are being left for months on end without construction taking place or being completed. What is being done to regulate these contracts?

I welcome the Bill but there are serious issues with it like there were with previous regulations. In 2019, the then Minister, former Deputy Eoghan Murphy, introduced regulations to try to stop short-term lets like Airbnb. We are coming into the summer and I know of people who have been given notice to quit because their landlords are going to put their homes up on Airbnb. Since the regulation was enacted, only 76 applications for Airbnb have been made across the State. If someone looked at Airbnb's website like I did this morning, he or she would see hundreds of short-term lets. That is in clear breach of the regulation. This has to do with the point I am trying to make to the Minister – if this legislation is not strong enough or good enough, we will see the same breaches and disrespect that we see for a regulation that was only introduced just over two years ago. This issue needs to be resolved. We are seeing properties being put up on Airbnb when there should be families in them.

I wish to make a short point that goes to the heart of the Bill, that being, housing maintenance. We have seen what has happened because of a lack of building control. It has a domino effect, with housing maintenance subsequently needed. My local authority of Cork City Council has no preventative maintenance. It was stopped a number of years ago because of budgetary problems. Due to the then Government's decision to put an embargo on staff recruitment ten years ago, local authorities have outsourced much if not all of their housing maintenance to contractors. I have people coming to my office who have been waiting not weeks or months, but years for housing maintenance to be carried out. This means that, if there are problems with houses because of how they were built or a lack of proper building controls or inspections, people will be living for years in houses that are not being maintained and have serious issues. I have raised with the council the issue of delays in reletting the voids and boarded up houses that are on every estate in Cork. It alone has 500 boarded up houses. Due to there not having been preventative maintenance of these properties, the cost of reletting them is astronomical. People have been waiting on housing maintenance for years. Some are living in disgraceful conditions because local authorities do not have the money to carry out preventative maintenance.

We want to support and work with the Minister on this Bill. Often enough I come in here and criticise the Minister. If, however, we all pull together, we can bring forward legislation everyone can support.

Deputy Ged Nash: I do not intend to take the 20 minutes available to me.

An Ceann Comhairle: You never know until you get going, Deputy.

Deputy Ged Nash: This is it.

Deputy Darragh O'Brien: The Deputy should not feel he has to do so.

Deputy Ged Nash: Sometimes you do not know when you take off where you will land. That is the case, I think, with most Members of this House, and that is meant with all due respect.

Deputy Gould is absolutely right about the preventative maintenance budgets of our local authorities. If we do not address that issue, we store up more trouble, ensuring that maintenance, building control and so on become bigger issues in the future. While those issues are not directly pertinent to the legislation before us, they are relevant in the overall scheme of things in the context of housing development, housing maintenance and so on.

The Labour Party gives, like previous speakers, a cautious welcome to this legislation. We know that the single biggest investment people make in their lives is the purchase of a home. Given the evidence from the mica scandal, the pyrite scandal and countless other scandals over the years, we know that building control has not been prioritised in this country, and that shames all of us. It seems there are more regulations supporting consumers buying basic, everyday products than there are regulations for citizens who wish to buy a home, who may then find themselves in difficult situations with little recourse in the form of recompense and so on when problems arise.

As I said, we cautiously welcome the Bill, but we believe it needs serious amendment. My colleague, Senator Moynihan, and I will make a number of proposals on Committee Stage and, I am sure, Report Stage to try to see the Bill evolve in the way in which I hope we all wish to see it evolve. Our view is that it is imperfect legislation. It is a large Bill. I am taken by Deputy Ó Broin's earlier remark that, to paraphrase him, even a defective statutory framework is worth more than a voluntary one. At present we have in place a voluntary system operated by the Construction Industry Federation. We in the Labour Party will compose a good deal of amendments genuinely designed to be constructive and to help to make this work in everyone's interest. This is a once-in-a-generation opportunity to get things right and learn from the mistakes of the past. I accept the Minister's bona fides in trying to address some of the appalling, horrific deficiencies that have cost people so much financially and in emotional heartache and distress over the years because of problems to do with defective properties, be it the mica scandal or the issues on which the Construction Defects Alliance works. We are all aware of those problems. We deal with them here far too frequently.

The Construction Industry Federation has the voluntary register, which it is now proposed to put on a statutory footing, supported by this legislation. The legislation will allow the Government to appoint a body to act as a registration body to regulate providers of building works, to allow the registration body to establish standards, competences and so on, which the Minister went into in some detail earlier, and to provide for complaints that may be made against providers. The Bill also provides a framework within which those complaints will be managed, adjudicated and so on. The Minister anticipates that, ultimately, about 5,000 individuals, companies and so on will register to be part of this registration process, and that is very welcome. We know that this is part of a wider framework contained in the Housing for All document to

improve building control and the housing situation more generally. We all accept that there is an absolute requirement for stronger regulation because of the revelations and issues we deal with in our constituencies and nationally from day to day.

We in the Labour Party wish to draw the Minister's attention to what we see as a series of deficiencies in the legislation. It seems to us that there will be no obligation placed on a developer, for example, to use the services of a registered builder. It will be up to the developer whether to do that. That may have implications for the developer in time, but there does not seem to be any requirement or obligation laid out in the legislation for anybody to use registered builders. That is particularly problematic when it comes to local authorities. The Minister says he wants compliance and wants to drive better standards, but it seems that elements of this legislation are quite toothless. There is a risk of big developers using builders who are not registered and who therefore, in theory, may not have the required competence and qualifications. Significantly, if developers do not engage registered builders but decide to continue to use the services of those who may not be on the register, that has implications for competition. We have seen time and again that the minority of bad builders and poor operators in the sector are not compliant with even the sectoral employment order system set down for the construction sector to guarantee basic legal minimum standards of pay and terms and conditions. That then allows them to lowball and organise the lowest tenders for significant construction projects, undercutting good operators in the system. That is a compliance issue. The lessons should be learned as to how the sectoral employment order system operates and how the Minister can apply that to his wish to have a greater culture of compliance and higher standards in the construction sector.

Similarly, it seems to us in the Labour Party that consumers should be enabled to go after the developer where there are deficiencies in that regard. Where a developer fails to engage providers of building works who are on the register, there should be implications for the developer. The Minister might explain his position on that. I may be misreading this, and I hope I am not misrepresenting the legislation, but it seems to us that there is a lacuna in that regard because those who hold the purse strings, those who engage the contractors, have a very significant role to play in driving best practice.

I note the concerns Deputy Ó Broin expressed about the Construction Industry Federation managing this regulatory framework, the construction industry register, when it is put on a statutory footing. I have similar concerns. That said, the Royal Institute of the Architects of Ireland, for example, very successfully manages a registration system on a statutory basis. It is responsible for that, and it seems that some inspiration may have been drawn from that system and applied to this one. The function, role and position of architects in our society and economy, and in the construction industry more generally, involve registration of title. There is no such thing in law, though, as a building contractor. That said, the Minister seems to be quite enthusiastic, thankfully, about driving up standards and competency in the sector. That is provided for in the legislation in the form of a requirement for continuous professional development, CPD, and related matters.

I turn now to the question of the complaints procedure, which is provided for in Part 6, section 44. The person - it seems to be anyone, in our interpretation - may make a complaint to the registrar that the building provider, *inter alia*, is providing works while not registered or has not complied with conditions of registration, codes of practice, CPD or other requirements. The registrar, as I understand it, refers the complaint generally to the board of investigation, unless it falls into a variety of exceptions, including that he or she thinks the issues can be resolved informally by mediation. The board then investigates and provides reports and other interventions.

What the legislation does not provide for specifically, is allowing consumers to take action directly against those building providers when they have been negatively affected by their works, the failure register or the failure to comply with registration requirements, and so on. That is a gap in the legislation. A gap also presents itself in the context of the sanctions that are available under this legislation. The sanctions that are available to the board range from “advice” or “a reprimand” to “the removal of the registered person from the register”. That will be of small comfort to those whose house or apartment is falling down, is defective and they are financially hit in terms of the improvements that need to be made to the home, and if that is as a consequence of the developer engaging someone that he or she knows is not on the register. That is a real problem. The question of redress and related matters needs to be more substantially reflected in this legislation if it is to work and if the public are to have confidence in it.

I want to move on to the question of privilege. All complaints made to the board, investigations and reports by the board are absolutely privileged. That is an issue. It is of course worth being careful about how we proceed, and we want this to work, but I think the argument could be made that if someone has a series of complaints made against them and they are a serial offender, as it were, that should not be subject to absolute privilege, particularly if the stated objective of this legislation - as it is - is to protect consumers and regulate the industry. The public has a right to know who the rogue builders are and what sanctions have been taken against them. There should be an absolute entitlement to that. We have had too many problems in this country with rogue developers impacting on the lives of far too many people. I am not talking here about frivolous complaints or relatively minor complaints that may be managed in the future by the board. The Minister of State will appreciate and understand where I am coming from. This needs to be transparent if it is to be effective. The default position needs to be that information that is important is provided to the public, to allow the public to ensure that they are fully briefed on operators in the industry when they are making very significant investments in their own lives. As I said at the outset, the investment that a person will make in his or her home or apartment is probably the most significant investment that he or she will make in his or her life. People are entitled to the full protection of the State.

We know that the Building Control Act has had very few successful cases from the consumer perspective. There is a range of different problems across the sector. This legislation could work really well. It is a once-in-a-generation opportunity to get it right. I look forward to engaging with the Minister of State and his colleagues in more detail as does my colleague, Senator Moynihan, to try to get this legislation right. It is that once-in-a-generation opportunity. It is very timely. In fact, it is beyond time that we introduced comprehensive legislation to protect the rights of consumers in this context.

An Ceann Comhairle: Our next contributor is Deputy Lahart.

Deputy John Lahart: The Ceann Comhairle took me by surprise. I wish him and the Minister of State a happy new year. I warmly welcome this Bill. I will go through bits of it at random, if I may. Words and phrases such as “mica”, “pyrite”, “water ingress”, “water egress” and “fire defects” have become too much part of the lexicon of the experience of people who have bought their homes in the last two decades. The report of the Construction Defects Alliance, particularly in relation to the construction of apartments, is depressing. This Bill, as previous speakers indicated, is a once-in-a-generation opportunity, or perhaps a once-in-the-history-of-the-State opportunity, to get it right. Taking different points in no particular or hierarchical order, I wish to state that the role of the gatekeeper of this register has to be as solid and as foolproof as it gets. I urge the Minister of State and his officials to look at that. I am

not so sure that putting the Construction Industry Federation in charge of patrolling the register would instill great confidence in me. The public have to be instilled with great confidence in this. It is a matter of fact. We have not dealt with balconies, fire defects or water ingress. To his great credit, the Minister is leading the charge on this and there will be movement on it this year. When we look at the cost of shoddy building or building with materials that should have been identified as being defective at source, we see the enormous cost that the taxpayer is going to have to shoulder over the next decade to make these homes right. We should say that this Bill will not just mark the end of it, but will represent the end of it. It should not be a stepping stone in the right direction; it should be the final destination of this.

Many of us are fortunate to own homes. I am conscious of those who do not; perhaps they are the lucky ones right now. We know, and it has been said by previous speakers, that it represents the biggest expenditure that we will ever make in our lifetime. To walk into a home - whether it is an apartment, a bungalow, a one-off house, a house in an estate or a Georgian building - and to find that it is in need of remediation and that the owner has absolutely no recourse whatsoever expect to foot the bill for remediation themselves is a scandal beyond words. This is a once-for-all opportunity to get it right. It must be tough. It must send out the strongest message to the industry that this will never again be tolerated. It must be policed and there must be implications for those who break the rules or for those who employ those who break the rules. There cannot be an arm's length position in relation to this.

On the issue of schools, I think of the schools in my constituency. I am sure there are some in the Minister of State's constituency. I looked up the CIRI website today to see if Western Building Systems is registered voluntarily on the system. I am sure that if it was, it has been removed. Is the State obliged, in its building contracts, to ensure, as part of the tender process right now under the voluntary code, that builders engaged to build our schools, community centres and libraries are actually even voluntarily registered on the existing register? Will it be a requirement, under this new register, if the State is awarding contracts for the building of schools, Government buildings, offices, Garda stations, libraries, community centres and local authority homes, for example, that those contractors who tender successfully for it must be on the register and that it is a mandatory provision that they must be on the register?

It would be an interesting trail to follow to see how many builders that have already been awarded contracts, even just this year, are on that voluntary register. While we hope, in time, that there will be 5,000 names on the statutory register, the alarming thing about the voluntary register is that there are currently 800 names on it. I just wonder about the 800 that, I guess, take themselves seriously, operate to good standards and are proud companies of integrity whose employees have had skills passed on to them and have had generations of building behind them. Then there are the other 4,200 that just could not have been bothered to register. In other words, they could not be bothered signing up to a scheme that requires of them certain standards. I presume that electricians and gas fitters are not included because they already have a gold standard registration system in place that people can absolutely trust. This is where we need to get to with the builders.

Deputy Nash raised a very important point. Many builders are employed by developers now. Certainly in Dublin it seems that gone are the days when the builder who built 20 houses sold them to finance the next 20 houses and then sold them to finance the next 20 houses. There is not a traditional builder in Dublin now who can build without the investment of developers. Are developers covered in any shape or form by the legislation?

There is a load more I want to say, but I will get to say it on various other Stages. I warmly welcome the Bill. It is another example of initiative and leadership by the Minister and the Government. I note from my brief this was meant to have been introduced by the previous Government by 2015. It is now 2022 and look how many units have been built in those seven years. It has to be the final say on the regulation of the building industry in this country. Nothing less will do.

Deputy Pádraig Mac Lochlainn: We have been in the House on many occasions over the years dealing with legislation that would regulate the building and construction industry. Again and again it failed because of the closeness of whoever was in government at the time to the building industry. Again and again the building industry had influence over legislation. Where did it take us? It took us to the disaster of pyrite on the east coast and mica and pyrite on the west coast. There has been no regulation, light-touch regulation and self-regulation. This is why the points that have been made are so important. We cannot have the industry overseeing the register. We cannot have representatives of the industry on the board overseeing the register. It must be an independent register and there must be independent oversight of the industry.

I find it objectionable to see the presentation of people in Donegal, Mayo and elsewhere in the west of Ireland as looking for money for their houses. Where is the analysis of the utter failure of successive Governments to regulate the building, construction and manufacturing industries? How did we allow a scenario whereby local authorities were completely starved of resources to do that job and make sure blocks were manufactured to the proper standard? How can it be that in another jurisdiction on our island people in the building industry are observed at every stage of construction? Homes are built to a much higher standard. How is it that we could not have achieved that?

I want to make an appeal. Our people in Donegal, Mayo and elsewhere in the west of Ireland waited for many years to have a scheme on defective blocks that is 100% redress. They were failed by those who spoke in the House over the years. Those tasked with legislation in the House over the years failed those families. They are victims of legislative and regulatory failure. They cannot be abandoned anymore. We need genuine 100% redress. We need it urgently. We need the legislation to be put through these Houses as soon as possible and a scheme that gives them the opportunity to rebuild their lives. They had to go through another Christmas with this nightmare all around them, with no clarity about what the future will be. I take this opportunity to appeal to the Minister to ensure that when we deal with this legislation he is mindful of the failures of the past and to give 100% redress to our families in Donegal, Mayo and elsewhere in the west of Ireland. That is the least we owe them for the failures in legislation in the House over the years.

Deputy Cian O’Callaghan: While I agree with the sentiment of Deputy Lahart on this having to be the final say, it is critical that it is not the final say because the legislation does not go far enough on building control. The other legislation the Minister has committed to for an independent building regulator authority is crucial. The Bill on its own, which is very flawed and I will table amendments to improve it, would not be sufficient. It is a small part of the architecture that is needed and decades overdue in this regard.

I agree with many of the Deputies who are aghast that the intention appears to be that this will not be an independent regulator but, rather, an industry regulator. I understand this is the standard practice in some areas. As Deputy Nash said, there are professions where it happens. This is not a standard area. It is an area where the cost of pyrite remediation is €150 million, the

cost of other defects in buildings as reported today is at €160 million, the cost of faulty wastewater system is €300 million and we do not know what the cost will be of fire defects from the Celtic tiger era. It will be at least €1 billion and approximately 90,000 different homes could be affected. It is already predicted that the mica scheme will cost €2.2 billion. While all of this has to be done to correct the mistakes of the past we should not be in a situation where we are spending money that could be much better spent on other purposes, given the huge cost to the State and the taxpayer.

Much more, or just as, importantly is the massive human cost involved for people and families. There is nothing worse in terms of stress or anxiety. People invest not only the largest amount of money in their lives in their homes but also their time and emotion. It is where a newborn baby is brought home. It is where children leave for their first day in school and the place to which they return. It is where big family celebrations take place. It is where people often take their last breaths in their final days. Homes are so important. For people to have the anxiety and stress of seeing them crumble around them and having to explain to children what is happening is a huge personal cost. In my constituency it particularly affected the residents in Priory Hall. Sadly, we had the situation where Fiachra Daly died by suicide as a result of these building and fire safety defects.

After everything that has happened in this country, it is unbelievable that the proposal appears to be that this will not be independent but that it will be run by the building industry and its representative group. That is very difficult to understand. I appeal to the Government to get this bit right and make sure it is independent. Section 8(7) prohibits a registration body being a body that promotes a political cause. Some of us would argue, with quite a good case, that those who lobby for the building industry have been involved in promoting political causes. This section of the legislation should rule them out. I take it from the commentary on the Bill to date that is not the intention of the Government. It appears the intention of the Government is to go ahead with an industry body appointed to the role. This is completely and utterly inappropriate.

We have failed utterly in this area because of a culture of light-touch regulation. This is deeply embedded in the thinking of the Irish State. This approach has served the interests of developers and has put the interests of people and families last. As has been pointed out by Déirdre Ní Fhloinn, there have not been any convictions under the Building Control Act, partly because building control authorities are not funded or incentivised adequately to carry out proper enforcement. That is why it is very important that this Bill is not the final word and that we get the independent building control national regulator that has been promised by the Government. That is very important to go alongside this Bill, and it needs to be brought forward urgently. It is very difficult to understand why that has not been done to date.

When I was reading the Housing for All strategy straight after it had been published, one of the most objectionable lines for me - I am glad that it has been corrected since and that a decision has been made on this - was the one in objective No. 25.2 which stated that the Government would examine the merits of the creation of an independent building standards regulator. I could not understand how that still warranted examination, and I am glad that it has moved on from that position.

Before I go into the detail of the Bill, another matter which must be addressed in conjunction with this is the Statute of Limitations. The latter needs to be reformed in order that it kicks in from when a defect arises and not from when buildings were constructed. It is often the

case, as many of us will know, that it can take the guts of ten years for actual building defects to become apparent to homeowners. It can take several years and can then take some time for homeowners or communities to get their heads around it and understand how to tackle the problem. Just as they are beginning to come to terms with the issue tends to be the time when the ten-year stipulation relating to the Statute of Limitations kicks in. That is disastrous and it has to be addressed.

This Bill is no substitute at all for a proper national building control authority but combined with it, if our amendments are looked at seriously and taken on board, it could be a very important tool. I certainly have concerns on the narrative around building control through the Bill, which is why we need a building control authority. What consumers can do is always going to be an issue. It is right that they will have an avenue through this but consumer-driven change has its limitations because of the level of consumers' resources, time, ability, know-how and knowledge. We have to have a body that acts in the national interest in respect of this issue. The onus cannot be placed entirely on individual homeowners who are trying to deal with all of this and do not always know how to navigate their way around it. My concern as regards the legislation is that it could lead to a situation where enforcement - where there should be a range of different levels of enforcement used - of a lighter and less obtrusive form being used on a regular basis.

The Minister noted that eligibility for registration can be achieved through qualifications or experience, or a combination of both. There is very good reasoning behind that. Some of the best builders in this country do not necessarily have qualifications but they have experience in spades. It is also the case that some of the worst builders in this country may have years of experience, no qualifications and can be responsible for many building defects because they have not necessarily gained the knowledge they require through experience, and they certainly have not picked it up by means of qualifications. In measuring experience, it is important that there is some form of quality on that and of being able to ascertain knowledge around building regulations and building control. Experience is very important but the quality of that experience is also very important and attention needs to be given to that.

In the context of Part 2, particularly section 8, to which I have referred already, I emphasise that the history of regulation in this sector is not like that relating to other sectors. It really has been a disaster both for the State and the taxpayer, but also for individuals and communities. To use a model in other sectors and to justify that in this sector, when we have, unfortunately, had exceptional human costs in this, is not satisfactory in any way.

On Part 3, which deals with the membership of the board, this was dealt with in the pre-legislative scrutiny report where there was a recommendation that it should not be five members appointed by the Minister and five by the registration body. The Government is proposing that 50% of the board will effectively represent the interests of the industry. Where is the representation for the homeowners? Why 50% for the industry but not 50% for homeowners and people who have been affected by building defects. It is completely unbalanced. Some of that representation may be acquired through the Minister's appointees but the Minister is going to have to do a wide range of things through his appointees. Why was the pre-legislative recommendation to increase the number of appointees from the Minister not taken on board in this? It is not acceptable to have 50% representation for the industry provided for in the legislation and not to have, especially given what has happened, representation for homeowners or people who have expertise in raising the issues relating to defects. If the industry is going to be represented, there should certainly be the same level of representation for affected homeowners. That would

be a very important experience to bring to the board.

Part 5 deals with requirements for minimum levels of indemnity insurance for entry onto the register. While that is welcome, I am very concerned that this is too weak and that it does not go far enough. What is needed here, which should be abundantly clear after everything that has happened, is robust latent defects insurance to protect the consumer, the homeowner and the family who have bought the home. We have had a recent and current history of insurance schemes around homes and buildings with a whole range of loopholes and get-out clauses that simply do not cover many of the defects that emerge. On reading the legislation, there is nothing that gives me confidence that that is going to change. Yes, there will be limited indemnity insurance required for a builder but there is no guarantee that that is going to go far enough to actually protect the homeowners and the investment that they are making. In fact, the Bill states: “any act or omission of that provider of building works or employee of that provider of building works arising from the provision by either of them of building works.”, which is what is indemnified in the Bill. That is much too narrow.

What will happen is that if a person buys a home constructed using defective building materials, let us say pyrite, the homeowner would have to be able to prove that a builder or their employee, that is a direct employee, were, through their acts or omissions, responsible for that. If the responsibility lay beyond the builder and with the supplier of the materials, it would seem then that there would be no protection for people whose homes would be crumbling as a result of a defective building materials. This is what appears to me. I would welcome clarification on this if the Minister and the Department have a different view and if this could be provided to me at the end, or indeed in writing to the committee. That is a very important point because if this part of the Bill is simply going to repeat a very inadequate and unsatisfactory situation at the moment where there can be levels of indemnity and insurance, but all sorts of limits or loopholes to that which do not protect the homeowner, then that is a serious deficiency.

I have a serious problem with section 60. The maximum penalty under the Bill is 12 months in prison and-or a €500,000 fine. Penalties have to be proportionate. For plenty of building defects and smaller schemes, that may well be proportionate. It is also the case, however, that for some larger schemes, it will not be a proportionate penalty.

6 o'clock

We have seen the situation recently where building defects can lead to costs of millions of euro, indeed, up to billions of euro, for homeowners and the State. That is not to mention the human cost. This can absolutely destroy people's lives. It can put relationships under massive strain and pressure due to the worry about it and the financial pressure. Relationships can break down as a result. It can affect people's working lives and their relationships with their children. There are massive human and personal costs from this, so why does the Bill provide that the maximum penalty is 12 months or €500,000? It can affect people for the rest of their lives. If there are very serious breaches that are running up costs of millions for people and ruining lives, those are not appropriate maximum penalties.

Section 63 adds to the problem there. I really hope my interpretation of this is wrong, but from my reading of it this is a very alarming section in the Bill. Where a complaint is made and pursued, it effectively gives a builder or a developer a get out of jail free card or, in a more extreme situation, a get out of jail after 12 months card. It appears to give a builder or developer absolute indemnity against other criminal proceedings. I hope it is clarified that this is not the

case and that this does not give them any sort of absolution or protection from criminal proceedings relating to serious breaches of building regulations, fire safety defects or defects that put people's lives at risk. My reading of it is that it does, and that section 63 should not be in the Bill at all. Where did it come from? What is the thinking behind it? I await clarification on this.

I am very concerned about the timelines in the Bill. We have waited years and decades, indeed, for the history of the State, for a register of builders and building workers. The idea that registration will not be compulsory for another two years, especially given that this register has been up and running on a voluntary basis, is simply not credible. We are looking at a two-year delay on that. I am concerned about the registration requirements and who is required to register in terms of it not being wide enough. I know it can be extended in the future, but we must have a situation where everybody who is working in this area, be the person a direct employee or otherwise, should register the person's skills. If the person is registered elsewhere, that might cover it but this is in respect of people who are not.

This is related to issues regarding productivity in building construction, which is also related to affordability. We have a problem with a lack of skills. For example, the number of bricklaying and plastering apprenticeships is down by about 90% since 2004. That is affecting our supply of building workers. However, those skills are also important in terms of standards. The register should be much wider than the original one envisaged. It is not right that people who do their four-year apprenticeship are, in a sense, on the same footing as somebody who does no apprenticeship, training or skills qualifications, and that both can be working side by side in the sector without any regulation of that. Skills lead to better productivity. It is better for the builders in that they can get better wages, and it is better for affordability as well because there is much more productive, efficient building. That must be encouraged.

I am concerned about the potential risk of protectionism. The Minister's comments earlier gave some reassurance on that. It is very important that this is not, and cannot be, used as a mechanism for a closed shop. That would have a knock-on effect in terms of pricing competition and affordability. That is just another reason, a smaller reason, this must be independent. It should not be an industry-controlled register. That makes no sense at all. Quite frankly, the people who have suffered as a result of building defects over the years are not going to accept that, find it credible or get assurance from it.

Deputy Emer Higgins: I welcome the opportunity to discuss this Bill. Building and construction regulation, or the lack thereof, has created major issues for homeowners in the past and, unfortunately, it continues to create problems. We have seen from the families impacted by mica and pyrite that issues with standards of building works and materials can have simply devastating consequences. I see at first hand in my constituency how issues with construction defects or so-called cowboy builders have created massive amounts of stress and turmoil for homeowners, with them often left with no comeback and having to foot big bills for shoddy workmanship. That is without even mentioning the safety concerns.

A member of the public recently wrote to me about the person's home. The person said:

In recent years, due to poor design and workmanship, our management company completed a repair programme for all the properties in my area, 75 balconies, to stop water ingress and rot to the wooden structures of the properties. This cost approximately €6,000 per unit, with some units having to pay for full roof replacement costing over €30,000. Recently it has come to our attention that there are some fire safety issues in one property.

While the total remediation costs are not yet available, it is clear that we are looking at more substantial costs. The remedial works are invasive and they may require some residents to move out while works are being done. We have just finished the repair programme to the roof balconies. Our sinking fund is so depleted and now owners are again being asked to contribute and finance repairs due to factors outside of their control, caused by poor workmanship and an industry that is poorly regulated. We simply cannot cope.

These residents are telling me that they simply cannot cope. Many of us take for granted closing the hall door behind us and feeling safe in the structure of our home. Can the Minister imagine feeling unsafe in his home? I do not have to imagine it. I lived the experience of knowing that where I lived was deemed unsafe by fire standards, knowing that this was due to shoddy workmanship and knowing that my landlady had to foot that bill.

This Bill's ambition is to alleviate that fear for people in the future. It will provide for the establishment of the construction industry register and will allow the Government to appoint a body to regulate providers of building works, the construction industry registration body. This will definitively set out the standards and the competencies that are expected of building suppliers. That will be of great use to people when they are seeking to hire a builder to carry out work on their building. It will give people confirmation and comeback so that when building work is not carried out to a safe or acceptable standard, they will have that redress. That is a very important aspect of the Bill. It will also provide a mechanism for complaints against providers to be investigated and adjudicated. That will allow for the imposition of the correct sanctions for those who break the regulations.

The appeals committee which is provided for in the Bill will be crucial, not only to hear and determine appeals but also to impose sanctions. It is important that these standards can be upheld retrospectively. This would ensure that we are not just safeguarding against unsafe or inadequate construction work for the future, but that we are providing a pathway for redress for those previously and currently affected. The current building control regulations require the owner of a proposed building to sign a statutory form assigning a competent builder to undertake the works. However, the regulations do not require that the builder be registered with the CIR. It is currently a voluntary body with approximately 800 construction entities on the register. That register is expected to balloon and increase to at least 5,000 with statutory registration. That is very welcome. Essentially, this becomes a consumer protection issue. Providing that on a statutory footing gives consumers assurance that they are dealing with a competent and compliant provider. That is a clear commitment that we have all agreed in Housing for All. I welcome the progress this Bill will make in delivering on that commitment because we need firm action to prevent a recurrence of housing defects that were the result of legacy matters and poor construction, workmanship, design and materials.

We cannot put a price on feeling safe in one's own home and knowing that work has been done to the highest standards. I welcome the reassurance and clarity this Bill will provide. I ask the Minister of State to examine the current position for people who have carried out or must carry out fire safety works because they need reassurance and clarity. They must know they will be supported.

Yesterday in this Chamber we spoke about violence against women and all of us across parties and both sides of the Chamber united on that. We spoke about why it is so important that the punishment fits the crime. That is how we get to a culture of zero tolerance and we must have that same zero tolerance attitude when it comes to construction defects. That means

there should be appropriate sanctions and we must ensure the punishment fits the crime. I ask the Minister of State to re-examine those sanctions within this Bill. I commend the Minister of State for everything he is doing with this. This regulation will bring huge benefit to homeowners while revamping the construction sector.

Deputy Johnny Guirke: The Regulation of Providers of Building Works Bill 2022 is welcome. How many times have we heard of incompetent builders leaving homeowners paying the bill after shoddy workmanship or builders getting planning permission for housing developments and not finishing those developments or housing estates before moving on, leaving the State or local authority to foot the bill in finishing the work? How many times have we heard of issues with new schools?

In 2011, the then Minister, former Deputy Phil Hogan, set up a three-person independent panel to explore options for an agreed resolution to the problems caused by the presence of pyrite and make recommendations to prevent similar cases in future. A decade later, we are still dealing with pyrite and now mica. We need consumer protection so if people hire a builder and there is a problem with the work or a company goes out of business, the homeowners would have the same consumer rights as if they had bought a kettle or fridge.

The other matter in the building industry is the cost of building materials going through the roof. The rising cost of building materials is the biggest post-Brexit worry for anybody trying to get on the property ladder. Late last year, builders or contractors could not stand over the prices they gave only three months earlier, and if they had, they would have gone out of business. A recent survey of the members of the Construction Industry Federation indicates that 77% of building companies have problems hiring skilled labour, with 47% struggling to get raw materials for jobs and 99% of respondents indicating a year-on-year increase in building materials. Of the respondents, 80% fear more increases are coming.

This all means the average cost of building a four-bedroom bungalow is €50,000 more now than it was in 2019. That is before people even start to furnish their house. I spoke with a furniture importer the other day who told me before the pandemic the company could import containers for \$3,000, whereas the same container has import costs of \$17,000 now. That is just the shipping cost. That means every suite of furniture in the container costs an additional €500 or €600. It costs more to ship the container than the value of what is in the container in many cases. If all these costs keep rising every month, it will have a major impact on the price of building or buying a house and push a new home further out of the reach of ordinary workers and families.

Deputy Darren O'Rourke: I welcome the opportunity to speak to this legislation, which is very important because there is a real need for oversight and accountability. The Bill commits to the establishment of a robust mandatory statutory register to develop and promote a culture of competence, good practice and compliance with building regulations within the building community and construction sector. Deputies Ó Broin and Gould have outlined Sinn Féin's concerns and the range of amendments that will be submitted, and those are important to note.

We can all agree we need a regime of registration, regulation, oversight and accountability that is fit for purpose, not just in construction but across the sector as a whole. In the couple of minutes I have I will focus on the national retrofitting programme, where the commitment from the Government is for 500,000 deep retrofits and 400,000 heat pumps. It is a very significant undertaking. There is a question that must be asked, and it has been asked across the

political spectrum in good faith. It is whether we can achieve the same emissions reductions, or perhaps even more, by taking a different approach because the scale of the challenge is incredible. There has been talk of the inverse care law and it applies in this area as well; the people who most need the retrofits are least able to afford it. We know from figures released to me in yesterday's parliamentary questions replies that just ten deep retrofits were carried out under the Sustainable Energy Authority of Ireland scheme, with 1,730 carried out under the social housing scheme. It is a long way off 50,000 per year.

Since Christmas I have met people in sustainable energy communities across the country and they have raised legitimate concerns in good faith about the number of tradesmen and women available for this work. There is a serious shortage. There are also concerns about the skill sets as we are talking about relatively recent or new and emerging technologies. There is the example of the installation of heat pumps and the traditional skills do not apply. New skills are needed. There is also talk of dealing with tradesmen and women who are not familiar with the new technology.

I implore the Minister of State to ensure the opportunity can be grasped to increase capacity within those sectors and support sustainable energy communities. There should be increased opportunities with apprenticeships and people to deal with new technologies. Workers in the sector must be properly regulated, registered and overseen to ensure the highest standard and quality of work can be delivered so people can benefit from these retrofit programmes.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Canney is next. Is he sharing time?

Deputy Seán Canney: I am sharing with Deputy Tóibín, if he arrives to the Chamber.

Acting Chairman (Deputy Bernard J. Durkan): Otherwise you will have full control.

Deputy Seán Canney: I will have a go at it. I thank the Minister and Minister of State for bringing forward the legislation, which is overdue because we have seen many issues in the construction industry, some of which have been the result of poor certification and workmanship with no real or effective engagement in how we take care of things when buildings are constructed, whether they are houses, public buildings or whatever. We have seen over the years issues with pyrite and now mica. There are also legacy issues relating to fire certification in apartment blocks and all that goes with it. I heard the Minister, Deputy Darragh O'Brien, speaking earlier about consumer protection. The costs to this State of the sins of the past in trying to protect consumers is and will be enormous if we rectify the legacy issues.

Having been a practitioner and then a lecturer in the construction area, I have insight into how the construction industry does and does not work. I have some comments in that respect. We must look back to see what we did in the past. One of the biggest things we did in the past was never to give proper thought to the regulations we brought in. Paperwork seemed to be the best part of it, but the effectiveness of what we actually introduced, in terms of regulations or certifications, wilted very much and was very disappointing.

I often remember back to the times when people were building houses and the biggest thing they had to do was make sure their houses were registered with HomeBond. It was a panacea in that, if they registered with HomeBond, they were protected for a structural guarantee on their house. They paid money for that. In every housing estate you passed, you would see the HomeBond signs on the billboard that said the houses were protected, and it was also up in every

window in every house. There was a sense HomeBond was going to protect people. When the real problems arose, however, HomeBond was not at all effective. The sad part about it was the banks demanded HomeBond before they would give a mortgage. You had to be registered with HomeBond before you could draw down any kind of grants that were going for the houses at the time. It was devised as something that could protect people but it did not. It failed dismally.

Funnily enough, I still come across requests all the time from mortgage holders for these same safe structural guarantees. They are at a cost of €500 or €600 to the person who is building the house or who is buying the house. Even with the Rebuilding Ireland home loan scheme the local authorities have been looking for this HomeBond to be put in place for a self-build house. I wonder what this is all about and why it is still going on. If it is not effective, why are we still using it and demanding it? Why is the State still demanding we take out this cover and spend money on something that is actually useless? It is important to state this. We cannot do more of that.

Another thing that galls me at times, which was alluded to earlier, is Sustainable Energy Authority of Ireland, SEAI, and the number of houses we are going to retrofit to increase standard in those houses. I put it to the Minister of State there are houses where such work was carried out and it has not improved them one iota. The people carrying out that work had been employed by the SEAI to do that work. The SEAI, in its wisdom, then decided it would have an approved list of contractors to carry out the work in houses. This created elitism. A lot of small builders and contractors, including plumbers and electricians, would not touch the SEAI with a 40 ft pole because it was all about paperwork. It was not about the effectiveness of getting the work done.

I am aware of cases where people had applied for the SEAI grant, for example, to install an air to water pump in their house. They got through to the SEAI-approved contractor and got a price. They found, however, they could do it for a lot less with their own contractor who was just as competent, but because he was not SEAI approved, he could not do the work. It also worked out that the amount of grant available was less than the amount of saving the person was going to make by using his own contractor. The quality of the work done was just as good, the output was probably better, and it was done by a local contractor who could be called on any time if there was an issue with the heat system.

I believe these kinds of things create a kind of suspicion that we would bring in more regulations, that more signatures would be required and that we would require more people to certify works. Where is the accountability, however? The building control units in our local authorities are totally under resourced and are totally ineffective, yet we call them building control units. We must call this out for what it is, which is farcical. The HomeBond system has been there for years and we have been paying lip service to it without actually offering any proper solution to the problem.

This is why I mention the word “effective”. If the construction industry is to be effective in regulating its business, we must have regulations and laws that are effective, enforceable and that will get people to pay the penalty when they do something wrong. My fear for all such legislation is we will have a plethora of paperwork, people will not understand what it is all about, and we will find we are flying off, as it were, with more people employed in the paperwork industry, as I call it, without actually having effective control around how we build.

Other countries do it completely differently. In the United States of America, for example,

if a contractor is bringing a water supply or gas supply into a building, it opens the trench, leaves in the supply, and leaves it open with a red flag on it. The building control officer is then notified, who calls out within so many days. If it is done right, the building control officer puts a green flag on it. If it is done wrong, the red flag remains on it. That is called effectiveness whereby people do not progress with things or cover them up and say, “Ah sure it’ll be all right on the day.”

We have created a cost in the building of houses with the certifications we are doing at the moment. The farcical aspect is the block layer, the plasterer and the electrician all must give certifications to the architect or engineer, who will then give a certificate based on that certification, and who will then give a certificate to a builder, and the builder will certify down along the line. This has created a cost of some €10,000 onto any house, and I am not so sure this adds any value to what we are doing at the moment.

I put it to the Minister of State that we have a serious problem with regard to the building programme we have laid out in the national development plan and the building programme we are undertaking for housing in the State currently, given the way it is being cranked up. The AECOM report today indicates we are nearly back up to the boom level of output in construction at the moment. We are flying away with it but who is minding the house? Who is minding the work? Who is actually responsible? We do not have anybody. We have, in the past, relied on no certification. Then we relied on self-certification. If, for example, professional people are working for me and I ask them to certify something, it can create a conflict of interest. In no other business would there be that same conflict. We must come back from the brink and put in a building control regulation, controlled centrally and paid for by the industry.

It must be controlled and employed by central government. I would go so far as to say that, given the construction levels at the moment and the amount of capital spending we do, we need to take a leaf out of the UK’s book, whereby they brought a construction adviser into the Government. This adviser has the experience and international experience, so that projects get done, are done within budget, and quality is monitored in how that is done. We spend a huge amount of money on capital works. We spend an enormous amount of money, and rightly so because we need the infrastructure we are putting in, but we are spending nothing - absolutely zilch - in how we control it and how we regulate it.

While I welcome the Bill, I am concerned we will have more of the same. I am sorry to say that. I believe there is an opportunity, following on from all of the distractions with mica, pyrite and the ongoing fire issues in a lot of buildings, not just to change things but to change the whole thing completely so that we take charge of it and so the public would have the confidence that things are being done right. I have no doubt our local authorities could be our building control units, but not if it is one person with a name over a door and that is it. The number of inspections carried out at the moment in any local authority is few and far between. That is not because they do not want to do it, but because people are not there to do it.

How many local authorities employ architects and engineers in their building control units? Galway County Council does not have one architect or engineer on its books, and a lot of other local authorities are the same. If we have building control units, we have to ask why we do not have professionally qualified architects, engineers, quantity surveyors, service engineers and fire officers directly employed within those units. If we do not do that, and give them the power to monitor and inspect what is going on and issue instructions which have to be carried out to the letter of the law, then we are going nowhere.

How our materials are regulated and certified is part of the issue with pyrite and mica. In my day there were what were called agrément certificates for materials. How are materials controlled and inspected? Who goes out to quarries around the country to inspect the materials that are going into our concrete? What organisation is responsible for that? We need to think about that. The problems with pyrite and mica are a result of defective materials going into concrete and filling in the ground. Today, we still do not know who inspects these materials before they go into a mix in a concrete manufacturing unit.

There are samples of tests on blocks and concrete for strength and whatever else, but who carries out independent tests to determine whether blocks are fit for purpose and clean enough to use? We still do not have such an inspection regime, yet we spend billions trying to rectify the mistakes that have happened because we did not carry out inspections in the past. We have a huge mountain to climb, but if we do things properly and do not tip around the edges we will get things right. We need to have zero tolerance. We need to educate our apprentices and graduates from college about what quality really means. It means something that leaves a legacy, rather than a disaster, after them.

A lot of the work done in this country is done right, but the problem is that when work is done wrong things go horribly wrong and cost this country a huge amount of money. Any legislation that is introduced needs to have the teeth and strength to cut out the watering down of what is happening on the ground. We need people going into sites who have teeth and are able to stop work in the same manner as the Health and Safety Authority does. It can place prohibition notices on site, and the same should happen if a site is not doing things properly. Who is going to do that right now? Will this legislation do that?

We have a huge amount of work to do to make sure that the buildings we build and invest in are built to last. We should know after five or ten years that we have got things right. It will take time. This is not something that can be changed by one piece of legislation. The Minister of State is making a start by introducing this Bill, but it is only setting the agenda for what needs to be done.

I will consider tabling amendments to the Bill, but I believe wholeheartedly that we need to put a huge amount of effort into making sure that whatever we deliver in terms of legislation is effective, is preventative in terms of bad work and will penalise people who try to take shortcuts. We cannot have that. There are too many good people working in the construction industry who put their lives into construction, which is a tough business, and have a work ethic. They need to be supported by making sure that legislation is in place to back them up, and ensuring that those who are trying to cut corners or certify things incorrectly are taken out of the game. Nobody needs them.

We have plenty of certified bodies which are training members in all kinds of continuous professional development. We need the backup of legislation to make sure that whatever they are doing, they know they have the support of the Government and the law and what happened in the past will not happen in the future. I will say it again. The materials we used in our construction were the basis for the problems we had in terms of mica and pyrite. Problems will arise again if people do not inspect and interrogate certifications.

Debate adjourned.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Jennifer Whitmore - to discuss the lack of allocated funding to progress the N11-M11 junction 4 to junction 14 main improvement scheme; (2) Deputy Duncan Smith - to discuss the crisis in dental care for medical card holders; (3) Deputy Christopher O'Sullivan - to discuss issues around COPE facilities in Bandon; (4) Deputy Jennifer Murnane O'Connor - to discuss the provision of toilet facilities at a train station (details supplied) in County Carlow; (5) Deputy Thomas Pringle - to discuss the recently published HIQA report into Ard Gréine Court, Stranorlar, in the context of the Brandon report; (6) Deputy John Lahart - to discuss an immediate review of basic qualifications required by SNAs; (7) Deputy Louise O'Reilly - to discuss the need to renovate and utilise derelict houses owned by the HSE in Portrane, County Dublin; (8) Deputy Joan Collins - to discuss a new venue for the Stardust fire inquest; (9) Deputy Jackie Cahill - to discuss the postponed route selection process for the Cahir to Waterford M24 road; (10) Deputy Eoin Ó Broin - to discuss the monthly increase in homeless numbers and the Government's response plan; (11) Deputy Pat Buckley - to discuss the progress of the school campus build in Carrigtwohill, east Cork; (12) Deputy David Cullinane - to discuss the status of the search and rescue contract tender and retention of helicopter bases; (13) Deputy Thomas Gould - to discuss the reconfiguration of children's disability services in Cork; and (14) Deputy Martin Browne - to discuss the decision process on rural regeneration and development fund applications and the decision to not approve a submission from Tipperary town. The matters raised by Deputies Jennifer Whitmore, Thomas Pringle, Thomas Gould and Christopher O'Sullivan have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Road Projects

Deputy Jennifer Whitmore: I thank the Minister of State, Deputy Rabbitte. I know this is not her area, but I acknowledge that the Minister for Transport, Deputy Eamon Ryan, is at an important meeting and could not make it.

I want to raise the issue of the funding for the N11-M11 scheme. It was a project that was being funded under the Transport Infrastructure Ireland, TII, allocation announced recently. It was funded for phase 1 and phase 2. Phase 1 started in 2018. The project was to deal with the huge traffic congestion on the N11 we experience in Wicklow. It has been acknowledged by TII that the N11 is not fit for purpose, that the traffic volumes exceed efficient operating capacity, that there are issues with safety and that the road is hazardous, having a collision rating twice the average. That is why it was so fundamental that there was funding.

As I said, an initial project, comprising phase 1 and phase 2, was funded. When we saw the allocation for 2022, it appeared that the funding for the project had disappeared. There was no mention of it. It has completely fallen off the radar and there is no clarity on what happened with the funding, why it was pulled and whether it will be reinstated.

The issues with the N11 are interesting because major consultation on the project was carried out. The public clearly said from the start of the process that they did not want more road; rather, they wanted the road to be made safe and they wanted public transport. Public transport is a major issue for people in north Wicklow because we do not have enough of it. It appeared that was the conclusion reached by the consultants that carried out this project, in conjunction with Wicklow County Council. That seemed to be the conclusion they were coming to as well. At the end of phase 2, they expressed their belief that this project was about maximising the existing infrastructure, making it safe and ensuring there was suitable public transport alternatives, such as bus corridors. Now it seems that has all disappeared which is a concern for people in the area. In particular, the issue of the bus route is a major concern.

There is a parallel project, the interim bus corridor project, because obviously the major scheme would take several years to complete. I am also unsure as to what is happening with the funding for that interim bus project. It would appear that €1.2 million has been set aside for it but I believe that is only for the area within the remit of Dún Laoghaire-Rathdown County Council and will not lend itself to any major expansion of a bus corridor in the Wicklow area which again is a major issue. Anyone who has travelled that road will know that there are major roadblocks there. The congestion causes major problems to commuters every day.

As I mentioned, public transport needs to be a major part of the solution. Unfortunately, Government Members within the constituency appear to be using this as an opportunity. There is considerable spin, indicating that there is major investment in public transport in Wicklow. There is no major investment in public transport in Wicklow. There are no timelines or funding plans for the major initiatives. They are essentially just words written in a document that stretches out to 2042. There is major development in north Wicklow and in Wicklow in general. We need the public transport and the infrastructure to match that development.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank the Deputy for raising this matter. She has acknowledged that the Minister, Deputy Eamon Ryan, is away. The response I have comes from him and his Department.

The national roads programme is managed by Transport Infrastructure Ireland, TII, and is delivered in line with Project Ireland 2040, the national planning framework and the national development plan. Once funding arrangements have been put in place with TII, the planning, design, improvement and upgrading of individual national roads is a matter for TII, in conjunction with the local authorities concerned.

A key priority in the NDP is to maintain the quality and safety of the existing national road network. The NDP foresees an Exchequer allocation of approximately €2.9 billion for the protection and renewal of existing national roads over the ten-year period to 2030, excluding about €1 billion on public private partnerships, allocated evenly across the decade.

Furthermore, approximately €5.1 billion will be spent on new national road projects across the lifetime of the revised NDP to 2030. This funding will enable improved connectivity across the country, particularly in rural areas, as well as compact growth in town centres, which are core components of the revised NDP. This funding will allow for new national road projects which are at or close to construction stage to proceed. The greater share of the funding will become available in the latter part of the plan, with €4 billion to come on stream in the second half of the decade and €1.1 billion earmarked for the period 2021 to 2025.

Proposed national road projects that are at earlier stages of development by TII are subject to further approvals in advance of a decision to construct. When evaluating the progression of these projects and to deliver on strategic objectives, a prioritisation of expenditure between and within TII's "protection and renewal" and "new projects" categories is required, including which new projects should progress. That prioritisation is in line with the programme for Government commitment for a 2:1 split on funding for new public transport and new roads, the national investment framework for transport in Ireland, NIFTI, the national planning framework and the requirements of the climate action plan. The N11/M11 upgrade project is included in the list of projects to be progressed during the period covered by the NDP.

The N11/M11 junction 4 to junction 14 improvement scheme is included as a major project to be progressed in the NDP. The TII peer review of the emerging preferred option took place on 24 June 2021. Wicklow County Council commenced the public display of the preferred option on 30 August 2021 and this ran until 4 October 2021. The options selection report was published in December and is available on the project website.

A component of this scheme, the bus priority interim scheme, has been allocated €1.2 million in 2022 to progress the provision of a dedicated bus lane between N11/M11 junction 3 and junction 6, between Loughlinstown and Bray. The allocation is intended to progress the bus priority measures toward statutory approval. This will be the initial phase of the overall proposed improvements to the N11.

Allocations for all national road schemes, including those in the NDP, are considered on an annual basis and planning and design on the subsequent phases of the scheme will be progressed in that context.

Deputy Jennifer Whitmore: I am still confused because the Minister of State has said that the projects under TII are being allocated to align with the Government commitment to a 2:1 ratio of funding on new public transport and new roads. She also said that the upgrade is still included in a list of projects to be progressed under the NDP. I am not sure whether it means that project will still go ahead and it did not get funding this year or whether it has just fallen off. Perhaps the Minister of State could ask the Minister for clarity on that.

I fully support the need to have public transport and that is where the focus should be. Unfortunately, we are not seeing that public transport being made available in Wicklow. Locals and commuters are having major problems with the 185 bus in Enniskerry. There are capacity issues and timing issues. They are looking for that to be resolved and it is not being resolved. There are issues like that throughout the county. The Connecting Ireland plan is this great scheme for the entire country. Only €5 million has been allocated for County Wicklow this year. That is not the kind of transformative investment we need in public transport. The DART to Wicklow town has been mooted as if it is a certainty. Again, there is no plan, funding or timeline for that.

Some €3 million has been spent on this road project already and I imagine that several consultant reports have been done on it. I would be interested to know exactly how much has been spent. I know that €250 million has been spent on the metro with no infrastructure to show. I wonder if the N11 will be our equivalent where we pump all this money in and do not see any improvements.

There is a very local issue relating to this as well. Any houses on the route will not be able to

get planning and people not be able to sell their properties. We need to find out exactly what is happening with the project. It cannot be allowed to hang around for the next year or two before there is clarity. People need clarity.

Deputy Anne Rabbitte: As I mentioned the full N11/M11 junction 4 to junction 14 improvement scheme remains on the list of projects included in the NDP. The bus priority interim scheme represents an initial phase of this wider scheme. While funding has not been provided to progressing planning and design on the main scheme within the current year, the subsequent phases will be progressed later in the plan. Approximately €660 million of Exchequer capital funds have been provided to TII for national roads in 2022. In line with the NDP and Government policy, TII is allocating national road funding to local authorities for 2022 in a manner which seeks to achieve the following: protection and renewal of the existing network, progress of major projects in or near construction and progress of major projects which are pre-construction.

The Deputy has asked three separate questions. She asked for clarity, which I will seek. She asked about plans and funding for the DART to Wicklow. She pointed out that €3 million has been spent to date but asked about the plans to spend in the interim for the people of Wicklow given the problems with planning.

Disability Services

Acting Chairman (Deputy Bernard J. Durkan): The next item is in the name of Deputy Pringle. Before I call him, I need to bring some matters to the attention of the House. His issue relates to the Brandon report. He has given the Ceann Comhairle notice that he intends to name persons in his contribution. The Ceann Comhairle has advised Deputy Pringle that he is obliged to abide by the rulings of the Chair, which preclude the naming of persons outside the House.

I am advised that the Deputy has given private notice of intention under Standing Order 71B to the Ceann Comhairle. I must advise him of the long-standing rules of the Chair, which preclude the naming of identifiable individuals in such a manner as may affect their reputation. Notwithstanding the notice he has given under Standing Order 71B, he is required to abide by these rulings in his contribution to the House. Persons outside the House are not in a position to defend their good name when utterances involving serious charges against them are made. For this reason, it is incumbent on all Members to use the privilege of the House in a responsible and fair manner.

This is not in any way intended to curtail what the Deputy has to say but once he has been advised of the situation, he knows if he proceeds regardless he may find himself with limited privilege, which could have consequences. He is an experienced parliamentarian. I will have to interrupt him if he names individuals. He will have to find another way to do it and we will all be happier as a result.

Deputy Thomas Pringle: I thank the Acting Chairman for his warning in regard to my contribution. While names may be mentioned, no aspersions will be cast on their character in what I say. I will outline facts in relation to the situation.

Acting Chairman (Deputy Bernard J. Durkan): I will have to interrupt him if he names names.

20 January 2022

Deputy Thomas Pringle: I cast no aspersions at all.

I thank the Minister of State for taking this Topical Issue matter; I believe it is very important. I asked that this matter is taken because of the ongoing issues, which I know the Minister of State is heavily involved with, around the Brandon report and the continuing situation in Ard Gréine Court, Ballybofey, County Donegal. The Attorney General came out earlier this week with his view that the Minister of State is not allowed to publish the report, but the HSE can, and should, publish the report. I call on the HSE to do the right thing and publish the full Brandon report. It is the least the families deserve in this regard.

The reluctance to publish the report leaves me questioning why. What occurred in Ard Gréine and the lack of action taken by the HSE to deal with it was appalling, but it has at this stage been widely reported on. Much of what is in the report is on the public record anyway, so what is left? In my mind, it is the HSE cover-up and the inaccuracies in the report that would be exposed by publication that now motivates the executive.

I want to give the Minister of State a timeline of my interactions on this issue and ask her if it raises any questions for her. On 7 October 2016, I met with the whistle-blower. He had previously brought the allegations to another Deputy in Donegal, but did not hear anything further from him, and he wanted action taken in relation to them. On 4 November, I met with Ms Denise Curran and handed her copies of documents that outlined the allegations. I have these documents to hand, which are important as well. According to parliamentary question replies, the HSE held four meetings on the issue between then and the middle of July 2017. After that there were no meetings until March 2018. Coincidentally, I was on sick leave during this period. In early February 2018, I attempted to contact the head of social care, Mr. Frank Morrison, without success. I then raised the matter-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry to interrupt the Deputy. I must bring it to his attention that the Ceann Comhairle has already ruled on this. The Deputy cannot name names. I do not wish to be unpleasant. I know what the Deputy is trying to do but he has sufficient latitude and is sufficiently experienced to be able to continue to talk to the matter without naming names and still have the same effect.

Deputy Thomas Pringle: I will take the Acting Chairman's views on board.

I attempted to contact the head of social care without success. I then raised the matter with the then Minister of State, Finian McGrath - I can say the then Minister of State's name - and provided the same documentation to him.

Acting Chairman (Deputy Bernard J. Durkan): The then Minister of State is not a Member of the House anymore.

Deputy Thomas Pringle: So I cannot say his name either?

Acting Chairman (Deputy Bernard J. Durkan): You can say "the then Minister of State".

Deputy Thomas Pringle: Okay.

Acting Chairman (Deputy Bernard J. Durkan): Eventually we will come to it together.

Deputy Thomas Pringle: He then sent the correspondence to the head of social care and, lo and behold, a flurry of meetings started to happen. There were more than 20 meetings in 2018

alone. What strikes me when I compare the content of the Brandon report with information I have garnered from freedom of information, FOI, requests and my email records is that some things do not add up. The head of social care told me in an email on 4 May 2018 that he had the final draft of the report by look-back review investigation team. Yet the HSE, according to FOI requests, said that the first draft only existed from 31 July, nearly 3 months later.

Community healthcare organisation, CHO, 1 officials told the national independent review panel, NIRP, that the first time it knew of allegations of rape was from Mr. Finian McGrath's correspondence. It also told him that there were no allegations of rape in the documents I gave them, which I referred to earlier. Yet these are the same documents. Is it a simple coincidence that the HSE now tell me that the original copies I gave it do not exist? There is no record of any of the documents that the HSE based this whole investigation on within the organisation at this time. These documents were not disclosed to the NIRP for more than a year into its investigation. The panel had to write to CHO 1 officials to request them after I was interviewed by the panel investigators. The emergence of either the lost documents or the new information from the Minister was also never mentioned to me in my interactions with the head of social care throughout 2018.

After the report was finalised in November 2018, I had a meeting with the head of social care and the chief officer of CHO 1, in which they showed me a report that I was not allowed to read or even handle. It was a farcical encounter bordering on the bizarre. There are many more examples I want to highlight but I do not have the time to do so. The chief executive officer of the HSE, Mr. Paul Reid, said that the HSE did not want to publish the Brandon report in full because it did not want to compromise the scoping review into whether disciplinary action was required. Does anyone here really believe that excuse? Does anyone believe that the HSE intends to take any disciplinary action on foot of the Brandon report? It has been around for a number of years and nothing has happened. It needs to be published and published in full.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry for having interrupted so I allowed a certain amount of latitude because of the interruptions.

Deputy Anne Rabbitte: I thank the Deputy for raising this issue again and pursuing it which he has done so single-handedly for a number of months with me personally. I concur with his opening statement when he again asked the HSE to publish the full Brandon report. I second that. It is important to acknowledge that the Deputy has done great work.

Much like the Deputy, I had hoped that I would be able to publish the Brandon report, after the HSE decided it was not in a position to do so. It is also important to put on record that it was unfortunate the HSE published the report on the final day this House sat before Christmas, which gave us no opportunity to have a comprehensive conversation on it. I welcome the fact that the Ceann Comhairle has said that time would be set aside to have a good discussion and statements on it in early 2022.

Having sought the Attorney General's advice on the matter, it is clear that the Minister for Health or myself may not direct the HSE to publish the report. No legal basis has been identified that would permit the Minister or me to publish the report. The Attorney General is of the view that it would not be permissible for the Minister for Health to publish the report where the HSE, as the body responsible for publication under the NIRP guidelines, has determined the report should not be published. The NIRP guidelines give representations of confidentiality, and persons who participated in the process might rely upon those representations. Undertakings as

to confidentiality and non-publication were also given, which might be relied upon. No detail was given as to HR inquiries, but publication of the contents of the report might adversely affect the conduct of any such inquiry or disciplinary procedures. In addition, redaction does not arise given the report should not be published and the Attorney General's office queried whether, in any event, any meaningful reduction was feasible.

Regarding the recent reports published by HIQA, like the Deputy I too was taken aback by the findings, particularly in the context of all we learned from the Brandon report. The recently published reports by HIQA relate to four inspections undertaken in September and October 2021 on the Ard Gréine campus. HIQA inspectors found there continued to be high levels of non-compliance in three of the four centres.

7 o'clock

It is important to note that HIQA advises that, in these recent inspections, inspectors did not identify incidents of sexual abuse similar to those identified in the Brandon report. However, they did find that there were behavioural issues that were not being appropriately responded to. Inspectors required the HSE to address the issues immediately and to escalate its programme of change for the centre. I am advised that, in response, the HSE implemented a full reconfiguration of the Ard Greine campus, which it states will give stronger management oversight of the delivery of care. The HSE has submitted detailed compliance plans, and the overall management improvement plan for the campus is updated monthly for submission to HIQA to address these issues. I am told that the HSE plans have been accepted by the regulator and that implementation will be monitored by HIQA and senior management.

Separately, it is important to note that I await an update from the HSE regarding a file review it conducted in the community healthcare organisation, CHO, area for the period from 1991 to 2002, which reflects the period of time during which Brandon was in the care of disability services. Records were screened for all notations referring to any alleged or actual sexual conduct during that time. It is important that the dates the Deputy has mentioned here today also be taken into account as part of that review. I confirm to the Deputy that I will continue to engage with the HSE both locally and nationally on the issues raised by the Brandon report. I will read the rest of my speech in my concluding remarks.

Deputy Thomas Pringle: I thank the Minister of State for her response, which was very worthwhile. What is stark in respect of the reports of HIQA inspections which were published last week is that every one of them identified management failures as something that have to be dealt with. The reports are actually very complimentary of the staff, most of whom are agency staff. There is something badly wrong with the management in that facility. That really has to be dealt with.

The history the HSE has given of its interaction with families is inconsistent with my experience of this case and leaves an awful lot to be desired. The chief officer emailed Donegal's public representatives last week on foot of the HIQA report to say that the HSE had informed residents and their families of the inspection findings and the improvement actions and works that were being progressed as a result, yet I know that contact was made with one family the night before the HIQA report was published. That is all. They were just told that a report was going to be published in the morning. That is not acceptable. After all that has gone on, that is not acceptable. If I can get that from one phone call, there is obviously something going on. The chief officer is emailing the elected representative to tell them that this is happening but this

is what I can get. There is something badly wrong with that situation.

The national independent review panel, NIRP, has come out of this fairly well so far. I hope it will stay that way but time will tell. How can we be sure that these types of failures have not happened in other facilities? How can we be sure there are not NIRP reports that nobody knows about sitting on a shelf in the HSE gathering dust? How many other Brandon-type reports are there that have not crossed our path?

Deputy Anne Rabbitte: I will speak a little bit quicker because I have to get two pieces in. Records were screened for all notations referring to any alleged or actual sexual conduct during this timeframe. The content of the file review raised some concerns within the HSE and, in that context, it has been agreed that this report will now remain as a draft while a further validation is completed by a team appointed by the HSE nationally in order to address any queries and concerns. This validation is ongoing and I expect an update on this report at the end of this month. I confirm to the Deputy and to the House that I will be continuing to engage with the HSE both locally and nationally on the issues raised in the Brandon report and its recommendations, as well as these HIQA reports. I will also be monitoring the HSE's ongoing work very closely to ensure it addresses the failures highlighted in the report and that it progresses the actions it committed to, thus ensuring families and service users can have confidence in their services and that such failures do not recur.

I appreciate the view the Deputy has expressed in the House this evening. I would like to be able to assure the Deputy and the House that no such other incidents have occurred or are occurring but, in light of the HIQA reports and other ongoing incidents that are currently being looked at, what I can say is that I have learned a lot from the NIRP process and that, if required to in future, I will utilise a different method of review to ensure the fullest level of openness and transparency is achieved. I can also say that the safeguarding of adults who are at risk of abuse and harm from others in the context of their interactions with the health sector is a key objective of the Department of Health, every statutory body under its aegis and every health and social care service that interacts with such adults. As the Minister of State responsible, I believe that the focus must be on ensuring that the findings and recommendations of the NIRP report are addressed appropriately. It is imperative that lessons are learned and timely improvements are made in the system, where needed.

The NIRP recommendation seeking the appointment of a strategic working group tasked with developing a new vision for disability services in this area in line with national policy is important. It is important to note that the NIRP has stated that this should be chaired by someone who is able to challenge the old order and to hold its membership to account for affecting change. This speaks volumes in respect of the issues that have been unearthed and that need to be remedied in CHO area 1.

Disability Services

Deputy Thomas Gould: I thank the Minister of State for taking this debate. This is an issue I have been trying to raise for some time. Children's disability services in my constituency of Cork North-Central are in crisis. Unfortunately, my constituency is topping the chart in respect of many of the waiting lists. In November, we had the second longest waiting list for an assessment of needs in the State. In December, we had the most children waiting for speech and language therapy, with the numbers waiting for occupational therapy and physiotherapy follow-

ing close behind. In November, more than 800 children in the Cork north Lee area were waiting for occupational therapy. Behind each of these statistics is a child and a family on a waiting list. That child is probably regressing and is certainly not making any progress.

I was in contact with a lady whose ten-year-old daughter has been diagnosed with anxiety and dyspraxia but who is still waiting on an assessment of needs. Without this, she cannot access much-needed targeted services. In other words, her life is on hold.

I am helping a young boy who was referred for an assessment of needs in October 2019. He was assessed in April 2020 but no service statement was issued until July 2021. He needs occupational therapy, speech and language therapy, physiotherapy, psychological treatment and social work. In July of last year, his mother received a letter informing her that her child would begin to receive services in July 2022. For a short period of time, this child was getting services. That is the tragedy here because, in that time, the child began to learn words. He was beginning to communicate with his family but, because of the loss of services, he has now regressed and no longer has any words to speak. Can the Minister of State imagine the devastation that his parents feel when they see how their child has regressed before their eyes?

In another case, a mother has told me that her child is waiting for access to speech and language therapy. This mother has gone on a 12-week course which has essentially taught her how to provide her child with the therapy needed. I have spoken with dozens of parents whose children have special needs. What all those parents tell me is that as soon as their children need a diagnosis, from that moment on they must fight the State to get the services their children not only need but are entitled to.

I am dealing with parents in my constituency weekly who have children in need of these vital services. It is unbelievable that in 2022, given all we know and all we have learned, that we are allowing children and families to be in these situations. Some parents tell me that they go without themselves because they cannot get the services they need and they are now trying to pay for these services privately. Many families cannot afford to do that. It is tragic when parents are trying to provide services that the State should be providing and that the Government has committed to providing, but has failed to do so.

Deputy Anne Rabbitte: I thank the Deputy for raising this important issue. I also acknowledge my colleague, Deputy Christopher O'Sullivan, from the same area of Cork, who would echo Deputy Gould's frustration, and, indeed, he has done so. It is important to acknowledge that the HSE has had considerable challenges implementing the progressing disability services programme. This has resulted in delays for families trying to access much-needed therapies for their children. I regret that, of course, and I once again express my sincerest apologies to any family experiencing such delays and the hardship as articulated by the Deputy this evening. Behind every child is a family and siblings, and all of them are impacted by these situations.

In Cork, and indeed around the country, one of the issues with the reconfiguration has been staffing. To get a proper insight into the shortages that children's disability network teams, CDNTs, were facing, I asked the HSE to conduct a staff census across the network. I confirm to the House that it has found that 24% of posts are vacant because of statutory leave and unfilled vacancies. This means that the teams are, essentially, operating at 75% before considering any of the additional posts they need. The reality is that there are recruitment challenges due to the significant availability of new posts across the wider HSE, in areas such as primary care, services for older people and acute hospitals, as well as in the private sector. Coupled with this

are temporary absences on some teams related to maternity leave and, in other instances, Covid-19-related sick leave.

This is not to make excuses, but to be open with the Deputy and the House regarding the issues I am trying to address to get the service to a level where children are receiving therapies, rather than languishing on waiting lists. In Cork specifically, as the Deputy will be aware, the children's disability network teams have been reconfigured since April 2021. I travelled down with Deputy Christopher O'Sullivan and met representatives of Enable Ireland during the summer. There are 14 CDNTs in the Cork-Kerry community healthcare area and the location of each aligns with the 14 community healthcare networks. Each network team is managed by a lead agency, namely, the Cope Foundation, the Brothers of Charity, Enable Ireland, Co-Action or St Joseph's Foundation. I met representatives of all those organisations in the last three months to articulate exactly the issues the Deputy raised this evening, namely, how we are going to get the interventions, how long children are waiting and when we can cut the waiting lists to ensure there are timely interventions. I want to get rid of this situation where securing assessments of needs has turned into an industry. What families need is intervention.

In 2021, I secured an additional 100 posts as part of the HSE national service plan 2021 to bolster the teams across the country. Teams in Cork and Kerry received an additional 7.5 posts from this overall pot. In addition, another 85 posts were added under the special schools allocation mid-year last year. An additional 5.8 posts were also added. This was a total uplift of 13.3 posts in 2021, six of which have now been filled. I will share with the Deputy what I found out yesterday, which is that of 180 posts, recruitment has only successfully filled 50. That is my challenge. I know what needs to happen but I cannot magic people into posts. The Government has provided the funding, we have done the reconfiguration and the staff are working at 150%. I hear from all my colleagues around me the frustration of the families. The problem is that we do not have enough therapists to fill the posts. As I said earlier, there are considerable challenges, and the filling of the vacant posts will be my priority for quarters 1 and 2 of 2022.

Deputy Thomas Gould: I have no doubt that the Minister of State's comments were made sincerely. The issue in Cork now, however, is that there are 11 children's disability network teams but only one of them is fully staffed. More than 800 children are on the occupational therapy waiting list in Cork north Lee, but there is only one occupational therapist, OT, for all of them. Is it any wonder that we are having huge problems with staffing in a health service where the staff are working under these conditions? The pressure and the stress these staff and the therapists are under must be only immense. With two psychologists funded, less than half, 0.4, of the posts have been filled in Cork north Lee. This is a disgrace, because this is a vital service. Children are losing their childhoods while they are on waiting lists. The situation in Cork has reached the stage where there is no longer a postcode lottery. No matter where people live in Cork now, the services are in crisis. The question is how bad the crisis is.

I have heard the Taoiseach, in particular, talk often and loudly about the importance of early intervention. Where is the early intervention for the 293 children who have been waiting for more than two years for speech and language therapy? More than 717 children have been waiting for longer than 12 months for occupational therapy. This situation is not getting better. It is actually getting worse. As for the point the Minister of State made about the challenges, surely someone has looked at the number of children who need support and therapies and has put a plan in place. I say that because there seems to be an ongoing delay in recruitment. When positions come up, it seems to be months before they are filled. We need proactive planning and organisation to fill these posts. The Minister of State, or the Minister for Further and Higher

Education, Research, Innovation and Science, Deputy Harris, needs to sit down with the colleges, point out that we have a shortage of therapists and ask those institutions if they can provide the courses to help to fill these posts. We must do something. People, including children, are in crisis. I sincerely ask the Minister of State to do everything she can.

Deputy Anne Rabbitte: I have sat down and met everybody the Deputy spoke about just now. To recruit and get speech and language therapists into posts takes five years. It is the same in the case of occupational therapists and physiotherapists. Along with the Minister, Deputy Stephen Donnelly, I am working with the HSE on access to care. I refer to getting people off the 24-month waiting list. A plan is being devised, which I look forward to announcing with the Minister later. The Taoiseach has always spoken about early intervention and that is why he has allowed me to undertake the progressing disabilities services programme. The simple reason is that we want no child to age out of these services. We do not want children to be on one queue, only to fall off it when they turn six years old and have to join another queue. In the context of this progressing disability services strategy, this time last year there were only 30 of them. Today, I have them all reconfigured. There is no more aging out of children in this State. When children are on a waiting list, they now stay on that one waiting list.

The Deputy opened his contribution with comments regarding children waiting for autism spectrum disorder, ASD, assessments. Majella Daly is the head of disability services in Cork. I met her on all my calls with the providers. I and Ms Daly, and her team, are putting in place a comprehensive and bespoke action plan in CHO 4 to ensure that we move people off waiting lists. I thank Ms Daly and all the staff and therapists, because they are always willing to change to meet the needs. That is the case at all times. There will be a plan for the parents, not just in CHO 4, but in every CHO around the country. We are going to cut waiting lists this year. This is my priority. I am prepared not just to rely on our recruitment process to deliver services. I am prepared to look at alternative models.

Deputy Thomas Gould: It should not be up to a parent to provide a service either. The Minister of State might look into that as well, please.

Disability Services

Deputy Christopher O'Sullivan: I raise the issue of the Cope Foundation facility in Bandon, which is closed at the moment, and the impact this is having on the Cope facility in Clonakilty. As the Minister of State knows well, at the start of Covid disability services were scaled back and closed in certain instances. The Minister of State fought really hard to ensure that those facilities were reopened to the fullest extent they could be at the time. During subsequent lockdowns she rallied to keep those facilities open. That is really important. However, in the Cope facility in Bandon during one of those lockdowns a refurbishment happened. Since then, and we are talking a good while ago now, Cope has not reopened that residential facility for adults with intellectual disabilities and very high needs. It has remained closed. It is that old chestnut that keeps cropping up, namely, the difficulty in recruiting staff.

This has severely impacted the provision of services to people with high needs in the Bandon-Clonakilty region. The decision was made to relocate some of the service users into the facility in Clonakilty. I would not have an issue with anybody receiving any type of service. However, it meant that certain residents who had been in the Clonakilty facility for years had to be cared for at home. I mention one gentleman whose name I have permission to use, Liam

Sheehy. He is a gentleman from the Clonakilty area who was availing of the residential services in Clonakilty. As a result of the situation in the Cope facility in Bandon, he is no longer doing so. The stress and strain that change in circumstances has caused to Liam are huge. Furthermore, the stress and strain of the family now having to care for Liam's needs have had an enormous impact. That is the reality on the ground created by the simple closure of a facility that has not been reopened, although it has been refurbished to a very high standard by all accounts. Other service users who have availed of residential facilities in Bandon and Clonakilty find themselves in the same situation. It is not good enough.

I appreciate the Minister of State's very quick correspondence when she wrote to me about this matter, which she escalated. However, the fact of the matter is that the service in Bandon remains closed. I urge the Minister of State to do everything she can and leave no stone unturned to ensure that services reopen and the likes of Liam Sheehy can return to some form of routine and avail of the services he had availed of previously in Clonakilty. I spoke to the family just before coming in here. We are hearing talk of a potential February date for reopening the Cope facility in Bandon, which would be very welcome if it were the case. I would appreciate if we could get some type of confirmation on that.

Deputy Anne Rabbitte: I thank the Deputy for giving us the opportunity to have this very important conversation. We can use Liam Sheehy's name. He represents an awful lot of other Liams around the country, which is unfortunate. When Covid hit, providers had to be agile in their approach and they made changes to ensure they could deliver services to as many people as possible with the staff they had. Time has moved on in respect of Bandon. I met the CEO of the Cope Foundation only recently. His real challenge is in recruitment of staff. We met Gobnait Ní Chruaí of CoAction as well. Her challenge is staff. That is not an excuse but the real, hard reality.

It is not right to displace any person from his or her community into another community when he or she has built up relationships and got to know people. No stone can be left unturned to ensure Liam can return to his rightful place in Clonakilty. When we are doing that, we are also displacing others. At the same time, we have to be the advocates for persons with disabilities. They sometimes do not have that voice. These are their homes and what they know. We would not do it to a person who had the ability to articulate for themselves. There would be a protest on the streets if we were moving people out of their homes and relocating them to different hubs. I will leave no stone unturned for any Liam around the country. I have exactly the same problem further down in the Beara Breifne Way, as the Deputy is aware, where we have relocated three people out of their home in order to make it work for their provider. We have to make it work for the person with disabilities. We have to acknowledge their needs, their home. It is their picture, their chair that they sit in, their bed that they go to bed in.

We have not forgotten that but we had to work in a pandemic. Now, as Omicron and Covid are subsiding, I have no doubt that everyone of my providers will leave no stone unturned because they have the person with a disability at heart. I have no doubt that Cope will work with us to ensure that Liam is returned to the service in Clonakilty and all his other colleagues are as well. We also have a problem with the hub in Macroom for our school leavers. I have no doubt the Cope Foundation will ensure that the hub in Macroom will open now the works have been done on it, and that the school leavers, who have not had a full opportunity to participate as school leavers transitioning into that space, will be able to access that service.

The topic the Deputy has raised has a real human side to it. It is a person's home, what he

or she knows and his or her community. I will work with the Deputy to ensure it happens.

Deputy Christopher O’Sullivan: I thank the Minister of State. I am delighted with what she has said. She hit the nail on the head and mirrored exactly what Liam’s family said to me before I came into the Chamber, namely, that Liam does not have a voice. He needs a voice and people like him need a voice. The Minister of State is right that if the same thing was happening to someone who was able to articulate issues, it might not have got to this. Liam does not have a voice. I am trying to be that voice for Liam to ensure his needs are met. Perhaps we could double-check on the potential reopening of the Cope service in Bandon in February. That would solve a lot of problems.

Since the Minister of State mentioned it, the issue of the residential houses in Castletownbere is still lingering on. The Minister of State has highlighted the issue, which is one of recruitment. I would like her to touch on one thing, as it came from her. It would be a fantastic idea not just for CoAction but also for Cope. During the pandemic, public sector HSE nursing home staff were transferred to private nursing homes to fill the gap. It was done very effectively. We are in a similar situation here. It is not a pandemic but it is a crisis where we cannot get staff for our disability services. Could something similar be looked at whereby public healthcare staff who are experts in caring for people with high needs could be reallocated to the likes of the Cope facility in Bandon or the CoAction service in Castletownbere?

An Ceann Comhairle: The Deputy mentioned that the Minister of State had hit the nail on the head. She is always very accurate with her hammer.

Deputy Anne Rabbitte: I thank the Ceann Comhairle.

The Covid-19 pandemic resulted in the closure of some residential disability services in line with public health advice. The Deputy knows how many there are in Cork. He is representing them, as is his colleague, Deputy Pádraig O’Sullivan. They are doing a phenomenal job in bringing this matter to my attention and working with Ms Majella Daly, the local HSE and various providers on trying to get this matter addressed.

The Government is committed to supporting people with disabilities to live ordinary lives in ordinary places. As the House will be aware, officials in the Department of Health are working on an action plan to progress the implementation of the capacity review of disability services that was published last year. The action plan will help to guide the Government in planning to meet changing needs and demographics and ensure that people with disabilities can get the right services in the right places at the right time.

Regarding residential services in Bandon, I am assured that the Cork-Kerry community healthcare disability services will continue engaging with the Cope Foundation in order to expedite the resumption of services. If we are told it will be in February, then we will hold to that timeframe and get it done in February.

What the Deputy mentioned is important. It relates to a conversation that he and I had previously and it is important that I share it with the House. Where there are services that have closed and as society opens up after the pandemic, we need to consider the HSE’s skill set. It may be able to assist us in redeploying some of its staff. When we talk about the place down at the very south-----

Deputy Christopher O’Sullivan: Castletownbere.

Deputy Anne Rabbitte: I get them all mixed up. If we could find a person to act as the whole-time equivalent, it would mean that all the other care assistants could come in and the three or four residents could return to their home. That would be a welcome development on the part of the HSE in ensuring the reopening of all services.

An Ceann Comhairle: I thank the Minister of State and the Deputies who raised Topical Issue matters.

National Maternity Hospital: Motion [Private Members]

Deputy Joan Collins: I move:

That Dáil Éireann:

notes that:

— in 2013 a decision was made to move the National Maternity Hospital (NMH) from Holles St to the Elm Park site to co-locate with St. Vincent's University Hospital (SVUH), which was to be part of the construction of four new co-located maternity hospitals; and

— this led to a dispute with the St Vincent's Hospital Group (SVHG) who rejected co-location and demanded full ownership of the NMH under SVHG;

further notes that:

— SVHG is a private company owned by the Religious Sisters of Charity (RSC) and a section 38 body fully funded by the State, and the RSC have now set up a new private company, St Vincent's Holdings (SVHs), into which they have said they will transfer their shares in SVHG though this has not yet happened;

— the RSC apparently have Vatican approval for this along with approval from the Irish Catholic Bishops Conference, as under canon law SVUH is the property of the Catholic Church; and

— the construction of the new National Maternity Hospital is currently estimated at a cost of €800 million, with the original estimate in 2013 being €300 million, while the day to day running of the hospital will be fully funded by the Health Service Executive (HSE);

insists that the new National Maternity Hospital is fully owned and controlled by the State and rejects any agreement with SVHG, SVHs or the RSC which does not achieve such State ownership and control of the facility; and

calls on the Government to acquire the Elm Park site through a Compulsory Purchase Order by the HSE with the approval of the Minister for Health.

I am disappointed that the Minister is not present to respond. I mean no disrespect to the Minister of State, Deputy Rabbitte, but the ownership and control of our national maternity hospital is an important issue that has been rumbling on for ten years. There were two Private Members' motions last June, one from Deputy Connolly and the other from the Social Demo-

crats, that called on the Government to ensure the public ownership and operation of the new maternity hospital. The Minister did not oppose those motions.

I thank my personal assistant for assisting me in drawing up and working on this motion. I thank Uplift, which commissioned the legal opinion on the compulsory purchase order, CPO, options for the national maternity hospital and engaged Mr. Stephen Dodd, SC. From the ospidéal campaign, I thank Ms Marie O'Connor, who worked hard to put together the briefing that was emailed to all Deputies yesterday. I also thank Dr. Peter Boylan. All of these people have given of their time and energy to support this motion and the compulsory purchase of the grounds at Elm Park.

I welcome the fact that the Government is not opposing the motion. However, it is not clear whether this means that the Government is in favour of proceeding with a compulsory purchase order, CPO, is keeping a CPO as an option while continuing to negotiate with St. Vincent's Healthcare Group, which I strongly suspect is the case, or is not even contemplating using a CPO.

It is now abundantly clear that the St. Vincent's Healthcare Group has not moved an inch from the position it has adopted since the original proposal to co-locate the new national maternity hospital with St. Vincent's at the Elm Park site. Its position is clear, in that it has rejected co-location and, in effect, demanded that the national maternity hospital be fully integrated into its group. That is what will happen if the State agrees to lease the site under conditions laid down by the group.

We are facing a key test of this State. We should not be in any doubt about what the issues at stake are. St. Vincent's Healthcare Group is a private company owned by the Religious Sisters of Charity, a Catholic religious institution. The Religious Sisters of Charity have set up a new company – St. Vincent's Holdings – into which it intends to transfer its shares in St. Vincent's Healthcare Group. It apparently has approval for this from the Vatican and the Irish Catholic Bishops' Conference but the transfer will only go ahead if it gets its way on the national maternity hospital. It should be noted that, under Canon Law, the assets of the Religious Sisters of Charity constitute church property.

It is not just a question of the State handing over the management of a public hospital, to be built at a cost likely to exceed €1 billion and to be fully funded on a day-to-day basis by the State at a cost of approximately €60 million per year, to a private company. That in itself would be a travesty but there is also the question of the range of services for women that would be provided in such a scenario. The ethos of the Religious Sisters of Charity, St. Vincent's Healthcare Group and St. Vincent's Holdings is clear. Under Canon Law, the assets of the Religious Sisters of Charity are church property and cannot be disposed of without the consent of the Vatican. It is inconceivable that the Vatican would agree to any arrangement that would allow abortions or other services forbidden by Catholic doctrine to take place in a hospital owned by a Catholic successor organisation to the Religious Sisters of Charity and built on land owned by such an organisation. There is not a single hospital anywhere in the world built on Catholic-owned land that allows procedures such as elective sterilisation, IVF, genetic testing, abortion and other procedures that are specifically forbidden by universal Catholic teaching. This would compromise patient safety. The national maternity hospital is to act as a tertiary centre for complicated pregnancies. Miscarriage can occur in up to 20% of pregnancies. Catholic teaching cannot be allowed to compromise the treatment of sepsis, as in the case of Savita Halappanavar.

Despite repealing the eighth amendment and the subsequent legislation, abortion services are limited in this State. Only ten of the 19 maternity hospitals or units provide pregnancy termination and only one in ten GPs provides abortion services. Although the numbers have reduced, women must still travel outside the State. One of the hospitals providing abortions is the current national maternity hospital at Holles Street. This provision would be ended if the hospital came under the control of St. Vincent's Healthcare Group or St. Vincent's Holdings.

The only way out of the mess that the State finds itself in and to achieve co-location for the national maternity hospital with an acute hospital is to CPO the Elm Park site. The campaign group Uplift commissioned legal advice on the pros and cons of a CPO. The advice it received from Mr. Dodd, SC, was that a CPO would have an excellent chance of surviving a legal challenge through the courts. He carried out an extensive review of case law in Ireland and the EU alongside the constitutional issues involved. Articles 40.3.2o and 43 cover issues such as the right to private property, the common good and the rights of religious institutions. Property rights are protected by the Constitution but subject to the common good, provided that the action proposed is appropriate and an important development in the public interest. The building of a maternity hospital to modernise and update healthcare for pregnant women is certainly in the public interest. The State controlling such a hospital and the services it provides is also appropriate. Article 44.2.6o protects the property of religious institutions against diversion. However, that is subject to necessary works of public utility and on payment of compensation. It is the opinion of Mr. Dodd that the national maternity hospital would clearly constitute works of public utility in the broad sense of the public use. He also believes that a narrow approach to the meaning of "public utility" is unlikely to be adopted by Irish courts. A legal challenge to the CPO would obviously mean a further delay, but an appeal to the High Court must be exercised within three weeks of the confirmation of the order, and an issue of such public interest would likely be heard quickly. This issue has in, any case, been ongoing for almost ten years. There is very little guarantee of a successful negotiation within the short term.

The minutes of the HSE board meeting on the national maternity hospital, held on 25 June 2021, state:

The issues of concern can be summarised under three objectives in terms of the proposed ethos of the hospital and the service it will provide (on which we understand further discussions are under way), protection of state interest in assets (ownership structure), and especially the proposed ... structures of the hospital.

The HSE board is therefore seriously concerned about this. The HSE board minutes of the meeting of 29 October state:

Discussion around the ownership of the site took place. The Board raised concerns regarding the ultimate ownership of the site which is being provided through long term lease rather than by means of being sold to the state.

We have gone through May 2017, when the then Minister for Health, Deputy Harris, promised we would have a legal framework in the coming month. In 2019 the then Taoiseach, Deputy Varadkar, assured the House that the details of the legal transfer would be resolved over the following weeks. The current Minister for Health, Deputy Stephen Donnelly, gave similar assurances last year when we discussed Private Members' motions and has come out today in a newspaper article saying something similar. This charade came to an end last year when Deputy Varadkar finally admitted the obvious, that is, that the deal is potentially fundamentally

and fatally flawed. Will we have to wait another ten years before we see a national maternity hospital built on public land and in public ownership?

I call on the Government to act now. This has gone on too long. The way the Sisters of Charity are dealing with it, it will go on a lot longer. I call on the Minister to move to obtain legal advice on behalf of the Government and the HSE on acquiring the site through CPO without any further delay. The women of Ireland deserve better. We have debated this issue over recent weeks. This is about our health rights and our legal rights. It must be dealt with and cannot go on any longer. If the Government were to impose a CPO on the site, if the Sisters of Charity are not pushed about this and if land ownership is not the issue, they would welcome that move and negotiate with the Government on it. We have to move on it.

Deputy Marian Harkin: Tonight the House is saying for the third time that the new national maternity hospital must be fully owned and controlled by the State and that it rejects any agreement with St. Vincent's Healthcare Group, St. Vincent's Holdings or the Religious Sisters of Charity, RSC, which does not achieve such State ownership and control of the facility. Deputy Joan Collins has said the Government will not oppose this motion, and I will be pleased if that happens. However, not opposing something and taking action are two very different things, and tonight we are asking that action is taken.

Last June, after the previous debate in this House or around that time, I tabled a written question to the Minister, Deputy Stephen Donnelly, to ask him if the proposed national maternity hospital would be in public ownership. In his response he talks about planning permission, etc., but then goes on to state, "The ownership and governance arrangements are more complex." That sentence alone raises all kinds of issues. He then goes on to refer to the Mulvey agreement and what it does and to the draft legal framework put in place. He finishes by stating:

I have been very clear that I will not bring anything to Government unless it provides assurances around all legally permissible services being provided in the new ... [national maternity hospital].

He further states:

In that context, as I have recently stated, I intend to engage further with both St Vincent's Healthcare Group and the Religious Sisters of Charity, as we move toward the finalisation of the arrangements.

That is the kicker. If the Minister were satisfied with the legal position, he would not need any further engagement. I apologise for reading that out in detail, but it matters very much because those are the Minister's own words. As I said, he starts his answer by saying the governance and ownership arrangements are more complex and finishes by saying he intends to have further engagement. Where, precisely, are we now in this process of further engagement? Have we the assurances and guarantees to which the Minister referred?

This has gone on far too long. In the final analysis, the national maternity hospital must be in public ownership, a 100% publicly owned hospital - no ifs, no buts, no maybes and no "complex" situations. This whole debate has nothing to do with any argument about services; it is simply that the women of Ireland, the people of Ireland, must have full and unequivocal access to all legally permissible services. We should not even be talking about it here. This should be an absolute given. We are all waiting to see how this will happen. I support the motion. I supported the other two motions. It is past time we dealt with this matter. On 23 June this House

passed a motion calling for the new maternity hospital to be fully owned and governed by the State. Tonight we are again delivering a very simple message: we need a publicly owned, publicly funded and publicly run national maternity hospital. While I am glad to see the Minister of State here and I know she is listening carefully to us and is fully engaged, the Minister for Health, as Deputy Joan Collins said, has responsibility for this. He should be here. This is the third time we have had to debate this in this House. This should not be happening. We should have the clarity we need. The Minister should not be hiding behind the “complexity” of the situation. I know that the Minister of State will deliver this message loud and clear to the Minister.

Deputy Thomas Pringle: I thank my colleague, Deputy Joan Collins, for bringing forward this very important motion on the ownership of the proposed new national maternity hospital. I welcome the fact that the Government will not oppose this motion calling for the compulsory purchase of the site. I take this opportunity, however, to strongly urge the Government to change its position and to acquire the national maternity hospital site by CPO as soon as possible. It is one thing not to oppose a motion; it is another thing to actually do something to make it a possibility. I know, if I may say so, that if it were up to the Minister of State who is here, this would be done, but the Minister, by not being here, shows what is likely to happen.

Hospitals should be state-owned and state-operated. We have to end the constant privatisation of our services. The new national maternity hospital is being constructed with public money. It will be built on publicly owned land. It must be in public ownership. It is our money so it must be our hospital. It poses the question why the State would invest €800 million of public money in a new national maternity hospital and not establish who owns the site. I know that this Government would love to privatise all services in the country in order that it would no longer be accountable for anything, but when we hand over leases to outside bodies and let them run our essential services, we give over control over how they are run and what services are provided. We have seen time and time again the failure of private bodies to provide adequately the services we need in this country. When it comes to healthcare, we run the risk of allowing other bodies to decide to be selective as to which healthcare services will be offered. That is completely unacceptable. I have very serious concerns about who the hospital will be leased to and I am completely opposed to the suggestion of it being leased to the St. Vincent's Healthcare Group or to any other religious or private group. The possibility of the Catholic ethos overriding legislation is very concerning. I cannot stress enough that the church has no place in women's healthcare. We have given the Catholic Church in this country far too much control for far too long. We can no longer allow it to have a say in our healthcare or in anything else. This country has experienced enough pain at the hands of the Catholic Church. Such an agreement would only be a step backwards. Women, in particular, have suffered enough and the church still has much to answer for regarding the violence it perpetrated against women and the decades of hurt and shame that it created.

Despite the fact that the St. Vincent's Healthcare Group has stated that there will be no religious or Vatican influence, we know well that should it be given the lease for this hospital, it will not provide full healthcare to women. We know this because out of the many hospitals on land owned by the Catholic Church throughout the world, there is not a single one that provides abortion services. The church not only opposes the provision of abortion services, but it also opposes the provision of the likes of IVF and surrogacy services. Dr. Peter Boylan, the former master of the National Maternity Hospital, posed a question. He stated: “Give me just one example, anywhere in the world, of a hospital built on Catholic-owned land that provides abortions, IVF and gender reassignment surgery and other procedures absolutely prohibited

worldwide by the Church's universal healthcare directives?" I pose the same question. Four years after posing that question, Dr. Boylan is still waiting for an answer. Why? It is because no such hospital exists.

To not provide these services would deny women the full and safe access to healthcare that they are entitled to in this country. No religious ethos must be allowed to interfere in the medical decisions made by our doctors and by women in respect of their own bodies. This country decided that those days were well over when we voted to repeal the eighth amendment in 2018. I urge the Government not to put us back to a time when women did not have those reproductive rights.

We still have a very long way to go when it comes to women's healthcare in this country and we continue to fail women every single day. We need to be taking further steps to ensure that women's healthcare is prioritised and not overlooked. We cannot afford to let things continue the way they are going now. Certainly, we cannot allow ourselves to take any backward steps. Catholic misogyny and religious control no longer have a place in this country and we cannot allow them to have any future place in this country. Only full public ownership and governance can guarantee a full service of reproductive healthcare. I cannot stress enough that the new national maternity hospital must be public and secular. That is what this motion intends to deliver.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I wish to thank the Deputies for raising this important issue regarding the national maternity hospital. It is important to put on the record that I am speaking on behalf of the Minister for Health, Deputy Stephen Donnelly, who, I am told, is currently meeting with NPHET. The Government will not be opposing the motion.

I think it is fair to say that every Member of this House shares the same goal, that is, the delivery of the best possible healthcare for women and babies. This Government has set out its stall in that regard by committing to improving women's healthcare across the board. This year, building on funding provided in 2021, we are providing significant investment in services, and continuing our focus to implement the national maternity strategy. That strategy sets out a vision for future maternity services, where women are treated with dignity and respect in an appropriate physical environment. Linked to this point, the practice of having stand-alone maternity hospitals, as is the case in four of our maternity services, does not reflect best international practice. Ensuring that mothers and babies have access to the full range of medical and support services, should the need arise, is of paramount importance. It is widely accepted that the best way to achieve this is to co-locate maternity services with adult acute services. That is why it is Government policy, as reiterated in the national maternity strategy, to co-locate the remaining stand-alone maternity hospitals with adult acute hospitals.

It is acknowledged that the buildings at Holles Street are no longer fit for purpose. The new national maternity hospital is planned to be the first of the four remaining stand-alone maternity hospitals to be co-located. The new hospital is a vital piece of infrastructure, and one that will help underpin the development of maternity services and the implementation of the national maternity strategy into the future. As has been stated by the Minister for Health on numerous occasions, the Government is committed to the development of the new national maternity hospital, as set out in the programme for Government. That being said, the Government is also very aware of concerns voiced regarding the new hospital. As set out in the motion we are discussing, those concerns centre on the ownership and clinical independence of the new hospital, and today's motion reflects that in calling for a compulsory purchase order of the site for the

new hospital.

Following on from the Mulvey agreement, a draft legal framework has been developed which aims to copper-fasten these arrangements. In doing so, the legal framework will also address the State's core objectives which are as follows: to ensure that all clinically appropriate services that are legally permissible are provided for women who need them in the new national maternity hospital; to prevent any undue influence, religious or otherwise, in the operation of the new hospital; and to protect the State's investment in relation to capital, revenue and service provision at the new hospital for the public good.

Concerns continue to circulate regarding the potential involvement of the Religious Sisters of Charity in the new national maternity hospital. As such, the Minister for Health wishes to make it absolutely and unambiguously clear that the Sisters of Charity will not play any role in the governance or operation of our new national maternity hospital. I am advised that the Sisters of Charity has resigned from the St. Vincent's Healthcare Group board and its shareholding is to be transferred to a new charitable entity, St. Vincent's Holdings CLG. Under the terms of the service level agreement, St. Vincent's Healthcare Group requires the consent of the HSE to the share transfer. This consent has been sought by the St. Vincent's Healthcare Group and it is anticipated that this matter will be addressed in the context of the finalisation of the draft legal framework.

Let me restate that we all want the very best of care for the women and babies of this country and we want to see them treated in the best possible environments. The planned move of the National Maternity Hospital to the Elm Park campus is a key part of achieving that aim and providing the state-of-the-art facilities that women not only need, but deserve. Therefore, I would ask all Members of the House to support the Government in its continued commitment to women's health and progressing the necessary relocation of the National Maternity Hospital to an appropriate physical environment, as envisaged in the national maternity strategy. This Government's commitment to the new national maternity hospital falls very much in line with our broader commitment to delivering better health outcomes for the women of Ireland.

8 o'clock

As demonstrated in the previous two budgets, we are investing significant funding in women's health services to ensure improvements are made and outcomes for people using the services are enhanced. This commitment is reflected in budget 2022, for example, in the allocation of €31 million for new development funding to specifically support women's health. This includes significant investment to further progress the implementation of the national maternity strategy and gynaecology service developments as well as a further €5 million for a dedicated women's health fund.

In keeping with the Government's focus on women's health, we must redouble our efforts to bring the national maternity hospital project to the next phase but with all of the necessary assurances on the services to be provided for women. Doing so will help us to provide the necessary infrastructure and environment to realise our common goal, which is woman-centred, modern, safe and quality healthcare for women and their families that is delivered with compassion, dignity and respect.

Deputy Catherine Connolly: There comes a point where words fail me. The Minister of State is in an extremely difficult position. Let me say openly that it is totally unacceptable

that the Minister, Deputy Donnelly, is not here and that she has had to read out this speech, which is an insult to the women of Ireland. I will speak strongly on what I have heard, and that somebody would write a speech for the Minister of State to read out calling on all Members to support the Government in its continued commitment to women's health. I will try to remain calm on this.

This is the third motion in seven months. The Government has accepted each motion. I am not sure whether the Government is able to read or understand what these motions call for. Perhaps they are nuanced. They call for the new national maternity hospital to be publicly owned and operated on a site owned by the State. It is crystal clear. If the Minister of State agrees to this then we need a speech that deals with it. I will not personalise this. I have seen the Minister of State work extremely hard along with her colleague, Deputy Butler, and I have paid tribute to her. In this case, when it comes to reading out this speech, there comes a point in the life of a Minister of State to say that something is simply not acceptable.

This is the third motion on this topic. We have a choice here. It might be better if each of us stood in silence for ten minutes. It might be a more effective way to get through to the Government on the democratic process. All the Dáil is unanimously stating the State should own the national maternity hospital and own the site. The Minister has not shown up tonight and a speech such as this was written in a week that we have focused on the tragic and unacceptable death of Ashling Murphy. We have had statements on how unequally women have been treated in our society during which each and every Deputy has spoken. I want to stay away from politicising it. It is in the context of the debate on inequality. Today we debated legislation on access to records. Once again it is slow and we are still not emerging from the patriarchy. The Adoption Act 1952 was closed and secretive and it is beginning to open up.

The national maternity hospital has been on the cards since 2008 following a KPMG report. We then had the 2013 announcement by the then Minister, James Reilly, on co-location. For a civil servant or somebody to write a speech for the Minister of State giving us a lecture on the importance of co-location is insulting and unacceptable. The decision on co-location was accepted by all governments and Deputies from 2013 onwards. What is not accepted are the Byzantine Kafkaesque arrangements going on behind the scenes on religious ethos. The nuns might be gone but not those believing in the philosophy of Mary Aikenhead. Fair play to them; I have no problem with that as long as it is not being imposed on a public hospital. This is the difficulty.

From when the then Minister, James Reilly, announced it in 2013 until today we have had all sorts of suggestions, including that the nuns were gifting it to the people of Ireland. It is some gift. We then had a 999-year lease, a 99-year lease and now a 299-year lease. We speak about operating licences. We speak about St. Vincent's holding group, the health group and the designated activity company Byzantine does not cover it. I will try to stick with a simple message because I know where the Minister of State's heart is but I would like to know what her views are on this. Who will stand up and make language mean something? A national maternity hospital has to be owned by the State for the men and women of Ireland in future generations. There is no going back on this.

We have had four male Ministers. That is fine but we have had different messages from each of them in turn. I cannot remember what James Reilly said when he was Minister. When Deputy Harris was Minister he said we would have a public hospital on a site that was leased. When the Tánaiste was the Minister he said we would have a public hospital on a public site.

Instead of going forward on that, we now have the Minister, Deputy Donnelly, who cannot be here tonight giving us reassurances. I do not want reassurances as a female Deputy. I am sure my colleagues who are male do not want reassurances. We want a public hospital on public land. If we go back to the gift from the nuns let us make it a reality.

I am looking at this period in women's lives and the parallel efforts, deaths and suffering that led to the national maternity strategy that is being boasted about. The strategy came 100 years after the 1916 Proclamation. It was forced on the deaths and suffering of women. We have had Portlaoise, Portiuncula and Savita Halappanavar in my city. We have had report after report highlighting the inadequacy of maternity services throughout the country, notwithstanding the wonderful staff. Let us not do this. I am not giving out about staff; I am giving out about the lack of resources and the lack of commitment and services run on a charity basis.

We look at all of this and what have we achieved? We are here getting reassurances. Out there while we are in here, another secret deal will be negotiated, notwithstanding the overwhelming demand from people in Ireland as demonstrated by those who protested in Dublin, the constant representations we get and the fantastic work of Dr. Boylan, Marie O'Connor and many others. There is also Uplift, which paid for and organised a senior counsel's opinion. There is no reference to it in the speech from whoever wrote it. I would love to know whether the Minister wrote it. If he did, I would like him to be in here to stand over it. It is an opinion and other opinions can be sought but I would like to hear whether the Department got other opinions on it.

Uplift commissioned an opinion on our behalf. It points out there are possible obstacles to a compulsory purchase order but they can be overcome. At the end of the day it comes down on the side of there being no obstacle. It is quite possible under the Constitution to use a compulsory purchase order on the land if necessary. The only thing I have ever heard from the Tánaiste on this is that it would delay the project unnecessarily. I stand here and ask all of the other Deputies to confirm that we do not mind a delay. We do not want a delay and a delay is unacceptable but if that is the strongest reason the Tánaiste can come up with for not using a compulsory purchase order on the site, it is totally unacceptable.

A compulsory purchase order would put it up to the entities involved. It is worthy of a mystery novel at this stage with the number of entities out there for a public national maternity hospital. A compulsory purchase order would not be necessary if these entities agree. All we want is for the Government of the day to listen to the overwhelming voices of the people in the Dáil on behalf of the people of Ireland who say enough is enough. We have said that in other contexts this week, on gender and domestic violence, the fundamental right of access to records without hurdles and various steps from a patriarchal society or management which thinks it knows best. The Minister of State knows enough is enough. We are speaking of a national maternity hospital.

We are more than halfway through the national maternity strategy, *Creating A Better Future Together 2016 – 2026*. An implementation plan was only published just before Christmas as a consequence of pressure from the Dáil and a motion I and others introduced on the implementation of the strategy. When we talk about a strategy, one has to ask how it is being implemented. The Health Information and Quality Authority, HIQA, did a report in 2020 on it which stated that progress was slow, patchy or absent and nobody knew who they were reporting to. This is the strategy being crowed about in this debate.

Chun deireadh a chur le mo chúpla focal, tá mo dhóthain agam. Tá sé thar am beart a dhéanamh de réir ár mbriathar agus brí a thabhairt d'fhocail agus don chóras daonlathais.

Deputy David Cullinane: I commend the proposers of the motion and thank them for giving us the opportunity, for a third time, to discuss and debate this important issue in the Chamber. I have debated and discussed this issue with the Minister for Health at the Joint Committee on Health a number of times. I have had private conversations with him by telephone and we have had discussions and debates in the Dáil Chamber as well. I concur with Deputy Connolly that it is completely unacceptable that the Minister is not here. I will always give fair dues to a Minister because there may be a good reason not to attend the House but from listening to the Minister of State, the Minister's rationale for not being here is that he is still involved in discussions on this issue. That is not an acceptable excuse for his absence.

The question of ownership of the national maternity hospital is very important. It matters and it is vital that we get it right. For this reason, I will support this motion. There is no justification for leaving the ownership and governance structures in the hands of a private company when the State is making the investment and will be paying the bills. I imagine many women listening to this debate and, I hope, a majority of men will be saying that this is another case of *déjà vu* in terms of how the State sees, values and treats women and with respect to the lens through which the State and public healthcare system views women's healthcare. There can be no justification for the State building a maternity hospital that it does not own or for the convoluted governance structure for the hospital when many people are asking serious questions about potential interference in healthcare, including women's healthcare in maternity services. These are deeply held and legitimate concerns being raised by many people.

I have two primary concerns about the current proposal for ownership of the site. First, the State's investment must be safeguarded. This project is going to cost hundreds of millions of euro. It is not radical to ask that the State would own the hospital once it is built. It is reckless to proceed with building a hospital when the State will not own the land at the end of the process. Far from this being a radical proposal by members of the Opposition, it is a sensible one that is about safeguarding the investment of the taxpayer. Without doubt, the more significant concern is the potential for interference in the running of the hospital. There are good reasons for that concern based on the history of this State when it comes to how it treats women and women's healthcare. I do not have to remind the Minister of State of the many failings and issues, even in more recent times, where women were failed in the Irish healthcare system.

To avoid any potential complications which could arise for any number of reasons, the full ownership of the site by the State is in the best interests of women and the people of this State. This is a principle which must underpin public expenditure on major capital projects, particularly in healthcare, where organisations with a religious ethos are involved.

As I said, I have discussed this issue privately with the Minister. I and members of my party have raised it a number of times in the Dáil and at Oireachtas committee meetings. An Teachta O'Reilly raised it when the Minister for Health was in opposition raising concerns very similar to those the Opposition is now raising. The Minister for Health seems to be taking a different position now that he is in government and a Minister from the position he strongly articulated when he was an Opposition health spokesperson.

In the past number of months and again this evening in the written script delivered by the Minister of State in the Chamber, the Minister for Health has given us some assurances, as he

would see it, regarding protections against any interference in the management and running of the new national maternity hospital. It has to be said that those assurances are simply not good enough and many people simply do not believe them. I do not need to remind the Minister or the Minister of State of the importance of ensuring there is no religious interference in the running of any maternity hospital. The reasons for that are obvious. The guarantees the Minister has given us are not sufficient for us to back him. Like the previous speaker, I will not support the Government's approach to this matter unless I see a fundamental shift.

There are fundamental issues with the proposed arrangements. This mess dates back a number of years and the periods in which Dr. James Reilly, the current Tánaiste and the current Minister, Deputy Harris, were Ministers for Health, yet the controversy has trundled on unresolved. This is a mess of Fine Gael's making and that party must take ownership of it.

This issue comes down to two simple facts. The taxpayer is paying for it and I have yet to be convinced that there is no potential for healthcare services which are entirely legal in this State to be curtailed on non-medical grounds. I do not doubt for one minute the ability of clinicians in St. Vincent's University Hospital or in the National Maternity Hospital, Holles Street, in their determination to deliver the high-quality services their patients need. I have listened to many in those hospitals and read newspaper articles and letters to the editor submitted to national newspapers by people who work in those hospitals in which they have also set out assurances. I do not doubt the effectiveness of the voluntary public hospital model, from St. Vincent's and Holles Street hospitals to St. James's Hospital and Children's Health Ireland, because this governance model has served us well. In fact, I would argue that it should be a model used to roll out regional health areas because of the accountable autonomy nature of voluntary hospitals. I do not doubt the sincerity of the people who work in the system and of those who work in any of the maternity hospitals. However, their ability to deliver top class healthcare is not what concerns me. I have every confidence that they can deliver the best healthcare. It is the behind-the-scenes politics, which could infringe on women's healthcare, the rights of women and the future of maternity services, that concerns me.

The last time we had a debate of this matter was shortly after the St. Vincent's Healthcare Group stated the land could not be gifted or sold to the State because it would disrupt integrated patient care on the site. I did not buy that then and I still do not buy it. Similar arrangements are in place for the Mater and Rotunda hospitals, two different hospitals on two different sites which have a relationship. It can, therefore, be done.

I am looking at the script of the Minister of State in which she stated that concerns continue to circulate regarding the potential involvement of the Religious Sisters of Charity in the new national maternity hospital. The script goes on to say that the Minister for Health wishes to make it absolutely and unambiguously clear that the sisters will not play any role in the governance or operation of the new national maternity hospital. It refers to the sisters resigning from the board and transferring their shareholding to a new charitable entity, St. Vincent's Holdings CLG. With all due respect, why are the Religious Sisters of Charity going down such a convoluted road? If they are genuine and sincere about relinquishing all control, why not simply gift the land to the State? Then there would be no issue. There would be no need for a compulsory purchase order or to set up this convoluted structure where there is a distant relationship between the management of the hospital and the HSE and the State. Indeed, it would resolve the ownership issues.

That is why there is suspicion. It does not make sense that, on the one hand, the Religious

Sisters of Charity are saying the order will not have any role, does not want to have any say and essentially is gifting the land to the State but, on the other hand, the sisters are going to do it through this convoluted process of setting up this charitable group rather than, as most reasonable people would want, the land being gifted to the State. I am not convinced by anything I heard from the Minister on the last occasion we debated this issue at the Oireachtas health committee, in any private conversations I have had with him or in this Chamber. It is regrettable that, in a week when women's rights, women's healthcare and the safety of women were tragically brought into sharp focus, the Minister is not here for this debate, given the seriousness of the issue.

Deputy Louise O'Reilly: There are two reasons I wished to make a small contribution to this debate. One is to state that I absolutely accept that we need a new maternity hospital. We needed one in 1995 when my daughter was born in Holles Street. Indeed, I well recall being wheeled back from the labour ward and the bed being still warm because the woman ahead of me had just vacated it. My grandson was also born in Holles Street and we certainly needed one in 2015, so I accept that we need a new national maternity hospital. We want it to be built. We understand co-location. With the greatest respect, explaining it to us is not necessary. We understand why it is important.

However, the main reason I want to speak this evening is to recall Sheila Hodggers. Sheila died in 1983, in a hospital run by an organisation known as the Medical Missionaries of Mary. Both she and her baby died. We can debate this all day, but I can say with my hand on my heart that it was the ethos in that hospital that contributed significantly to her death in her 20s and to the death of her baby. She died in agony. She had been denied pain relief for fear that it would in some way harm a pregnancy that was not viable. Her husband, Brendan, who I know well as he is a former colleague of my father, recalls going to see her in the hospital and seeing her screaming in agony. She could not get pain relief. I know what caused that, and the Minister of State knows as well. I echo what was said, that it is regrettable that the Minister for Health is not present. It speaks volumes to anybody who wants to listen, and I do not mean that in a disrespectful way to the Minister of State. I thank her for being here and for her words. I respect that the script she was given is the one she has delivered, but she will also understand that those words will be cold comfort to anyone who remembers Sheila Hodggers.

Deputy Patricia Ryan: It is difficult to follow Deputy O'Reilly talking about somebody who died in that way. However, I thank Deputies Joan Collins and Pringle for bringing this motion forward. It is not the first time we have debated this topic but I hope it will be the last. I am aware that the Minister of State is taking this debate instead of the Minister, Deputy Stephen Donnelly.

The new national maternity hospital is yet another hospital building project on which there is gross overspending. The construction costs are currently estimated at €800 million. The original estimate in 2013 was €300 million. It is now heading for three times the original estimated cost. I am not naive and I understand that the cost of materials is rising but this is ridiculous.

We must insist that the new maternity hospital is fully owned and controlled by the State and reject any agreement that does not achieve State ownership and control of the facility. It is necessary for the Government to acquire the Elm Park site through a compulsory purchase order by the HSE with the approval of the Minister for Health. There are real concerns about the ownership of the site, as well as about the hospital governance. Everybody would accept

that we do not want any outside influence or interference in the running of any hospital, but especially not the national maternity hospital. The best option would be for the Religious Sisters of Charity to gift the land to the State. They are saying this is essentially what is being done with the establishment of an independent private charity. Deputy Cullinane referred to this too.

The new national maternity hospital must be built as quickly as possible. It is already seven years behind schedule. It would be better to have a public hospital built on public land and governed by the State but, unfortunately, this Government does not do planning very well. The Government must engage extensively with the Religious Sisters of Charity and the St. Vincent's Healthcare Group to find a solution. All options must be on the table.

Deputy Dessie Ellis: There appears to be an endless saga with the new national maternity hospital as it continues its long, involved journey to completion. It has been beset by a series of incidents from its conception almost ten years ago, when it was planned to relocate the hospital from its current location on the Holles Street campus to a new site. The story of the National Maternity Hospital is one of a project long in planning but beset by delays, complications and justified concerns about its governance and ownership. That has stalled progress on the project for years. Experienced mediators have been brought in to try to find a way through the muddle and put the project on a clear path to completion.

Adding to the concerns about governance arrangements at the hospital is the eye-watering escalation in the cost of its construction. The project was originally to have cost approximately €150 million. The cost of the building infrastructure is now being put at €500 million with an added cost of €300 million for commissioning costs, which are to include the fit-out and transferring the hospital to a new site. All told, the cost of the hospital has gone from the original target of €150 million to €800 million.

The site is to be transferred to a charitable entity called St. Vincent's Holdings. This has raised concerns about the potential for a Catholic ethos governing the hospital, which could inhibit the new hospital carrying out procedures that are contrary to Catholic teaching. It is reasonable to argue that it should be owned by the State to protect and maintain the hospital's secular ethos. The Government has to protect its investment and it must be able to justify the expenditure of such enormous sums of public money on this major project by ensuring that the hospital's administration, operation and oversight reflect both the values and inclusiveness of a secular State body. To do any less could potentially lead to unfair and prejudicial treatment of people as well as creating a hierarchy of patients. We cannot allow this to happen. We cannot allow one viewpoint based on a religious ethos to supersede that of a secular State. The Government must ensure that this never happens.

Deputy Chris Andrews: I commend the Independent Group on tabling this motion. The ownership and governance of the new national maternity hospital are issues of national importance. They are also of great local interest to the community in Dublin Bay South. For decades the National Maternity Hospital has been based in Holles Street, in the heart of inner city Dublin. The local community has an enormous sense of connection to the hospital. Many in the community took their first breath in that hospital, and I am one of them. A large number of people from the community either work there or have members of their family working there. From talking to these people I have heard first-hand accounts of the difficulties staff are facing. It is a very tight site in which they are trying to run a big operation. There is an urgent need for a new and more modern building to give staff and mothers the support they need. The new national maternity hospital will be based not far from Holles Street on the Elm Park campus of

St. Vincent's University Hospital. This new maternity hospital will be a costly investment for the State and see the provision of state-of-the-art equipment and a much-needed modernised building. However, this process cannot be rushed through and we must ensure this large-scale State investment is protected from outside interference. The best safeguard of all is to ensure the full public ownership of this new maternity hospital.

There are many people deeply concerned about potential interference by religious orders at this new maternity hospital. Concerns that the governance and religious ethos of St. Vincent's could limit the procedures at the new site are understandable. Safeguards must be put in place to ensure patients can freely access the treatments they require. The possibility that organisations separate to the State might interfere to prevent certain treatments cannot be allowed. The State must guarantee that any lawful service the hospital is expected to provide will not be restricted on any non-medical grounds, and the best guarantee of all would be full public ownership of the new national maternity hospital.

Deputy Duncan Smith: I commend Deputies Joan Collins and Pringle and the Independent Group on moving this motion. I will start by saying the practice of the Government not opposing motions is starting to wear a little thin. The motion is not being opposed but that is not because the Government agrees with it. Sometimes a motion comes to the House and the Government, understandably, does not oppose it because it might be a motherhood and apple pie motion. This motion, however, calls for something specific and it is very clear the Government does not support it. I refer to the compulsory purchase order for the land, because the Government is not going down that road. By not saying it or putting this to a vote, necessitating voting against it as is its position, it is a dishonest way of putting forward that Government position.

This really must stop. Perhaps the Government wants to save its backbenchers a difficult weekend or longer in their constituencies. It may be a product of the culture of using screenshots of voting on social media, and maybe that is something for which we should all take responsibility in how we practise our politics. It is not right with a motion like this because the Government does not support it or agree with it. The Government did not agree with the Social Democrats or Sinn Féin motion on it, it did not agree with Deputy Kelly on the matter when he raised it during Leaders' Questions, and it did not agree with Deputy Bacik when she raised the topic during one of her first contributions in the Dáil. She made contribution during Leaders' Questions and the Tánaiste, Deputy Varadkar, responded. The Government does not agree with the motion and it should be honest about it and stand over its position. It should be honest with the people and give the Parliament the respect it deserves on a matter of such importance.

Going back to last summer, in June an all-party motion was agreed and the Government allowed it to go through. In his response to Deputy Bacik, the Tánaiste said we needed to move ahead on this and there would be a delay with a compulsory purchase order. He argued that a compulsory purchase order process was not guaranteed either and we should not let perfection be the enemy of the good. Sometimes the good is not good enough, however, and that is what we have here. Nobody has convinced anybody in this House, including people on the Government benches, that the new national maternity hospital will be free from religious ethos, whether that is in the termination of pregnancies, assisted human reproduction or IVF treatment. No guarantees have been given on that. We cannot even get guarantees there will not be religious iconography on the walls, as there currently is in the National Maternity Hospital not a couple of hundred yards from where we are now.

This is not an idle motion but rather the exact opposite. This has been going on for ten

years, particularly for the five years since Deputy Harris was Minister for Health when this really became a live issue, with decisions having to be made. It has been clear the Government is going down the path of least resistance, taking a gamble at a time when we are four years on from repealing the eighth amendment and we still have women having to travel.

There is an assisted human reproduction Bill that is going nowhere. The general scheme was published nearly five years ago now and a draft Bill apparently has been somewhere in the Department for the past three years but it has not been brought to this House. There are people all over this country waiting for that Bill. They are people waiting for surrogacy, gay couples and widows with the gametes of their deceased partners, which is all they have left and which are in the freezers of private fertility clinics. These people are waiting for guiding legislation on what can be done. These are the harrowing stories we hear day in and day out from people waiting for legislation relating to women's health. It is interlinked and almost crystallised in this debate about the national maternity hospital. It is really annoying that this happens again and again when the matter comes before the House.

This motion has been debated in an intelligent and even-tempered manner, like previous motions and contributions on the matter. I believe there is a critical mass within the Government that knows this is the right thing to do. The Government is not doing it, however, and it is going with the good over the perfect. It is taking a massive risk. Quite simply, it is a very basic ask in having a State-owned and run national maternity hospital in 21st century Ireland and that we cannot guarantee it is a sad indictment of how far we still have to go. This debate would not be happening in any of our sister democracies in Europe. We would not have such a debate once, never mind multiple times over recent years.

Even the clinicians in favour of the move to Elm Park know they cannot provide these guarantees. They are pragmatists, however, and may be non-political. They just want to get on with it but they know they cannot provide those guarantees. They have said it to us. There is this sense of the unknown and risk but there does not have to be. We could follow what this and other motions from the Opposition have called for consistently, intelligently, passionately but in a calm manner. We want to go to a process of compulsory purchase order, and although it would be disappointing and difficult if it delayed the project, we would ultimately get a national maternity hospital suited to the majority of people in this country in terms of their politics, women's healthcare and what they need and desire in the years ahead.

Deputy Róisín Shortall: At the outset I commend Deputies Joan Collins and Pringle on bringing forward this motion. It is a very good and timely motion because we have been waiting many years for movement on a new national maternity hospital. This was first announced in 2013 and there have been three Ministers for Health since. Issues started to arise in 2016 and I have lost count of the number of parliamentary questions I have asked and the number of Dáil debates that have taken place on this. Every time a parliamentary question is put in and we ask for the updated position on the proposed new hospital, we are told legal documents are being finalised and will be completed shortly. That has been the reply for approximately five or six years.

The Government got itself on a hook when it decided it would co-locate the new national maternity hospital with St. Vincent's University Hospital. It did so not taking into account the question of ethos, with a hospital essentially controlled and many of us would say owned by a religious order. There will clearly be a major problem relating to ethos and the curtailment of services available under the law in this country. They are unlikely to be available in a religious

hospital. No Catholic hospital in the world provides the full range of women's healthcare services and there is no reason to think Ireland is going to break the mould in that respect. It just will not happen and that is the reality. That is the first concern. One must ask why on earth, in 2022, this is happening. Consider all of the difficulties in the past where responsibility was outsourced to the religious for schools, care facilities and healthcare, and all of the attendant difficulties associated with that, and that the State funded all of these services and facilities and has no way now of taking ownership of them. Given all of those problems and all of the problems associated with the kind of control that the religious too often exercised over women and children in this State, why in heaven's name would the Government, of all types of hospitals, fund and hand over our national maternity hospital to religious control? It is outrageous when one thinks about it.

The Government commissioned its own report, the Dr. Catherine Day report, which looked at all of these issues relating to section 38 and section 39 organisations and the handover of vast amounts of public infrastructure to religious orders. Dr. Day found that State-funded facilities should, of course, be in State ownership. It is only a couple of years since the Dr. Catherine Day report came out but the Government is ignoring its own commissioned report. There is no doubt that if this arrangement, as currently proposed by the Government, goes ahead there will be severe restrictions on the services that are available to women. Even though this is denied we are aware that up to the last year so - it may well still be the case - there are plenty of examples where the St. Vincent's Healthcare Group has advertised for staff. There is a requirement to follow the religious ethos of the owners of that hospital. That is the first point. I really believe that the Government and successive Ministers have been in complete denial about this. A lot of new information is coming to light in recent times. Ms Marie O'Connor in particular has done extensive work on this, where it is quite clear that the constitution and the operational values of the hospital are intended to be based on the original values and ethos of the Religious Sisters of Charity, who have been running St. Vincent's Hospital for so long. It is beyond argument that this would be the case.

On the principle of it, why would the State fund a hospital to the tune of €800 million and hand it over to a religious organisation? There is no logical justification, on any grounds, for that. From the taxpayers' perspective, why would the State invest in a major piece of public infrastructure in the shape of a national maternity hospital, plough €800 million into that and hand it away or give it away to private interests? Why would one do that? It shows a complete disregard for the need to protect the public purse. Why are we repeating the mistakes of the past? It does not make sense on any grounds.

It seems that the Minister does not understand the corporate structure entailed in this proposal, or he is just choosing to ignore it. The corporate structure is about St. Vincent's, which is wholly owned by the Religious Sisters of Charity. It is wholly owned by them at the moment. They are proposing to transfer their shareholding into a holding company. That holding company does not exist yet, but we were told some years ago that this is what would happen. It is proposed that this holding company would then own the new national maternity hospital which would be the national maternity hospital company, DAC. We would have a situation whereby the ground on which the new hospital is to be built would be owned by the St. Vincent's holding company and the company operating the hospital would be a wholly-owned subsidiary of the St. Vincent's holding company. It would transfer - in its entirety it would appear - to the ownership of the St. Vincent's Hospital holding company. This just does not make sense on any level whatsoever.

There is a requirement for a business case - or three business cases - under the public spending code. Those business cases have not yet been prepared. There is a difficulty in preparing them because this does not stack up financially. The HSE's own audit and risk committee has turned down this proposal on six different occasions. This proposal stinks on a number of fronts. It cannot be proceeded with. It would be a dereliction of the duty of this Government, in ethical terms and in financial probity terms. It cannot go ahead.

Deputy Mick Barry: Ten years ago Savita Halappanavar died in an Irish hospital. Four years ago, the Irish people voted overwhelmingly for change. The Government, however, seems to be very slow to get the message. Half of Ireland's maternity hospitals still do not provide abortion services and just one in ten GPs provide abortion services, but the situation with this proposed new national maternity hospital takes the biscuit. Will the Minister clarify whether the press reports we have read are true? Is the Government seriously considering allowing three directors onto the board of our national maternity hospital from the St. Vincent's proxy organisation for the Religious Sisters of Charity? Is the Government seriously considering allowing the site to remain in the ownership of this proxy organisation? Is the Government aware of any country anywhere in the world where a Roman Catholic religious institution has allowed abortions, *in vitro* fertilisation, or sterilisation procedures to take place in a hospital sited on their lands? It is as though the Government has learned nothing. It is as though the Government has paid no attention to the changes that have taken place in our society, including those taking place before our very eyes this week.

I believe that we need a people power campaign on the national maternity hospital issue, because no faith can be placed in the Government given its track record on this issue in recent months and years. I will support this motion. I favour the compulsory acquisition of the land and nationalisation of the land rather than a lucrative compulsory purchase order. The motion is clear on the issue of the need for 100% State ownership, and on that basis I support the motion.

Minister of State at the Department of Health (Deputy Frankie Feighan): In closing, I thank the Deputies for tabling their motion. I fully recognise the importance of Government and the Opposition thoroughly scrutinising the issues under consideration. The level of interest in the development of the new national maternity hospital is a clear reflection that everyone, right across politics and across our health service, shares the same goal when it comes to the vision of our maternity and women's healthcare. As stated earlier, the goal is best summed up through the vision of the national maternity strategy: that women and babies have access to safe, high-quality care in a setting that is most appropriate to their needs; that women and families are placed at the centre of all services and are treated with dignity, respect and compassion; and that parents are supported before, during and after pregnancy to allow them to give their child the best possible start in life. In the context of that shared vision, I reiterate that the Government remains fully committed to the development of maternity and women's health services in this country. In that regard, we are bringing a greater focus to women's health and are investing more than ever before to ensure that the progress achieved in women's health is consolidated and expanded for all women and girls into the future.

The relocation of the National Maternity Hospital is also a very significant part of the Government's objectives in this regard. We remain committed to providing the highest quality infrastructure and environment to facilitate the delivery of a modern, safe and quality maternity service for women and infants for many years to come.

It should be noted that clinicians at the National Maternity Hospital have publicly expressed

support for the move, including in a letter to *The Irish Times* last June. These people are on the front line delivering babies and supporting women, and they understand how important and necessary this new facility is. It is recognised that the buildings at Holles Street are no longer fit for purpose, which underlines the importance of moving forward and developing the new national maternity hospital to facilitate the delivery of maternity and related services that are in keeping with the vision of the national maternity strategy.

In the context of discussions on the national maternity hospital project, queries have been raised regarding the State's investment and the estimated cost of the new hospital. Various figures have been referenced over the years since the move was first announced in 2013. However, it should be noted that the public spending code is designed to ensure that investment decisions are underpinned by clear policy rationale and that costs are well understood. As such, all capital development proposals, including the national maternity hospital project, must progress through several approval stages in line with the life cycle approach to the public spending code, including detailed appraisal, planning, design and procurement before a firm timeline for funding requirement can be established and approved by the Government. As a result, it would be premature for me to discuss potential costs for this project at this juncture.

The planned move of the National Maternity Hospital is a complex project and very valid concerns have been raised across a number of areas. However, I would like Deputies to know that many of those concerns were identified at an early stage and have been the subject of significant and protracted discussions over several years. The issues of governance, which have been raised today, and clinical independence have been at the core of those discussions. That is why so much time and effort has gone into developing a draft legal framework with the aim of providing the assurances we need regarding the hospital's ability to provide a full range of women's health services in accordance with the laws and policies of the State.

The bottom line is that the new hospital must, and will, provide the full spectrum of services without any undue influence that will put women's reproductive health care at risk or endanger any woman's safety. As the Minister of Health has stated strongly, that is a red line issue for him and this Government. The Minister has been very clear that he will not bring any proposal to Government unless it provides assurances around all legally permissible services being provided in the new national maternity hospital, as they are in the current hospital building. In addition, the safeguarding of the State's investment must also be put beyond doubt. In that context, there has been further engagement with stakeholders and the process will continue as we work towards the finalisation of these legal arrangements.

Deputy Joan Collins: It looks like we have been deserted tonight in regard to this debate. I want to concur with Deputy Connolly in terms of the response from the Minister of State. It is an insult, not just to me but to women in this country.

In setting up the legal entity and framework, the Mulvey agreement has spurred the Religious Sisters of Charity to continue on in the same vein. The project was about co-location; now it has changed to full integration. That is what the Religious Sisters of Charity and its holding group are looking for. The bugbear remains, and the minutes of the HSE board meeting of 29 October 2021 note that the board raised concerns regarding the ultimate ownership of the site, which is being provided through a long-term lease rather than by means of being sold to the State. That discussion will go nowhere because if the Religious Sisters of Charity and their lawyers are not going to agree to that, we will be here forever and a day. The Minister will never be able to bring a proposal to Government that will clearly state that the hospital and land

will be under State control and ownership.

The Minister of State's reply was a bit insulting. In this House, we have always supported the Government in respect of the national maternity hospital project. What we are saying is that this discussion has been protracted and things have gone on for too long. How long more do we have to wait to agree legal discussions that are going nowhere because the HSE has said it will not deal with the project unless the site is sold to the State? The HSE has said that needs to be done, but the Religious Sisters of Charity has said it is gifting the land to the St. Vincent's Healthcare Group. The Government should be honest and say whether it supports that. In his reply, the Minister of State not once said the Government is in favour of public ownership of the site at St. Vincent's University Hospital. He referred to clinical needs, but did not refer to ownership even though the Government has supported two motions on this.

Dr. Peter Boylan, who resigned from the board of Holles Street, stated that the ownership of the land on which the hospital is to be built is the key issue from which all matters relating to clinical independence from inappropriate religious ethos, protection of the State's investment and appropriate governance flow. He believes that the project has stalled because the sisters are refusing to sell the land to the State, even though they said they would gift to the State or the Irish people, as they put it, and that, in the absence of ownership of the land, no amount of legal negotiation over years on leases, licences, etc., has been able to provide the State with security on these issues. That is the reality. The project is going nowhere unless this issue is resolved.

Dr. Boylan went on to say that the board of the HSE has expressed grave concerns about the project and the Comptroller and Auditor General is conducting an audit of it. He stated that a new development paves the way forward for the National Maternity Hospital in a way that will resolve all concerns.

Groundbreaking legal opinion commissioned by Uplift and published by Mr. Stephen Dodd, SC, has concluded that the State could present a compelling case to meet the test to justify a compulsory purchase order on the Elm Park site. His legal opinion is that as the hospital being built is a national maternity facility which is being wholly funded by the State, the State has an interest in ownership that substantially outweighs that of the Religious Sisters of Charity and St. Vincent's Healthcare Group. This opinion cuts through the current impasse.

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He has scrutinised the current proposals and has described them as Byzantine and Kafkaesque. His legal opinion is:

The fact that a set of labyrinthine arrangements have to be devised, where the construction and implications of the same are contentious and doubtful is highly unsatisfactory. Considering the importance of the NMH and vast monies being expended by the State, there would seem to be a significant public interest in certainty in relation to these matters.

He concludes:

Arguably the matter is of such importance to the State, that there is a legitimate state interest in achieving certainty which could only be secured by the State having full control through ownership of the relevant land and assets.

I again ask where we are going on this. If the Minister for Health gets the legal briefing on

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acquiring the site by CPO, the Religious Sisters of Charity would need to agree to it and if they do not, it will go to court. We would then see whether the Religious Sisters of Charity are being genuine in what they are saying. We need that land. The State needs that land. The women of this country need that land because what we do not own, we do not control; it is as simple as that. If we are still going through the process of legal discussions etc., the land will not be handed over to us unless we demand it. The Minister of State and Government backbenchers should go to the Minister and argue strongly that we must move to acquire that land by CPO.

Over the last century, in mother and baby homes, it was mainly women who were treated abysmally. We have had the practice of symphysiotomy. We have had the cervical cancer screening crisis which happened to women. We have had a detailed discussion on how we have lived in this patriarchal society for years and yet when it comes to one of the most basic things we need, having a publicly owned and publicly controlled national maternity hospital, the Minister of State said, “I would ask all Members of the House to support the Government in its continued commitment to women’s health and progressing the necessary relocation”, which is just patronising.

The State must move on this. It cannot wait another year, two years or three years. By acquiring the land by CPO, we would at least be showing that we can actually start building on that site a maternity hospital that is in the State’s control.

I thank the Ceann Comhairle for chairing the debate. I am bitterly disappointed with the response and bitterly disappointed that the Minister, Deputy Stephen Donnelly, is not here. It is not just me and others in this Chamber but also people on the streets who will continue to demand this. I put the Government on warning that people will not accept this long-term thing. I understand that the medical staff in Holles Street want to move out of a building which is ancient and difficult to work in. They want to move to a modern national maternity hospital, but that hospital must work under the legal demands of the State.

Question put and agreed to.

Cuireadh an Dáil ar athló ag 9.05 p.m. go dtí 2 p.m., Dé Máirt, an 25 Eanáir 2022.

The Dáil adjourned at 9.05 p.m. until 2 p.m. on Tuesday, 25 January 2022.