



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 28 Aibreán 2022

Thursday, 28 April 2022

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

Paidir.

Prayer.

Gnó na Dála - Business of Dáil

An Leas-Cheann Comhairle: Before we start, ba mhaith liom comhbhrón na Dála a chur in iúl don Aire Airgeadais, an Teachta Donohoe, os rud é gur cailleadh a mháthair. I would like to extend the condolences of the House to the Minister, Deputy Paschal Donohoe, on the death of his mother, Caitlin Donohoe, née Cunniffe. I am sure Members extend their sympathy as well.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Tax Code

1. **Deputy Pearse Doherty** asked the Minister for Finance the categories of energy for which he sought flexibility in relation to VAT in his written correspondence with Commissioner Gentiloni on 10 March 2022 and any subsequent correspondence or communication with the European Commission; and if he sought a special derogation or flexibility on VAT applied to home heating oil. [21562/22]

Deputy Pearse Doherty: I extend my condolences to the Minister, Deputy Donohoe, and that of my party on the passing of his mother, Caitlin Donohoe. Our thoughts and prayers are with him and his extended family at this difficult time for him.

I welcome the Minister of State to take oral questions this morning. The first question is to ask the categories of energy for which the Minister sought flexibility in regard to the VAT in his written correspondence with Commissioner Gentiloni on 10 March 2022 and any subsequent correspondence in communication with the European Commission, and if he sought specifically a special derogation or flexibility on VAT applied to home heating oil.

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Minister of State at the Department of Finance (Deputy Sean Fleming): I thank the Deputy for raising this, and I join other Members in giving condolences to the Minister, Deputy Donohoe, on the sad passing of his mother.

In regard to the question at hand, the Minister for Finance and the Government are very conscious of the negative impact the rapid rise in energy costs is having on society. The Government is doing everything within its powers to address the issue. However, it is not possible to insulate people completely from these increases as factors causing them, such as the war in Ukraine, are outside our control. We believe, however, that the tax reductions introduced strike a balance between passing a significant benefit to consumers while managing the tax base and respecting the constraints of the energy tax and VAT directives at EU level.

In regard to the Minister's engagement with Commissioner Gentiloni, the Deputy should note that, in his correspondence, the Minister outlined the various actions he had taken to mitigate the cost of energy for households and businesses in budget 2022 as well as the additional €505 million package in February. He also outlined the further March package of measures providing for a reduction in excise duty on petrol of 20 cent, on diesel of 15 cent, and on marked gas oil of 2 cent.

The Minister acknowledged the importance of the energy tax and VAT directives, in particular the framework they provide for a consistent application of these taxes across all member states. However, in the context of the significant increases in energy prices, he outlined the limitations of the recent changes to Annex III of the VAT directive, given the reduced rates may only be applied to gas and electricity. Therefore, other fuels remain outside the scope of the reduced rates. In this context the Minister asked the Commission to consider allowing member states to respond to the crisis with greater flexibility than is permitted under the directives. On 23 April, Commissioner Gentiloni wrote to all ministers of finance in regard to energy and energy prices, responding to the points the Minister, Deputy Donohoe, and his European counterparts had raised. The Commissioner highlighted the current flexibility provided by EU directives, including the newly agreed amendment to VAT rates. The Commissioner indicated the Commission does not envisage any further revisions of the EU taxation framework to respond to the current crisis. The Minister, Deputy Donohoe, and his officials will continue to engage with the Commission and with other European counterparts to seek the maximum degree of flexibility for member states to respond to the current energy crisis.

Deputy Pearse Doherty: As the Minister of State will know, Sinn Féin has been calling for the Government to engage with the Commission to secure a VAT reduction on household energy bills since November of last year. We did that because we understand and are aware of the provisions of the EU VAT directive and the imperative to retain our existing derogations, and that is why we called for engagement back then. We understood the process takes time, but I remind the Minister of State that these requests were met with opposition and derision from Government benches and indeed Government backbenchers. While I welcome the fact the Government has belatedly adopted our position, I regret it was not until 10 March of this year that the Minister formally wrote to the Commissioner in this respect. We have not seen the letter, we do not know the specifics of the request he made, and what the Minister of State read into the record in regard to this question, which is about home heating oil, did not mention anything in that regard. I will ask again whether the Minister, in any of his engagements with the Commission, sought any flexibility with regard to VAT as it applies to home heating oil.

Deputy Sean Fleming: Our context did mention the issue of VAT and the VAT directives in

that correspondence from the Minister, and as the Deputy is aware, following lengthy negotiations, amendments to the VAT directive were provisionally agreed in December 2021 with final sign-off on the amended text at ECOFIN, in April 2022. This new arrangement came into effect on 5 April, so the Deputy can see discussions in regard to this were ongoing well before the end of last year. Under the new arrangement, Annex III of the VAT directive was expanded to include gas and electricity. This means Ireland can apply the reduced 9% rate to these products in line with other goods and services. The Government has made the decision to avail of the flexibility from 1 May, which is the start of the next period.

In regard to VAT on the heating oil, this new arrangement on VAT rates also preserved Ireland's historical derogation in regard to fuel and oil, despite it not being included in Annex III. It is on this basis that Ireland applies the 13.5% reduced VAT rate to supply of fuel and oil for domestic and commercial purposes. The current 13.5% rate applies to energy products known as a part rate, and I think the Deputy is aware of that.

Deputy Pearse Doherty: We are going to go for it now for the third time and let us see if we can make any progress on this, because the question is very simple. Did the Minister at any time in his correspondence with the Commissioner on 10 March seek flexibility or a reduction in regard to VAT as it applies to home heating oil? Home heating oil is the source of energy that has gone through the roof most. It has increased by 127% in the past 12 months. It has more than doubled. A third of households in the State use home heating oil as the primary source of heating their homes, and that increases to two thirds in the west and north west. Two thirds of households on the Border use home heating oil as their primary source of heat, compared with 8% in Dublin. Some 69% of households in Dublin use gas compared with 4% in Border counties. We must look at the regional disparities here.

I am coming back to the Minister of State again. The Minister wrote on 10 March, but we already knew from December, because it was in draft form, that he would be able to reduce VAT on energy and on electricity and gas. The question relates to home heating oil. Did the Minister ask in that correspondence for flexibility on a reduction on home heating oil? If he did not, will the Minister now do the job he should have been doing for the past six months?

Deputy Sean Fleming: As the Deputy will be aware, the current VAT rate of 13.5% applies to energy products. It is a part rate and cannot be reduced below 12%. It should be noted that member states must apply their standard rate of VAT to this product. Our historical derogation covered electricity, gas, fuel and oil. This meant Ireland applied the rate of 13.5% to those products in comparison with other European countries which applied it at a rate of more than 20%. Had Ireland adopted the reduced rate on the basis of Article 102, it would have automatically removed gas and electricity from the historical derogation, meaning they would have reverted to the standard rate at the end of the temporary period. The VAT directive now provides for the necessary flexibility for gas and electricity. As the Deputy has highlighted, home heating oil is the heating source of choice for many households in Ireland, including many in his constituency and mine. The Government has introduced a large range of other measures to help people with the cost of living, which also includes those measures.

Deputy Pearse Doherty: So the answer is no, is it? The Minister did not ask.

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Tax Code

2. **Deputy Ged Nash** asked the Minister for Finance if he intends to introduce a windfall tax on the extraordinary profits of energy companies to fund measures to combat the rising cost of energy for households and enterprises; and if he will make a statement on the matter. [21422/22]

3. **Deputy Pearse Doherty** asked the Minister for Finance if he will consider introducing a windfall tax on excess profits made by energy suppliers in the context of the rising cost of energy; if his Department has undertaken any preparatory work on the introduction of such a tax and the revenue it could raise; and if he will make a statement on the matter. [21563/22]

Deputy Sean Sherlock: Does the Minister for Finance intend to introduce a windfall tax on the extraordinary profits of energy companies to fund measures to combat the rising cost of energy for households and enterprises? Earlier this month the Minister indicated that he was finally, as it was put, evaluating the potential of slapping energy suppliers with windfall tax bills. I want to know if that will come to fruition.

Deputy Sean Fleming: I propose to take Questions Nos. 2 and 3 together.

I am aware the European Commission has confirmed that EU member states can consider imposing temporary tax measures on windfall profits of energy providers and use the revenue generated to provide consumers with relief from high prices. Officials in the Department and in the Department of the Environment, Climate and Communications are evaluating the potential for such a proposal. The Deputy will appreciate that significant work would have to be undertaken as part of any such evaluation.

With regard to tax generally, the trading profits of companies in Ireland are typically taxed at the standard corporation tax rate of 12.5%. Some of the main features of the current regime are its simplicity and that it applies to a broad base. Changing this rate or imposing additional levies on certain sectors could have unforeseen consequences. There is a risk of such taxes leading to higher consumer costs and negative impacts on investment in the energy sector, in particular in the area of renewables. These are the factors that must be taken into account in terms of whether it will affect investment.

The Government has taken a number of measures to reduce the burden on consumers in relation to the cost of energy. This includes providing €200 worth of energy credit to every household in the country, reductions in fuel excise duty, and a reduction in the VAT rate for electricity and gas.

In relation to energy policy, which is the remit of my colleague, the Minister for the Environment, Climate and Communications, Deputy Ryan, a well-functioning EU electricity market remains crucial for the integration of the internal energy market at EU level and for providing investment signals for the integration of new renewables, which are essential ultimately to break our dependence on fossil fuels. The best long-term approach for Ireland to insulate consumers from volatility on international wholesale energy markets is to invest in energy efficiency and renewable energy. Cutting our dependence on fossil fuels and generating power from our own renewable sources will ensure a cleaner, cheaper energy future in the long term. Electricity and gas retail markets in Ireland operate within a European regulatory regime wherein electricity and gas markets are commercial, liberalised, and competitive. Responsibility for the regulation of the electricity and gas markets is solely a matter for the Commission for Regulation of Utili-

ties, CRU, which is independent of the Minister.

The renewable electricity support scheme, RESS, is Ireland's flagship policy to deliver on the Government's target of up to 80% renewable electricity by the end of the decade. Electricity technologies now compete through regular auctions under the RESS, as well as through other routes to market such as corporate power purchase agreements. The RESS contains strong consumer protection measures, with wholesale market revenues above the auction price returned to electricity consumers through the public service obligation levy. Renewable energy sources, such as wind and solar generation, reduce electricity consumer costs by lowering wholesale electricity prices during periods when they are generating power, highlighting the need to accelerate energy system decarbonisation to reduce reliance on fossil fuels.

The war in Ukraine has dramatically concentrated EU efforts to address European dependence on Russian oil and gas through proposed new measures to diversify fossil fuel imports, enhance security of supply, and accelerate energy system decarbonisation, as set out in the recent REPowerEU communication. The European Commission is working closely with member states to protect the resilience of Europe's gas security of supply through solidarity measures. Both the International Energy Agency and the EU have stressed that the current situation further strengthens collective resolve to accelerate the clean energy transition, in line with the European Green Deal.

Deputy Sean Sherlock: I welcome the fact the Government has finally come around at least to evaluating, to use the Minister's word, a windfall tax on extraordinary profits. This is a proposal the Government voted against in January when the Labour Party included it as part of our cost-of-living motion. We know energy companies like the ESB, which are not immediately tied into rising prices, made €679 million in profits last year, as thousands of homeowners struggled to pay soaring energy bills. Next week, ESB's Electric Ireland will go ahead with a near 25% increase in electricity and gas prices. We know that a conservative estimate, based on 2020 figures, suggests this could raise to the tune of €60 million to help pay for cost-of-living supports for households. Will the Minister of State give us a clearer indication as to the timelines for the completion of the evaluation?

Deputy Pearse Doherty: There were 35 energy price increases last year alone. We know the price rises are stark. We can see, for example, that Bord Gáis has increased its price by 82% since October 2020 and its electricity price has gone up by 72%, increasing the average energy bill by €1,313. The increases are massive. We understand the driving forces behind this: the price of fossil fuels, the energy spike in the wholesale market last year, several power plants being out of action due to low wind at the time, and the war in Ukraine, but we must ensure shareholders are not profiting from these difficulties. Many suppliers have stated they will not price gouge, but it is not good enough to take them at their word. The Minister of State says the Government is looking at an analysis of the situation. When will the analysis be completed and when will a decision be taken? Is the Government monitoring the financial statements of energy suppliers at this time and will it monitor them in the future? What does the Minister of State believe is a reasonable profit margin for suppliers during this crisis?

Deputy Sean Fleming: I thank the Deputies. Windfall taxes on energy companies require careful consideration. A windfall tax could create unintended consequences. For example, it could disincentivise investment in renewable energy generation, as there would be uncertainty on profits returned for generators entering the market. Interventions such as windfall taxes may have the potential to reduce the energy costs for consumers through redistribution of additional

tax revenues, but they may also themselves be a driver of costs to consumers in that, if a company's tax rate changes, it will factor that into its return on its investment and it will potentially add to the amount it will want to charge for its product. I must stress it is a two-way situation.

It is a complex area. I have stressed that our corporation tax, which is 12.5%, is clear and simple, and the more variations we have to it, the more complicated it is. We are working with the European Commissioners and other member states to consider a policy proposal, outlined under REPowerEU, designed to aid consumers and businesses to deal with increasing costs of energy. The best long-term approach for Ireland is to insulate consumers from volatility on the international wholesale market by investing in energy efficiency and renewable energy. Cutting our dependence on fossil fuels and generating power from our own renewable sources will ensure cleaner, cheaper energy into the future. I believe that is the direction in which we need to travel.

Deputy Sean Sherlock: That will not cut the mustard with the businesses and households I deal with in my constituency. The Spanish Government was able to do this. It introduced a windfall tax on energy companies last September, therefore, there is a precedent set in the European Union on this. I want to give some solace to the small businesses and householders in my constituency. The Spanish case is a clear example of how funds generated through the windfall tax are paying for the country's VAT energy tax cut introduced in the same month last year. There is proof of concept and this tax is working in another EU member state. I ask that greater urgency be given to this concept, thereby bringing to fruition a windfall tax on profits.

Deputy Pearse Doherty: In March, the European Commission issued a communication to all member states in addressing the energy crisis. Part of that, as the Minister of State may be aware, included the introduction of a windfall tax on energy producers and suppliers. This was echoed by the International Energy Agency, IEA, which warned that, given today's market design, high gas prices in Europe feed through to the wholesale energy markets in ways that can lead to windfall profits for companies. The IEA warned that current wholesale energy markets create the potential for profits that are well in excess of the cost related to operation and capital recovery. The agency estimated that under current conditions, this could lead to excess profits of up to €200 billion. We do not know exactly how this will translate in the Irish context, but we have had a glimpse with the ESB recording operating profits of €679 million. While the ESB is a semi-State body, other suppliers are not, with windfall profits likely to benefit their private shareholders.

Has the Minister considered the design of a windfall tax? Again, I repeat my question, and maybe the Minister of State might answer this one. What does he believe is an appropriate profit margin for energy companies at this time when households are suffering so much from high energy costs?

Deputy Sean Fleming: I again thank the Deputies. I confirm that the Government is working with the European Commission and member states to consider the policy proposal outlined in its REPowerEU document designed to aid consumers and businesses to deal with the increasing cost of energy. A number of potential measures have been set out by the European Commission under that initiative at European level, including introducing a price cap on the wholesale price of electricity, price limits for trading gas in the EU, and negotiating volume and price with international suppliers. Such interventions, including windfall taxes, may have the potential to reduce energy costs for consumers, but they may also become drivers of cost. There is a plus and a minus to that equation. It is a relatively new issue for which there is not a timetable. The

matter is being considered in that context.

I wish to put on the record, in the context of people requesting a windfall tax on energy generators, the ESB through Electric Ireland has 47% of the market, so we have to start on that basis. If people want to put a windfall tax on the ESB in regard to Electric Ireland, they might want to consider that case. That is a substantial implication of what is being requested.

Tax Credits

4. **Deputy Róisín Shortall** asked the Minister for Finance if he will report on the research that has been carried out in his Department on the introduction of refundable tax credits; his views on the benefits of such a policy as a means of ensuring greater equity in the tax system as well as a means of addressing the widespread issue of low pay; and if he will make a statement on the matter. [21016/22]

Deputy Róisín Shortall: At the outset, I extend my condolences to the Minister, Deputy Donohoe, on the passing of his mother.

My question relates to the issue of refundable tax credits. At this point in the year, six months out from the budget for which preparation is underway, it is important that we put this issue on the agenda, because we have been talking about it for quite some time and there are many benefits to it. What research has been done within the Department of Finance, and what is the Minister of State's view on this proposal?

Deputy Sean Fleming: The position is that the matter of refundable tax credits was looked at in some detail in 2002 by the working group established under the programme for prosperity and fairness. The group was chaired by the Department of Finance and included representatives from Irish Congress of Trade Unions, IBEC, various farming organisations, the community and voluntary pillar, relevant Departments and the Office of the Revenue Commissioners.

Notwithstanding the passage of time, many of the findings and conclusions identified by the working group remain relevant and valid today. The working group found that there were significant disadvantages with such a system. These included the potential negative impacts on the incentive to work, which needs to be a priority, as well as the impact on labour supply, labour force participation and overall productivity and output.

The Commission on Taxation and Welfare, in its 2009 report, also did not recommend the introduction of refundable tax credits. Furthermore, the annual cost of providing refundable tax credits would be extremely expensive. There would also be operational and technical issues.

Refundable tax credits can have a negative impact on the incentive to work and may be inconsistent with the objective of encouraging as many people as possible to join or remain in the workforce. In addition, I note the minimum wage increased from €8.65 per hour to €10.50 per hour, between 2016 and 2022, in line with the recommendations of the Low Pay Commission and in an effort to support those on lower incomes.

Furthermore, the income tax and universal social charge, USC, changes that the Government introduced in recent budgets will benefit those who currently pay income tax or USC, while maintaining the breadth of the tax base and the progressive nature of the tax system.

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On the issue of equity, it should be noted that Ireland has one of the most progressive personal income tax systems in the world, which plays a crucial role in the process of income redistribution. This has been verified by the Economic and Social Research Institute, the OECD and the International Monetary Fund.

Finally, I reiterate that the Minister has no current plans to introduce a system of refundable tax credits.

Deputy Róisín Shortall: That is quite disappointing because the situation has changed considerably since 2002, the year in which the research the Minister of State mentioned was conducted, in addition to the research from 2009. There is a substantial problem in this country in regard to low pay.

Some 22% or 23% of the working population is trying to survive on low pay and there is a significant problem with people in employment who are very poor. It is sometimes suggested that the solution to the problem of poverty is to get a job but we know, for hundreds of thousands of people in this country, getting a job means still being on very low income and struggling to survive. One of the key benefits of refundable tax credits is that they support people on low incomes and keep them out of poverty. On that basis, and given the scale of the problem with low incomes, as well as the lack of progress in moving to a living wage in spite of the commitment in the programme for Government, I ask that the Minister of State reconsiders that.

Deputy Sean Fleming: The Deputy is quite right; much has changed since those reports were produced. The principal change was the introduction of and increase to the minimum wage from €8.65 to €10.50. We would all like if this rate was higher, but that is a significant increase in the context that we had no provision for a minimum wage in legislation when that work was commissioned.

Social Justice Ireland said that the changes in the last two budgets would benefit a one-income married couple by as much as 39 cent a week. That is simply incorrect; it is just not true. The changes alone announced in the budget will benefit a one-income married couple with no children, who earn €20,000 per annum, by €445 per annum or €8.76 per week. In addition to the majority, one-income married earners receive a minimum of €165 per annum or €3.17 per week. This monetary gain will be even greater for married one-earner couples with children. Various changes were announced as part of the overall budget package, which the remark by Social Justice Ireland did not take into consideration, such as the increases in core social-welfare payments, the living alone allowance, the working family payment, the back to school allowance and many other payments.

Deputy Róisín Shortall: The Minister of State said we have a progressive tax system. Yes, we do but it is becoming less progressive with tax changes. One of the ways that can be equalised is to introduce refundable tax credits. Ministers have been talking about changes to the tax system in recent times. Changes to the tax system and improvements in tax credits do not assist people who do not pay tax, and that is the difficulty. Unless the Government introduces the measure of refundable tax credits, the gap between those on low incomes and those on middle and higher incomes will widen.

The other issue is that if low-paid work is made to be more beneficial, if there were a refundable tax credit, it would widen the gap between welfare and employment. That is what we should be aiming to do; to make work pay. The work by Social Justice Ireland has shown that

and it has produced the figures to support it. There is a strong case there and I ask the Minister of State to reconsider the decision.

Deputy Sean Fleming: I understand what the Deputy is saying. Looking at it strictly, the only benefit the State can confer on people is solely through the taxation system. I understand that point from a very narrow perspective. That point of view may or may not have validity but, looking at it in the broader context of low-income families, the arguments being put forward have to be reviewed in a wider context. For example, the working family payment scheme is very important, especially for people who are at work. If they have one or two children, they get a significant extra enhancement to their weekly income through the working family payment. If those schemes are-----

Deputy Róisín Shortall: What if they do not have children?

Deputy Sean Fleming: Yes, it is a matter of prioritisation. We have issues in respect of medical card benefits. There are a number of other benefits-----

Deputy Róisín Shortall: Not if you are working and you do not get a medical card.

Deputy Sean Fleming: You will if you are on a low income-----

Deputy Róisín Shortall: No, you do not.

Deputy Sean Fleming: -----and people on the minimum wage. Many families are entitled to get medical cards.

Deputy Róisín Shortall: You do not. Check the income limits.

Deputy Sean Fleming: There are broader issues than that of income tax.

Deputy Róisín Shortall: There are. In-work poverty is a broad issue that needs to be addressed.

Energy Prices

5. **Deputy Pearse Doherty** asked the Minister for Finance if he has considered reducing excise duty as it applies to home heating oil in accordance with the excise directive; and if he will make a statement on the matter. [21564/22]

Deputy Pearse Doherty: Last night, the Minister of State and his colleagues voted on a Sinn Féin amendment that would have removed excise duty from home heating oil on a temporary basis. He and his colleagues in the Government voted against it. It was a major mistake. Removing excise duty from home heating oil would have reduced the cost of a tank fill by more than €100 and cost less than €74 million were it removed until October. The Government's refusal to do so was ideological and nothing else. Will the Government reconsider and commit to examining this measure?

Deputy Sean Fleming: As the Deputy said, we had a discussion on this issue last night. It is no harm to revisit the matter here. It is important to do so on this occasion. Ireland's taxation on fuel is governed by European Union law as set out in Directive 2003/96/ED, commonly known as the energy tax directive, ETD. The ETD prescribes minimum tax rates for fuel with

which all member states must comply. ETD provisions on mineral oils are transposed into national law in the Finance Act 1999, as amended. This Act provides for the application of mineral oil tax, MOT, to specified mineral oils, such as petrol, diesel and kerosene, that are used as motor or heating fuels. MOT is comprised of a non-carbon component and a carbon component. The carbon component is commonly referred to as carbon tax and the non-carbon component is often referred to as “excise”, “fuel excise” or “fuel duty”. In complying with ETD minimum rates, total MOT rates are taken into account.

Kerosene used for heating purposes attracts a reduced rate of MOT which is comprised entirely of a carbon component. The ETD minimum rate of taxation on kerosene used for heating purposes is set at zero. When introducing the ten-year carbon tax trajectory in 2020, the Minister deliberately scheduled rate changes on heating oil to come into effect at the end of the heating season. Therefore, the next scheduled increase in the carbon component of MOT on non-propellant fuels, such as kerosene, will come into effect on 1 May.

As the Deputy will be aware, the carbon tax trajectory is a key element of the Government’s decarbonising strategy. The Government remains committed to the important signal that maintaining the carbon tax trajectory sends to society. I note that due to recycling of carbon tax revenue for investment in energy efficiency measures and targeted welfare payments, the carbon tax has been recognised as a progressive policy supporting climate policies. Therefore, the Minister does not intend to reduce the carbon component of MOT applied to kerosene.

Deputy Pearse Doherty: The Minister of State might be aware that he and some of his colleagues are involved in a deliberate campaign of misinformation. Indeed, it is right out of the Trump playbook. Fine Gael representatives online, on radio and on television have all claimed no excise duty applies to home heating oil. I suspect this was done to distract households who use home heating oil, and those who are struggling with the price increases they have seen, from Government inaction. It is untrue. Excise duty is applied to home heating oil at a rate of €84.84 for 1,000 l and will rise on Sunday, 1 May, to €103.83 for 1,000 l. Under the European excise directive, this could be reduced to zero. The Minister of State has admitted that. This would reduce the cost of filling a tank by €118 when VAT is included.

Why does the Minister of State believe that we should not reduce the burden on these households when the price has increased by 127% in the past 12 months? Why does he believe that we should actually increase the burden on these very same households on Sunday evening?

Deputy Sean Fleming: Carbon tax is part of Ireland’s overall decarbonisation policy. Nobody likes a tax, but we cannot on the one hand support all the climate change measures and on the other oppose the inclusion of carbon tax as part of that programme. While the financing side of it is always the hard bit, people agree with the principle. We cannot implement our principles unless we raise the revenue to do so.

In the context of the increases in consumer prices in recent months, in February the Government approved a package of measures to the value of €505 million, including an energy credit of €200 including VAT, to mitigate the impact of increases in the cost of living. The key drivers of these inflationary pressures are as a result of global energy supplies. Everybody will be aware that the packages announced in the budget earlier this year, and this week, add up to approximately €2 billion in total. These are compensatory measures for the increases that are coming through relating to carbon tax, which will be fully offset by the various measures the Government has introduced.

Deputy Pearse Doherty: The price of home heating oil is the single largest increase on goods and services in this State in the past year. That is what is happening. With that information, the wise men and women in Government have said, “You know what we should do? We should increase it further on Sunday. Let us put another €20 on the cost of filling your tank on those hard-pressed workers and families.” I am making the point that the Government has the ability under EU law, with no restrictions whatsoever, to reduce the cost of filling a tank by €118 by Sunday. We can do that on Sunday night. We can change direction. Instead of the Government putting it up, we can reduce that cost on a temporary basis. To do that until October would cost us €74 million, which is well affordable.

The second point is that no tax is hypothecated in this State under law. No tax is ring-fenced for any purpose. The Government should stop this nonsense that if a carbon tax on home heating oil is reduced to take the pressure off workers and families, we will somehow be penalised in respect of a just transition, or a retrofitting programme and so on, because it simply does not stack up. This is ideological. This is a Government that is completely out of touch, that has seen the largest price increase in energy in this State on a certain oil and has decided its response will be to increase the cost of that oil further. This is daft stuff and the Government needs to change direction.

Deputy Sean Fleming: I hear what the Deputy is saying, but the collection of carbon taxes is a key ingredient of our climate plan. It is no good having a plan unless we raise some money to cover it. I understand the technical point the Deputy made but, in an overall context, there is no point in having a plan to reduce carbon emissions and then saying we will not have any tax specifically for that purpose. It is important that the people know they are contributing. The majority of people generally support the moves to decarbonise Irish society and the move to renewable energy, especially offshore wind, and solar, but they know it costs money. They know we have to raise taxes. To do everything the Government does we have to raise taxes. I understand the point the Deputy made and that is why we have had a series of measures to mitigate the cost of what is coming in on 1 May.

Ceisteanna Eile - Other Questions

Question No. 6 replied to with Written Answers

Insurance Industry

7. **Deputy Cormac Devlin** asked the Minister for Finance the work that he is carrying out to ensure that the benefits of the insurance reform agenda are passed on to customers; and if he will make a statement on the matter. [20526/22]

Deputy Cormac Devlin: I also express my condolences to the Minister, Deputy Donohoe, on the passing of his mother.

I would be grateful if the Minister of State could update the House on the Government’s insurance reform agenda and the work being carried out to ensure the benefits are being passed on to consumers.

Deputy Sean Fleming: I thank the Deputy. There is a limit on the time available to facilitate

me updating him and doing justice to the work I do specifically. On the issue of the timescale, the Deputy is fully aware that we have a wide-ranging plan for insurance reform underpinned by the action plan for insurance reform. This cross-departmental action plan was published in December 2020 with the most recent implementation report, from March 2022, indicating that work is progressing well. The vast majority of actions in the plan have been delivered, while the remainder are still ongoing. Over a two-year period from the time the plan was launched, every aspect of it will be fully implemented and everything Government agencies and Departments can do will be completed in that period.

Given the increasing priority and pace of reform, it is necessary for the industry to pass on the benefits to its consumers. The Minister and I have been clear on these points and have been holding the insurance sector to account on commitments made, in addition to having regular engagement with it. I have met individually with the CEOs of the eight main insurers in the Irish market, twice since the adoption of the personal injuries guidelines. I am keen to continue my engagement with them and to hear their views on all matters regarding the Irish insurance market, while also ensuring that commitments to pass on cost savings arising from the insurance reform agenda in the form of reduced premiums to their customers are honoured. In this context, I note that motor insurance premiums are approximately 40% lower than they were about six years ago, which must be welcomed. They have decreased by between 12% and 14% since the Government came to office. In these meetings, and in my ongoing engagement with industry, I have consistently stressed the importance of insurers reflecting lower claims costs through reduced premiums and the need for insurers to respect the guidelines by not settling for amounts that are inconsistent with them. They have all assured me personally that they will strictly adhere to them.

Deputy Cormac Devlin: We have seen those reductions particularly in motor insurance. People have experienced them. There has been good feedback from younger drivers in particular. That was a perennial issue for many years. Reducing the cost of insurance for consumers and businesses is critical, particularly when we see costs increase in energy, retail and other areas. I welcome the priority given to this issue by the Government. I acknowledge the work done in this area by the Ministers of State, Deputies Fleming, Troy and James Browne, and also by the Ministers for Finance; Enterprise, Trade and Employment; and Justice. I commend them on their efforts because from the get-go they have engaged with the insurance companies and we are seeing the benefits. The personal injury guidelines are clearly having impacts on the size of awards. Some 20% of awards are now under €5,000 and 29% are between €5,000 and €10,000, which means nearly half the awards are under €10,000. That compares with just 12% in 2020. Will the Minister of State give an indication of progress on the remaining actions in the Government's action plan on insurance reform?

Deputy Sean Fleming: I thank the Deputy for highlighting those points. The national claims information database, which is compiled by the Central Bank, is unique and provides a level of information that is not available in any other EU country.

An issue that has cropped up at all our meetings is that of pinch points. We are dealing with those very specifically on an area-by-area basis. This week we completed the Second Stage reading of the Insurance (Miscellaneous Provisions) Bill 2022. I hope it will go to Committee Stage shortly. It includes the issue of dealing with price walking which some people say is part of dual pricing. I want to acknowledge the ongoing work of Deputy Doherty on this matter over some time. We are bringing in specific aspects of that through our legislation. We are also dealing with State payments that insurance companies may have taken into consideration. That

matter is before the courts.

In the immediate future, the legislation on duty of care will be going to the Cabinet. It is very important. The Personal Injuries Assessment Board, PIAB, legislation is also in the system. Test cases are holding up some of the delivery of those items.

Deputy Cormac Devlin: Given the very significant reduction in the cost of awards, as I outlined, and the introduction of other measures, consumers and businesses will expect proportionate reductions in premiums to bring them into line with EU averages. I think we are seeing that. Consumers are certainly feeling that when they renew or examine other policies. If that trend continues, we will be in a very good position and more aligned with our EU counterparts than before. The work being undertaken is being felt by consumers at a critical time given the rise in costs in other areas.

Deputy Pearse Doherty: It is actually a year this week since the Judicial Council guidelines came into effect. Awards have dropped dramatically but premiums have not. Even in motor insurance, they have not dropped to the level that we expected or, indeed, that the industry told us to expect. We are not seeing the reductions to business and community groups. It is a year on. We have been told to wait and see how it works. It is now time to get behind my legislation. The Government has stalled it for nine months. It will be before the committee next week for pre-legislative scrutiny. I am asking the Minister of State to get behind the legislation and collect the data that allows us to seek, empirically, whether the insurance industry is benefitting from the judicial guidelines that were put through by this House or whether all of that money is being passed on to consumers.

Deputy Sean Fleming: It is very important to point out that while the judicial guidelines are giving reductions of 40% in the cost of claims for soft tissue injuries and the most common injuries, no one who understood the system ever believed that would lead to a 40% reduction in premiums because the cost of those claims was the biggest cost to the insurance industry but it was not its only cost. That 40% will apply to the proportion of their costs that related to the cost of claims.

Deputy Pearse Doherty: It should be 20% but it is not happening.

Deputy Sean Fleming: Whatever. The issue is that they are working so well that people have seen they are getting less, and that is why there are test cases. We have had a big increase in the number of people not accepting the new reduced awards and taking their claims to court. When we have those test cases through the courts, I hope the colleagues of the Judicial Council who wrote the guidelines will implement them in full. That has slowed up the settlement of many cases in the last several months since these guidelines were brought in. It is because they are very effective and people are having difficulty accepting the lower award. I hope that will wash through the courts as quickly as possible and all the reductions promised will pass through.

On business insurance, 93% of all businesses in Ireland have a total annual insurance premium of less than €5,000.

Questions Nos. 8 to 10, inclusive, replied to with Written Answers.

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Credit Unions

11. **Deputy David Stanton** asked the Minister for Finance the way he plans to support credit unions in the expansion of services to encourage community development; and if he will make a statement on the matter. [21411/22]

16. **Deputy Holly Cairns** asked the Minister for Finance the steps he is taking to enable the credit union movement to grow as a key provider of community banking in the country. [21420/22]

30. **Deputy Joe Flaherty** asked the Minister for Finance the initiatives that he is taking to expand the credit union sector; and if he will make a statement on the matter. [20525/22]

75. **Deputy James Lawless** asked the Minister for Finance when the review of the credit union policy framework will be completed; and if he will make a statement on the matter. [20528/22]

Deputy David Stanton: I acknowledge the great work that the Minister of State, Deputy Fleming, is doing in the area of credit unions, for example by updating and modernising them and creating community banking. What are his further plans to support credit unions in the expansion of services to encourage community development?

Deputy Sean Fleming: I propose to take Questions Nos. 11, 16, 30 and 75 together.

I thank the Deputy for raising the expansion of credit union services. The Government recognises the importance of credit unions. The programme for Government contains four specific commitments for the sector. These can be condensed into one key commitment, which is to enable the credit union movement to grow. That means growing credit unions' lending books. I addressed the Irish League of Credit Unions AGM in Belfast at the weekend which was also addressed by the registrar of credit unions. It was made clear at that meeting that the loan-to-asset ratio in the credit union movement is about 27%. That is not a sustainable level, which is why many of them have difficulties because they are not generating enough income. I have met many representatives of credit unions individually. Some of them have told me that in years gone by, 60% or 70% of their membership would borrow from them at different times of the year but for many credit unions the percentage of members who borrow from them now is well below 20%. Therefore, a key issue for the credit unions is not a shortage of savings but a shortage of loan applications. I really encourage them to lend more. The retrofit scheme is a perfect fit for the credit union movement because people who go into the scheme will need to borrow. Credit unions will be able to give loans over a longer period than they could historically. They will not have to take a charge on a house. The major banks will not want to finance them as much because they will be giving out big unsecured loans and it will not be worth their while to take out security on a house for a loan that might be for a retrofitting project. The scheme is perfect for the credit unions because they know their people and will be happy to give out unsecured loans. That is what I would encourage the credit unions to move into. They have lost business. Over the years, people used to go to them for car loans but that is all done through garage finance now. It is a big issue and we are working constructively with them.

Deputy David Stanton: I thank the Minister of State for his response and acknowledge the work he has been doing on this. I hope he will manage to finish his work on the area because the targets are very laudable.

The credit unions tell me they see themselves as being punished for taking on members' savings by having to put aside at least 10% of all savings in reserves. They maintain that this can only be funded by making a surplus and putting it into reserves. They say that this is money that should be given back to members through dividends and rebates. They also maintain that no other financial institutions in Ireland, including the banks, have to do this. They have the most restrictive capital requirements of almost any financial institution globally. I acknowledge what the Minister of State said about the unprecedented growth in savings in recent years. That is why most credit unions have to limit the amount of savings that members can save with them. I tend to agree with the Minister of State that this is not good given the declining number of options to bank in our towns and villages. Has the Minister of State any plans to change this?

Deputy Sean Fleming: Since the Government came to office we have had detailed consultation with all the representative bodies in the credit union, several rounds of consultation culminating in a recent meeting I chaired with all the representative bodies. There is agreement across that entire group on 15 changes that will help the credit unions. We are starting to draft the legislation for those. There is much work in that and it is important.

The capital requirement is very important. There is a requirement for 10%. As I said, I was at the AGM of the credit unions. The unions themselves voluntarily have reserves at 16% nationally, so they can reduce the reserves they are talking about from 16% to 10% without any impact from the Central Bank. They are saying the 10% is a problem but very few credit unions are down at the 10%. Most of them are over 12%. If one got below 12% the Central Bank would look but there would not be two out of the whole 200 in that category. All the other credit unions in Ireland have reserves way in excess of what the Central Bank requires them to have and they are doing that themselves. The way to deal with it is to lend more money.

Deputy David Stanton: I thank the Minister of State for his response. I am quite interested in what he said about only two credit unions in the country being at that point. I have met one of them and its management are concerned about this. Perhaps I was just unfortunate to have met with the one that is in that position but its management maintains it was limiting its ability to expand, grow and take on more.

I wish to put something else to the Minister of State. In many of our towns and villages An Post is finding it difficult to get people to get on its mandate. Is there any way An Post and the credit unions could amalgamate and get together so where there is no An Post outlet in a town or village the credit union could perhaps perform that function, take on the role and maybe apply to An Post for the franchise?

Deputy Sean Fleming: That is an interesting point. Both those organisations deal with the Department of Finance. An Post has a good arrangement with AIB and Bank of Ireland for dealing with its cash business and everything like that. Especially as Ulster Bank is withdrawing from Ireland and the other banks have announced many branch closures, there is a fantastic opportunity for credit unions. In many towns throughout Ireland the credit union is the only financial institution left standing. Most of those areas may or may not have a post office or vice versa. I am loathe to suggest collaboration as I do not know that the credit unions would appreciate that but there is a logic in what the Deputy is saying. Both organisations have a strong tradition and are respected by the people. An Post and the credit union are probably the two most respected brand names in the country. However, both are separate organisations. It is an interesting point people may wish to speak to me about.

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On the other point about the credit unions, if the Deputy wants to contact me through my office I will be happy to follow up any individual case and if needs be meet the credit union involved.

Deputy David Stanton: Could I ask one more question? It has to do with the levies.

An Leas-Cheann Comhairle: I have lost track. I think the Deputy has been in twice already.

Deputy David Stanton: Have I? I am sorry about that.

An Leas-Cheann Comhairle: He is going to get another chance in a minute because his name is coming up.

Deputy David Stanton: Okay, fair enough.

An Leas-Cheann Comhairle: I am moving down through the list. I may miss someone if they are not here. Deputy Stanton is coming up again for Question No. 31.

Deputy Pearse Doherty: I apologise a Leas-Cheann Comhairle, but has Deputy Mairéad Farrell been in contact about my taking her question for her?

An Leas-Cheann Comhairle: I am going to take Deputy Stanton's next question. I have no notice of that.

Questions Nos. 13 and 14 replied to with Written Answers.

Question No. 16 replied to with Question No. 11.

Question No. 17 replied to with Written Answers.

Questions Nos. 19 to 21, inclusive, replied to with Written Answers.

Questions Nos. 23 to 29, inclusive, replied to with Written Answers.

Question No. 30 replied to with Question No. 11.

Research and Development

31. **Deputy David Stanton** asked the Minister for Finance his Department's plans, if any, to encourage greater take up of the research and development, R and D, tax credit by small domestic companies; and if he will make a statement on the matter. [21412/22]

Deputy David Stanton: What are the Department of Finance's plans, if any, to encourage greater takeup of the R&D tax credit for small domestic companies?

Deputy Sean Fleming: The Deputy might give me a moment. We have jumped quite a few questions because people are not here this morning and I want to get my folder in order. I thank him for raising the issue. The research and development tax credit allows companies to claim a 25% tax credit in respect of expenditure incurred on qualifying R&D activities.

To conclude our conversation of a few moments ago on the credit unions, if there is any-

thing the Deputy wants to contact me directly on I would be very happy for him to do so. We can take up any individual issue relating to the credit union movement. On levies, since we came to office, this Government has reduced the levies by 53%. It is a phenomenal reduction. I understand people would prefer to have little or no levies but it is important the credit union movement and credit unions themselves have adequate resources to meet all their requirements. We saw last week's AGM was mostly consumed with the issue of funding potential deficits in the pension scheme and I think the credit unions are dealing with that.

Returning to the current question, the programme for Government, Our Shared Future, recognises the importance of research, development and innovation as these are recurring themes across a number of the mission aims. Specifically in relation to small business taxes, there is a commitment to continue to encourage greater take-up of the R&D tax credit by small domestic companies by building on recent changes and examining issues with respect to preapproval procedures and reduced record keeping requirements.

A review of the R&D tax credit is taking place during 2022, alongside an evaluation of the knowledge development box. As part of this review, my officials published a public consultation relating to the operation of both reliefs. The consultation documents include questions on the interaction by small and medium enterprises with the R&D tax credit. The purpose of this public consultation is to consider the current challenges facing firms that are active in the R&D and intellectual property, IP, space as well as the implications of recent domestic and international tax reforms for these two reliefs. It is a fantastic scheme for the businesses that do it. Depending on their profits they can get a cash payment back to the company and if their taxation situation does not allow them to get it by way of tax they can get it back directly as a credit.

Deputy David Stanton: I thank the Minister of State for that response and his reply to my earlier question. Is he able to give me some idea about the take-up? What kind of rebates are we talking about? What kind of refunding and credits are we talking about? What percentage of companies are involved in this? What plans has the Minister of State to encourage more to get involved and to advertise and promote it?

Deputy Sean Fleming: The Deputy will appreciate I do not have the full schedule of costs. I am making a note to get that information from the Department through contact with the Revenue Commissioners. The latter will have the information on the number of businesses taking up that relief readily to hand. Through my office, I will ask for that information to be obtained and forwarded to the Deputy.

Deputy David Stanton: The second part of that question was what plans has the Minister of State or the Department to encourage companies further to take up this credit and also to promote it. Would the Minister of State agree with me that many companies do not know about this? There is a lack of awareness. How is the scheme to be expedited and promoted?

Deputy Sean Fleming: The promotion of this scheme genuinely falls to the Department of Enterprise, Trade and Employment. It is about business. We will write the cheque at the end of it but it belongs to that Department. From my own direct knowledge of the scheme I agree the small businesses do not know about it. The local enterprise offices, LEOs, know about it and Enterprise Ireland, EI, knows about it for its clients as well. In my own work as a Deputy, I realise there is very little happening with it in Ireland. Through the institutes of technology, as they were, or the technological universities as they are now, work was done with schemes through the LEOs or EI to spread the information and the number of applicants in the region,

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as it takes some work. There is, therefore, a linkage that can be done through the LEOs and EI. In my region some of the institutes of technology have been very strong. It meant counties that were not linked directly to one of those were possibly losing out. There is linkage to be done, though it will be primarily by the Department of Enterprise, Trade and Employment.

An Leas-Cheann Comhairle: I am going to go back to No. 12.

Cost of Living Issues

12. **Deputy Barry Cowen** asked the Minister for Finance the estimated cumulative cost of the measures that he has taken since and including budget 2022 to help address cost of living issues; and if he will make a statement on the matter. [20523/22]

Deputy Barry Cowen: Will the Minister of State inform the House about the cumulative measures that have been taken by the Government to address the cost of living issues since and including budget 2022? I ask in order that the House be especially aware of the effort on the part of Government in this area. It has committed to these measures on numerous occasions in the House but I ask that the cumulative measures and the costs associated with them be relayed.

Deputy Sean Fleming: I thank the Deputy for raising this particular issue. We have had discussions here about various forms of taxation, which is one part of the issue the Government has been dealing with, but there have been many other interventions as well. The Government has intervened on four occasions to address the increases in the cost of living, at a combined cost of approximately €2.1 billion.

First, budget 2022 contained an income tax package of €520 million. On the expenditure side, a social welfare package worth €558 million was introduced including, among other measures, a general €5 rate increase for working-age and pension-age recipients, and a €5 increase in the fuel allowance. People are aware that the fuel allowance, with the €5 increase and the extended period of time during which it is being out, is now worth over €1,000 each to the 390,000 people in receipt of it.

10 o'clock

This means that €390 million is being spent on the scheme, which is vastly superior to the level of expenditure a short time ago.

A suite of measures was introduced in mid-February, amounting to €505 million. Measures included an energy credit of €200 to every household in the country, a once-off lump sum payment in respect of the fuel allowance and a 20% reduction in public transport fares.

In March, the Government agreed to VAT-inclusive reductions in excise duty of 20 cent per litre in respect of petrol, 15 cent per litre in respect of diesel and 2 cent per litre in respect of marked gas oil known as green diesel.

Finally, earlier this month, the Government announced a further set of measures amounting to approximately €180 million. These measures include a reduction in the VAT rate for electricity and gas to 9% from 1 May until the end of October, an additional payment in respect of the fuel allowance and an extension of the reduction in excise duty until budget day in mid-October.

While the Government has been proactive in limiting the fallout from the impact of higher energy and other prices, there is a limit on what we can do as many of these matters are outside our control. The people of Ireland understand that. The priority is to minimise the impact on those who are most affected. Many of the drivers of these issues are beyond the Government's control and we cannot fully insulate people from their entire effects.

Deputy Barry Cowen: I thank the Minister of State. I note that the value of the measures the Minister of State has relayed is over €2.1 billion. I would like to ask him about the VAT commitments that have been made for the period until October of this year. Given the situation in Ukraine, and the impact of the war on energy prices, does the Minister of State see the VAT rate being revisited and the measure being extended? Maybe he would inform the House if that is the Government's thinking in this regard if the current circumstances remain or, indeed, their impacts increase.

Deputy Sean Fleming: I thank the Deputy for his question. As I have said, there were four measures introduced, starting with the budget. The February and March measures were followed by the most recent set of changes. The Minister for Finance has made it clear that this is the final intervention until the next budget. There are no further interventions planned over the summer months. These measures are designed specifically to take us up to budget night, at which stage any new measures agreed as part of the budget can be announced. It goes without saying - I am sure people are tired of the Government saying this - that these are matters for discussion in the lead-up to the budget and for decision on budget night. Such discussions have commenced already. Everybody knows we are not in a position to release any information in relation to that matter, other than to reiterate everything that has been said about the context Ireland will find itself in, including the Ukraine situation, which will be uppermost in all budget preparations.

Banking Sector

18. **Deputy Darren O'Rourke** asked the Minister for Finance his views on the current status of the withdrawal of banks (details supplied) from the Irish market and the closure of accounts and migration of their customers to receiving banks; if he has raised concerns with the banks with respect to their preparedness for this process; and if he will make a statement on the matter. [21436/22]

Deputy Darren O'Rourke: I want to ask the Minister his views on the current status of the withdrawal of KBC Bank and Ulster Bank from the Irish market, on the closure of accounts and migration of their customers to receiving banks, if he has raised concerns with the banks with respect to their preparedness for this process and if he will make a statement on the matter.

Deputy Sean Fleming: I thank the Deputy for raising this question. It is a matter that is relevant for many people. While it is regrettable that Ulster Bank and KBC Bank have decided to exit the Irish market, the Deputy will understand that the Minister for Finance does not have a role in relation to the commercial decisions of the banks. The Minister's priority is to ensure each bank withdraws from the market in an orderly manner. That word - "orderly" - is the most important one I will use here in this context. It must be done in an orderly manner. Ulster Bank has commenced issuing letters on a phased basis. KBC Bank is doing so as well. It is important that this happens in an orderly manner.

The Central Bank has a consumer protection role in relation to this matter and I believe it is watching this clearly. Not long ago, it issued a report on how long it was taking the main banks to answer their phones - people could not get through when they were ringing - and that was a forerunner to what it could see as a problem that can happen. If one cannot get through on the phone, how does one get to make an appointment to open a bank account? The fact that the Central Bank issued this report a while ago shows that it is alert to the situation. It is watching it carefully. The Central Bank is briefing the Department of Finance on a monthly basis. I stress that all these regulatory matters are matters for the Central Bank, and the Department of Finance does not have a direct role. The Central Bank is independent of the Government and the Minister cannot direct the banks which are leaving.

NatWest, which is selling Ulster Bank, is taking a share in Permanent TSB and that group will continue to have a presence in Ireland. That will be a further reason to ensure everything is done in an orderly manner.

In recent days, Ms Derville Rowland from the Central Bank has written directly to all the major banks and the 20 main direct debit instigators and companies to make sure all of them work together. I understand that Ms Rowland is asking for detailed responses from each of them in relation to preparedness and that a meeting is scheduled in the next couple of weeks directly with each of them.

Deputy Darren O'Rourke: The Minister of State has said that there is a wish that this proceeds in an orderly manner, but there must be concern at this stage that this will not happen and it will not be orderly. In fact, there are approximately 900,000 customers affected. I am sure every one of us knows from being contacted by those affected what their experiences have been. They talk about being put off, not being able to get through and not getting the type of support they want. They talk about their concern and what the future holds for them and for their accounts. We saw the measure - it was reported yesterday - that the Central Bank took, but I believe there is a role for the Minister to intervene and to ensure this process proceeds and there is an adequate response from the banks involved because people are deeply concerned that the process will not be orderly.

Deputy Sean Fleming: The letter issued by the Central Bank to the organisations I mentioned in passing seeks to reinforce and, to any extent necessary, clarify the application of the expectations of the Central Bank's previous letter of June 2021 and to invite the CEOs to a round-table meeting hosted by the director general of financial conduct affairs, Ms Derville Rowland. The following are the key issues and risks that have been identified: the notice period for people in relation to the closure of accounts; the application of the switching process; the new provider making commercial decisions in a manner that facilitates the customer making and executing a switch; direct debit originators; and vulnerable customers will have to be looked at. These are all the issues that will be uppermost in the meeting with the Central Bank to ensure this is done on an orderly basis. The Department of Finance and the Minister are not directly involved in these issues, but they are being kept fully apprised of them because they are conscious of them. The final message I would give to anyone who gets a letter from either bank is that they should respond as soon as they get the letter and should not put it to one side. If they respond, the process can go better than if they ignore the letter.

Deputy Darren O'Rourke: If past performance is any indication of future performance, we are right to be concerned here. It is important, rather than expecting that the matter will proceed smoothly, that measures are taken to ensure they proceed smoothly. This train has been

rolling down the track and the time is getting shorter. On the commitment in terms of notification periods, continuity of service and protection of vulnerable customers, I am not convinced that the supports, the communications systems and the contact facilities are there. There are real concerns, particularly for people who are used to using their local retail bank and are not familiar or comfortable with online services. We saw it yesterday in the media with customers outlining their experience and frustration to date. Something needs to be done to address it.

Deputy Pearse Doherty: The writing is on the wall here. We can all see it. That is why I have asked the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach to carry out a piece of work on this. We have issued detailed questionnaires to all the banks. All of them have responded, bar KBC Bank, but we will get its response soon, and we have engaged with the Central Bank on this. There will be a big, big problem here. There are 1 million accounts being closed over the next short period. The banks that are closing just want out. The receiving banks are not ready. They are not up for it. It is not only a matter of answering phones. People who have overdrafts must go into branches. Branches have been closed. Their staff have not been beefed up. There are serious problems coming down the line. There are vulnerable customers. There are direct debits. There are mortgages that will fail. All of this is happening.

I must take issue with the Minister of State's point that there is no role here for the Department of Finance. The Minister for Finance, on behalf of the Irish State, is the majority shareholder in AIB. He is the major shareholder in Bank of Ireland. He is the majority shareholder in Permanent TSB. These are the three banks that are going to receive the 1 million customers. That is where the problem is. The infrastructure is not there to do this in an orderly timeframe. The Minister needs to intervene. He needs to call in the CEOs to complement the work that is being done by the Central Bank from a regulatory point of view.

Deputy Sean Fleming: I understand what the Deputies opposite are saying. As I said earlier, there are regular meetings with the Department of Finance about this process. I spoke to Ms Derville Rowland on the matter just a fortnight ago. Everybody in the Department and at the Central Bank, which will be at the forefront of facing these issues in conjunction with the banks, understands the issue. Banking & Payments Federation Ireland is currently sourcing a provider for a media campaign to inform customers on the actions required to move their current accounts if they currently hold an account with either Ulster Bank or KBC Bank. It is keeping the Department informed regarding the campaign and other matters at monthly meetings with the Department. A number of these meetings are taking place on an ongoing basis. A media campaign is going to be necessary and when people get the relevant letters, I ask them to respond so the switchover can be done on an orderly basis. I stress that the overriding point is that this situation will be solved in an orderly manner.

Question No. 32 replied to with Written Answers.

Questions Nos. 34 to 57, inclusive, replied to with Written Answers.

An Leas-Cheann Comhairle: I am going to move through the questions. I am not sure if the Minister of State has the relevant replies with him but we are now moving on to Question No. 58.

Inflation Rate

58. **Deputy Pearse Doherty** asked the Minister for Finance if he will introduce further targeted measures to support lower- and middle-income families in response to the level of inflation projected for 2022; and if he will make a statement on the matter. [21476/22]

Deputy Pearse Doherty: This question relates to the willingness of the Government to introduce further targeted measures to support lower- and middle-income families in response to the high levels of inflation that are projected for 2022 and if he will make a statement on the matter. We are looking for further measures. I am sure the Minister of State's script will include references to everything the Government has done but as he has heard from everybody on the front line, it is not enough.

Deputy Sean Fleming: I thank the Deputy for raising the matter. I do not have a prepared response to his question. Most of the issues he has raised have been dealt with by way of motions in this House. There have already been two such motions this week. There were resolutions last night with respect to Revenue issues. The debate we have had this morning has covered a number of issues around the cost of living and the impact of inflation. Everybody accepts that the projections for inflation are much higher now than they were before the war in Ukraine. This is a matter that can have implications for everybody in Ireland. The people know that no government can fully insulate a country from the effects of the ongoing war in Ukraine. However, this Government is putting in as much effort as it can with the significant €2.1 billion in funding that was announced last October and which will run until the summer. Most of that money has been targeted towards the areas that need it most, which is important.

Of course, all of this is coming at a time when we have emerged, or are still emerging, from the pandemic. The worst effects of Covid, and the allied restrictions on the economy, have been lifted. There is pent-up demand. Many people were waiting to get work done and that has led to a surge in prices because everybody knows it is difficult to get tradespeople to do work in the construction industry and in many other sectors of the Irish economy. That in itself is a good point. There are now 2.5 million people in the workforce, which is the highest number ever in the workforce in Ireland. That figure is even higher than it was before the onset of the pandemic. People are getting back to work. More people are working now than were working before the pandemic. A wage is the best way of helping people with inflation, along with the targeted measures the Government has been introducing. Those measures were outlined at length last week and have been outlined this morning.

Deputy Pearse Doherty: The Minister of State made the point that not every part of inflation can be offset by the Government and I recognise that. We have made that point over and over again. Not everybody can be insulated from the effects of inflation. However, a government should make sure the most vulnerable in society are protected first and protected the most. I put it to the Minister of State that the Government is washing its hands of the poorest in society and those who have the lowest incomes, particularly those who are dependent on a fixed income. Social welfare recipients saw an increase of approximately 2% in the most recent budget. Inflation is going to run at over 6% for the year and will be higher than that over the coming summer months. The Government is telling those families it is okay that they are going to be poor. Those families are going to be poor this year. The likes of the people in this House who are well paid, and Ministers who are very well paid, will suffer from inflation as well but they have the resources to deal with it. People who depend on social welfare, disability pay-

ments and fixed incomes do not have the ability to deal with the high cost of living and the fact that the Government has not brought forward a social welfare package is disgraceful. Will the Government consider dealing with those who are most affected by inflation and have the fewest resources to deal with it by bringing forward a social welfare package that increases core social welfare payments by at least €5?

Deputy Sean Fleming: A social welfare Bill is not required to bring a social welfare package through the House. We have seen that with respect to taxation and we saw it on several occasions with respect to Covid-19. I already mentioned the free fuel allowance. The scheme was extended by a number of weeks, which was worth more than €1,000 to the 390,000 people who are in receipt of that payment. That is a high figure and the people who benefited are the most vulnerable in the country. It is a fuel allowance. Since its inception, it was never meant to cover the entire cost of fuel. It is an allowance towards the cost of fuel. It was never intended to cover 100% of the cost of fuel. However, that figure is substantial.

I accept that people could do with more assistance and that is why everybody got the €200 energy credit, including people availing of social protection, low-paid workers and those on minimum wage. An additional lump sum of €125 for the fuel allowance will be paid to those 390,000 participants. People who have a free travel card have the benefit of that. A 20% reduction in many public transport fares will come in at the end of this month. The maximum amount that people who avail of the drugs payment scheme must pay has reduced from €144 per month to €80 per month, which is affecting 70,000 families.

Deputy Pearse Doherty: I am not sure if the Minister of State does not get it. I do not know if he does not care or if the Government does not care. I do not want to personalise this criticism to the Minister of State. It must be accepted across the political divide that those who are most in need are those who are on low incomes and those who are on social welfare fixed incomes. The Government has not responded by increasing core social welfare payments. That means the decision that has been made by the Government, with which it is satisfied for the next number of months, is that these families will become poor. Many of those families were already in poverty or at risk of poverty in the first place. Many are in homes that are poorly insulated and, therefore, have higher energy costs than many other homes. The Government is turning its face against an increase in social welfare payments. Let me be clear when I say I do not care if a social welfare Bill is required or a measure is introduced. What I want is the political will to do it. The legislative process is not blocking the Government making a change. There is a lack of political will on the part of the Minister of State and his Cabinet colleagues to actually understand that we need to target initiatives and interventions at those who are most in need.

Deputy Sean Fleming: In case some people did not hear my earlier response, I reiterate that the Government has introduced the energy credit which effects everybody the Deputy has spoken about. The lump sum of €125 for the fuel allowance will be paid to 390,000 people. That scheme has already been extended by a number of weeks. There will be a temporary reduction in public transport fares and many, though not all, of the people the Deputy has referred to have free travel passes. Those who have to pay for public transport will benefit from the 20% reduction in the cost of fares. Any people who do not have a medical card will benefit from reduced costs under the drugs payment scheme in terms of what they must pay the pharmacy. The working family payment budget increase has recently been brought forward from 1 June to 1 April. That was a budget day measure that, under the Social Welfare Act, was intended to come in on 1 June. We have already brought that increase forward because it helps working families with children. That is one of the most important benefits we have introduced to the system. There

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has also been a reduction in the cost of school transport.

Questions Nos. 59 to 74, inclusive, replied to with Written Answers.

Question No. 75 replied to with Question No. 11.

Questions Nos. 76 and 77 replied to with Written Answers.

An Leas-Cheann Comhairle: We will now go back to Question No. 15.

Tax Code

15. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he is proposing any further reforms to section 481 film and tax relief to protect the employment status and rights of workers in the film industry, particularly given that production companies in receipt of this relief are abdicating their responsibility in this regard; and if he will make a statement on the matter. [21448/22]

Deputy Richard Boyd Barrett: I do not know what the latest figure is but in some years we give out between €80 million and €100 million in section 481 film tax relief. It is supposed to be about developing an industry and industry capacity but, time and again, when workers on film productions take cases to the Workplace Relations Commission, WRC, or try to assert their rights under the Protection of Employees (Fixed-Term Work) Act 2003, the film producers who get the section 481 relief go into court and say they could have no possible employment relationship with those workers. This is not acceptable.

Deputy Sean Fleming: I thank the Deputy for raising this issue. The section 481 tax relief provides a 32% payable credit for eligible expenditure on film production in Ireland. The expenditure has to be incurred in Ireland, meaning the benefit of the jobs and employment is here in Ireland. Historically, there was a situation where some of the expenditure did not have to be incurred in the State so the benefit was not accruing to people in employment in the State but that is no longer the case. The scheme is intended to act as a stimulus to the creation of an indigenous film industry in the State, creating quality employment opportunities and supporting the expression of the Irish culture. It is the expectation that the provision of such opportunities will be compliant with all applicable employment obligations, including legislative obligations and policies and procedures to ensure dignity at work.

To grow the industry in Ireland, we want quality and sustained employment and training opportunities in the sector. This is reflected in the undertaking of quality employment, which is required to be signed as part of the application process for section 481. I stress that the quality of employment undertaking must be given. There has been good progress over the last two years in negotiations between employer and worker representatives in the sector. For example, from January 2021 a modernised crew agreement was introduced which promotes good practice, regularises evolving work practices and provides for an industry pension scheme operating under the construction workers pension scheme. That is a very important development because many people may not be employed on a full-time basis and may be moving from employer to employer. It is very important that that is now there but it has only been in place since the beginning of last year. A monitoring structure to oversee the operation of the scheme is included, as is a commitment to developing the first work-life balance policy for the film and television

industry. The agreement acts as a framework for the industry, covering all grades except film construction. I understand discussions are ongoing with a view to reaching an agreement covering film construction workers. Department officials will continue to monitor progress in this regard.

Deputy Richard Boyd Barrett: On account of the campaigning of film workers, and issues I raised with the Minister, an undertaking was brought in that requires compliance with the relevant employment legislation. Specifically, and probably most important, it requires compliance with the Protection of Employees (Fixed-Term Work) Act, which means the people employed gain recognition of service. Under the operation of the law, they can gain contracts of indefinite duration even though the work is episodic. However, the employers are signing the Government's declaration and then completely refusing to acknowledge those rights for workers. They are making fools of the Government. The head of Screen Producers Ireland, SPI, who the Minister of State says is negotiating an agreement, gave evidence to the court stating there was no possible basis, having due regard to the realities of the sector, on which a relationship of employment could be said to have existed between the parties. That was on the basis of the clearly established industry norms of practices governing working arrangements in the sector, including section 481. The employers who sign that undertaking and get the film tax relief are saying they cannot have employees. How can there be quality employment and training when they are saying they have no employees?

Deputy Sean Fleming: With regard to any specific workplace disputes, including the accusation of the abdication of any duty that befalls the company by law, the Workplace Relations Commission and the Labour Court are the organs of the State tasked to deal with the resolution of such matters. It is appropriate that any relevant claims be referred to those bodies for adjudication. There are no immediate plans in place to amend the section 481 legislation at this time. The film regulations provide that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media can set conditions relating to the employment when issuing a certificate for a qualifying film. The regulations stipulate that these conditions are to be met not just by the producer company but also by the qualifying company, a designated activity company, DAC, wholly owned by the producer company solely for the purpose of making one qualifying film. This is done on a film-by-film basis.

Deputy Richard Boyd Barrett: Obviously, the Minister, Deputy Donohoe, is more familiar with this matter. These companies are flouting the regulations. They are flouting them openly. They are signing the undertaking and then doing the exact opposite. Not only are they doing the exact opposite, they are saying there is no basis on which they can have employees. How can the Government give people tens of millions of euro, purely on the basis of creating quality employment and training, when those same people say publicly they cannot have employees? Does the Minister of State get the point? There are no employees. There are no rights. These companies can hire and fire people at will and nobody acquires any rights, even though the money the Government gives them is conditional on giving those rights and signing an undertaking. The companies can blacklist, victimise or penalise people. Anybody they do not like does not get on the next film production and has no recourse because the companies hide behind this DAC, even though the money is not given to the DAC. The money - public money - is given by the Government to the film producer, which then says it has no employees.

Deputy Sean Fleming: Should a producer company or qualifying company fail to adhere to a condition or obligation specified, the certificate granted by the Department may be rendered invalid and any credit claim may be subject to recoupment by Revenue under section 481. The

companies must comply with that.

Deputy Richard Boyd Barrett: They are not complying with it. Nobody is enforcing it.

Deputy Sean Fleming: There can be a serious financial penalty. Maybe that has not happened because some of these regulations or new rules only came in last year. Ultimately, Revenue makes the final call on this and it has to be satisfied that all these conditions are met before it, on behalf of the taxpayer, hands out the money. The DAC is required to remain in legal existence for at least 12 months post the completion of the production. A number of cases have recently been taken to the WRC against production companies but they have failed due to the claims being undertaken outside the period allowable for such cases. It is important that the cases move quickly. There is only a legal obligation for the company to remain in existence for 12 months.

Deputy Richard Boyd Barrett: Some of the companies do not make a film for another year-----

Deputy Sean Fleming: Yes, but-----

Deputy Richard Boyd Barrett: -----and then they are statute-barred.

Deputy Sean Fleming: The company is in existence for 12 months after the completion of the production. That is the period of time in which the case must be taken.

Deputy Richard Boyd Barrett: It is a joke.

An Leas-Cheann Comhairle: Deputy Boyd Barrett will be on his feet again for this next question but we are running out of time.

Fiscal Policy

22. **Deputy Éamon Ó Cuív** asked the Minister for Finance the steps he intends taking in 2022 in relation to direct and indirect taxes to lessen the burden on people due to the very large increase in the cost of living, interest rates and fuel; and if he will make a statement on the matter. [20989/22]

33. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he is proposing any tax or other measures to counteract the accelerating cost of living in all areas; and if he will make a statement on the matter. [21445/22]

Deputy Richard Boyd Barrett: The question is very simple. Is the Government going to propose an emergency budget to deal with the cost-of-living crisis? The cost-of-living crisis is hitting people at every single level. It is hitting them in terms of rents, accommodation, energy prices and the cost of normal consumer goods. The value of people's pay and income is also falling commensurately with the rise in inflation. We cannot wait until October for the Government to seriously address all these issues. We need an emergency budget to do that.

An Leas-Cheann Comhairle: The Deputy will not get a chance to come in twice. He might get in once more.

Deputy Sean Fleming: I understand this question may have already been taken.

An Leas-Cheann Comhairle: It may have been taken already. I am sorry.

Deputy Sean Fleming: This question proposes a tax or other measures to counteract the accelerating cost of living in all areas. This issue has been raised this morning, twice in Private Members' business this week and again in the motion yesterday. It has been the essence of four debates in the Dáil this week alone. I can reiterate everything I have said for the last hour and a half, which dealt predominantly with these issues, but the response to this question is on the public record.

An Leas-Cheann Comhairle: It was grouped with Question No. 22 but that question was not actually taken.

Deputy Sean Fleming: Question No. 22 related to direct and indirect taxes. There were a series of measures in last year's budget, going up to this week, relating to the cost of living and helping people with cost-of-living issues. The Minister has indicated that there are no further measures planned until budget day.

An Leas-Cheann Comhairle: The Deputy may have a last word.

Deputy Richard Boyd Barrett: We have just received another report about new rents going up by 9%. That is on top of rents that have effectively doubled in recent years. They are going out of control. We need measures to address that, including rent controls, because that leads directly to people being homeless. The VAT reductions the Government has provided are pathetic, given the increased energy costs people are facing, particularly people with disabilities, single mothers, the vulnerable, the sick and so on who are disproportionately impacted, as well as low-paid workers. The Government's measures are nowhere near what is necessary. People's pay is effectively being slashed as we speak. We need increases in pay and income.

Deputy Sean Fleming: The Deputy mentioned the 390,000 people who are most vulnerable. The combined payments they receive from the Government, including the fuel allowance, as a result of the budget and the recent measures, is more than €1,000 in each case. It was never intended to cover their entire fuel bill for the year but it is a substantial contribution. The Government has extended the period and provided increases. It is well over €1,000 for the people most affected when the electricity payment is added. People appreciate the €2.1 billion put into this since budget day is substantial, but it was never intended to ameliorate all the effects of the Ukrainian war and other issues.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

National Development Plan

78. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the status of the national development plan; the impact of cost inflation on same; the projects which might now need to go back out for tender; and if he will make a statement on the matter. [21488/22]

Deputy Mairéad Farrell: An chéad cheist maidir leis an national development plan, NDP, and the impact of the cost of inflation on the plan, as well as the projects which might need to

go back out for tender and the Minister's views on this.

Minister for Public Expenditure and Reform (Deputy Michael McGrath): The €165 billion national development plan to 2030, published last year, sets out the Government's overarching investment framework and broad direction for investment priorities for this decade. The NDP also sets out the actions that are being taken to strengthen delivery, maximise value for money and ensure to the greatest extent possible that projects are delivered on time, on budget and with the benefits targeted at the outset.

As Minister for Public Expenditure and Reform, I am responsible for setting the overall capital allocations across Departments and monitoring monthly expenditure at a departmental level. My Department is also responsible for maintaining the national frameworks within which Departments operate to ensure appropriate accounting for and value for money in public expenditure such as the public spending code. Management and delivery of individual investment projects within the allocations agreed under the NDP and within the national frameworks is a core responsibility of every Accounting Officer and Minister.

Regarding the context for the delivery of the projects funded by the NDP allocations, my Department continually monitors construction sector trends, including inflation. As the Deputy is aware, there have been significant and sustained increases in the prices of a broad range of commonly used materials in the construction sector throughout 2021, in the aftermath of the pandemic and as a result of the Russian invasion of Ukraine. If these developments persist for a prolonged period, they would represent a risk to delivery of the ambitious public investment programme set out in the NDP. In response to this risk, I introduced a series of measures. In November 2021, the Office of Government Procurement, OGP, issued procurement guidance to assist public bodies in managing the challenges they face concluding live tenders. In January this year, the OGP introduced measures applying to new public works contracts, including a reduction in the fixed-price period and a mutual cost recovery within the fixed price period for material price changes in excess of 15%. I can make some further points in the follow-up responses.

Deputy Mairéad Farrell: Tá sé sin suimiúil. Yesterday, the Minister might have seen that the Joint Committee on Transport and Communications heard serious concerns from representative bodies of construction companies. They spoke of the need to reform public works contracts for the construction of transport infrastructure. They said many contractors were having to pull out due to the inflation in the cost of building materials and other issues the Minister outlined. The contracts they enter into are often fixed price. Someone may have entered into a contract years ago and is now locked into a price, having based the estimates for material on prices from two years ago. We know that much has happened in the last two years and that there has been a sharp rise in inflation. Has the Minister considered the introduction of variation clauses in new or existing contracts? Does he have any views on that?

Deputy Michael McGrath: We have made changes for new tenders and new contracts, allowing for indexation of the tender price prior to the awarding of the contract. New contracts provide for mutual cost recovery to allow for recovery by the contractor of inflation above a certain percentage. I acknowledge that the level of inflation being experienced in construction is placing real pressure on contractors conducting live contracts because of the fixed-price nature. I have asked my officials in the Office of Government Procurement and the national investment office to examine the issue in detail. They have consulted the major capital spending Departments and bodies. I am engaging actively with them. I need to strike a balance. I

must ensure that taking up public works contracts remains a viable proposition for contractors. I accept that principle. On the other hand, I have a duty to taxpayers to ensure that our large capital budget this year goes as far as it possibly can in the delivery of the NDP. The issue is under active consideration. I recognise the pressures and will bring some proposals shortly.

Deputy Mairéad Farrell: It will be interesting to see those proposals. The Minister is right that, at the end of the day, we have an infrastructural deficit and we want to deliver as many capital projects as we can with the resources that we have. It is unfortunate that inflation has increased so much and that this could impact on delivery. I have a question about the capital project tracker for the NDP. Will the Minister look at that? Will additional information be provided, especially if projects have to go to tender again, which would cause further delays? Will there be additional information if there is an upward revision of prices? We all want to see these capital projects delivered, but inflation is a concern.

Deputy Michael McGrath: We have a capital carry-forward this year of over €800 million. That gives us some extra resources to ensure the delivery of the NDP this year. I have acknowledged that if the current level of inflation in construction persists for a long period, it will impact on the number of projects in the NDP that are delivered. We have seen some signs in respect of individual tender competitions of limited interest in the private sector. I think that is because of the significant risk they have to carry regarding fixed-price contracts under the standard public works contract. It is about finding a balance between protecting the interests of the State and taxpayers on one hand and, on the other hand, ensuring that it is a viable and attractive proposition for contractors to partner with us in the delivery of the national development plan. I have examined this issue in considerable detail in recent weeks. Building on the changes we made earlier in the year, I intend to introduce proposals to address this issue, at least in part.

Ethics in Public Office

79. **Deputy Mairéad Farrell** asked the Minister for Public Expenditure and Reform the status of his review of the ethics framework; the work that has been carried out to date examining the specific issue of tackling conflicts of interest; and if he will make a statement on the matter. [21489/22]

Deputy Mairéad Farrell: This question relates to the status of the Minister's review of the ethics framework and the work carried out to date on examining the tackling of conflicts of interest.

Deputy Michael McGrath: We made a commitment in the programme for Government to reform and consolidate the ethics in public office legislation. As the Deputy's question mentions, and as a first step in meeting this commitment, I asked my Department to undertake a review of ethics legislation in advance of bringing proposals for legislative reform to Government. Following Government agreement, this review got under way in September 2021. Formal stakeholder engagement commenced last November. A public consultation exercise, based on a detailed policy approach set out in a public consultation paper, launched in November 2021 and closed in mid-January 2022. Ten responses were received, including a limited number on behalf of individual citizens, as well as submissions from political parties and bodies such as Transparency International.

Key elements of context for the review's findings have been prepared, including a detailed

survey of Ireland's current provisions and a survey of the arrangements in some comparable jurisdictions. Initial engagement has also taken place with relevant Departments and the Office of the Attorney General. I expect that the process will be completed during the course of the summer. The review's outcome will then inform proposals for legislative reform that I intend to bring to Government later in the year.

In seeking to develop a renewed legislative approach, my Department will take as its point of departure the policy framework developed for the Public Sector Standards Bill 2015. Very broadly, this involves consolidation of the statutory framework for ethics and giving effect to relevant recommendations of the Mahon and Moriarty tribunals. In particular, it would see a significant strengthening of the legal obligations on public officials to disclose, as a matter of routine, actual and potential conflicts of interest, including, for the first time, provision for the confidential disclosure of liabilities over a certain threshold, in addition to sources of income and assets. In this, my ultimate goal is to build a fit-for-purpose, easy-to-understand and user-friendly statutory framework for ethics that contributes to the quality and effectiveness of our public governance and, by so doing, enhances trust and confidence in public officials and our democratic institutions.

Deputy Mairéad Farrell: Gabhaim buíochas leis an Aire. That was interesting because, as we know from media reports, there is a crisis facing An Bord Pleanála and it is quite a disturbing state of affairs. We are talking about conflicts of interest. We know that conflicts of interest do not necessarily equate to corruption but, as we saw with the planning tribunal, the presence of conflicts of interest can create the conditions in which corruption could take place.

The Minister mentioned the Mahon tribunal. The three main recommendations made by Mr. Justice Alan Mahon with regard to conflicts of interests included that the Standards in Public Office Commission, SIPO, be given greater powers, for example, the power to initiate its own investigations. That did not happen. The second was that serious breaches of the Ethics in Public Office Act would become a criminal offence. Again, this did not happen. The third was to have a planning regulator with wide powers that would, to use the words of Mr. Justice Mahon, carry out "investigations into systemic problems in the planning system", including possible corruption. These powers were not given.

The Minister referred to the Public Sector Standards Bill, which was to give scope to all of these recommendations. The implementation of the Public Sector Standards Bill is the action that is urgently needed.

Deputy Michael McGrath: I assure Deputy Farrell of my personal commitment to addressing this issue. I do not believe it is acceptable that when we have spent hundreds of millions of euro of taxpayers' money on tribunals of inquiry and they make recommendations, the Oireachtas and Government do not act on those recommendations. This is why when I came into my current role I set up this review to fulfil the programme for Government commitment. There is a need to consolidate, reform and modernise the legislative framework in respect of ethics. This is what we are examining at this moment. We are also examining the recommendations made by SIPO with regard to the current regime. We are examining international best practice and the views of stakeholders as communicated in the public consultation process. The review will also consider the outstanding recommendations from the tribunals and take account of more recent developments such as the Hamilton report and the Council of Europe Group of States against Corruption, GRECO, recommendations on the reform of our statutory framework for ethics. I will be bringing forward legislation in the second half of this year.

Deputy Mairéad Farrell: I look forward to seeing that legislation towards the end of the year. The crises of the day often reflect the significant role we have in the area of ethics, the implementation of the Public Sector Standards Bill and different matters that are important with regard to ethics in public life. I understand from media reports yesterday that Remy Farrell, SC, will carry out a review into the crisis in An Bord Pleanála, which will be known as the Farrell report. Will the report be turned around quickly? I understand the review falls under the remit of the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. Is the Minister, Deputy McGrath, aware of a deadline for completion and publication of the report? That is important? We are aware from *The Ditch* and reports in other media that comprehensive dossiers have been submitted to the Committee of Public Accounts indicating conflicts of interest. I make clear that I understand the Minister's views on this matter. This crisis, however, like so many crises of the day, highlights the need for the implementation of the Public Sector Standards Bill. I am looking forward to seeing what the Minister will propose. A review in lieu of implementation is not a substitute.

Deputy Michael McGrath: I am not familiar with the exact detail of the An Bord Pleanála issue under review, so I am not going to comment on that. The Public Sector Standards Bill, which was brought forward in 2015, was last discussed on Committee Stage in April 2017, which was five years ago. It is in need of modernising and reform. The review we are undertaking is the best way to approach that. It is a comprehensive review. Ultimately, it is about ensuring we have openness and transparency in public life and the way in which we as elected representatives conduct our business and also how our public officials and non-elected public servants do so. The current Acts provide for the publication of codes of conduct for officeholders, non-officeholder Members of both Houses and public servants. I commit to working in a collaborative way across the House to ensure we get this legislation right. It is, perhaps, a once-in-a-generation opportunity to update the ethics framework within which we and the public servants who serve the public across this State operate. I will engage co-operatively with colleagues across the House to make sure it is the best legislation possible.

Public Sector Pay

80. **Deputy Danny Healy-Rae** asked the Minister for Public Expenditure and Reform if he will address the unfair anomaly that persists for some public sector workers, including teachers as a result of the two-tier pay system. [21626/22]

Deputy Danny Healy-Rae: I respectfully ask the Minister if he will address the unfair anomaly that persists for some public sector workers, including and especially teachers, as a result of the two-tier pay system that was introduced more than a decade ago, along with the other financial emergency measures in the public interest, FEMPI, cuts.

Deputy Michael McGrath: I thank Deputy Healy-Rae for raising this issue. The reduced new entrant pay scales for civil and public servants introduced in 2011 were abolished in 2013 under the Haddington Road agreement, where it was agreed to merge the new pay scales and existing scales, typically by adding the lower two points of the new scale to the existing scale. As such, there are no separate reduced pay scales for civil and public servants.

Under the Public Service Stability Agreement 2018 to 2020, it was agreed to examine the remaining salary scale issues associated with the addition of the extra points for those recruited to entry grades after January 2011. The report, laid before the Houses of the Oireachtas in March

2018, estimated the point in time cost of advancing new entrants to the public service two points along their incremental scales. The report estimated a cost of just under €200 million in respect of 60,513 new entrants, an average cost of €3,300 per full-time equivalent.

Following this report, negotiations with the public services committee of the Irish Congress of Trade Unions, ICTU, took place over 2018 resulting in an agreement on new entrant salary scales being reached in September 2018. Further detail on this will be placed on the record.

For new entrant teachers, the parties to the current agreement, Building Momentum, agreed that in final conclusion to the arrangements put in place in September 2018 as part of the previous agreement, the following measures will be implemented to resolve in full the remaining salary scale issues pertaining to new entrant teachers. New entrant teachers who have been recruited since 1 January 2011, after progressing to point 11 of the teaching salary scale, will, on their next increment date, move to point 13. New entrant teachers, recruited since 1 January 2011, who have already reached point 12 or higher on the teaching salary scale, will, on their next increment date after the commencement of the agreement, move one point further than they would under normal incremental progression. These arrangements are set out in section 4.3 of the agreement.

Furthermore, as the Deputy will be aware, Building Momentum provides for a sectoral bargaining fund, which is the mechanism available to the parties under the present pay agreement framework to make progress on various sectoral pay matters of importance to them.

The arrangements are complex but I believe the issue has been dealt with. The current agreement provides that it is in full and final settlement of that issue of new entrant pay, and all parties have signed up to it. The Deputy and I can go into more detail in our engagement.

Deputy Danny Healy-Rae: It has been made very clear to me that the discrimination within the two-tier pay system in schools is having a deeply unsettling effect on the teaching profession. Lower pay is driving a significant number of people away from the profession. The two-tier pay system has now been in place since 2011, more than a decade, and must be removed. Teachers who entered the system since 2011 are paid at a lower rate than their colleagues for carrying out the same work. Understandably, people are fed up and out of patience. They deserve and want more than what they are getting.

We were told by the former Minister for Education and Skills, Deputy Joe McHugh, a few years ago that he would move to resolve the issue quickly. The current Minister has now been in place for almost two years and the matter is still not resolved. I am asking the Minister to settle this once and for all because it is unfair. These teachers, especially secondary teachers, are highly qualified and have to give a lot of their time to become qualified. We are losing them. They are going out of the country and schools are having a problem retaining teachers.

Deputy Michael McGrath: This is an issue with which I am well familiar. I have discussed it directly with many individual teachers over the last decade or so. All the progress that has been made has been made through collective negotiation and co-operation between trade union officials and officials in my Department and the Department of Education.

As I said, the current Building Momentum agreement specifically provides for skipping point 12 of the pay scale for new entrant teachers. The agreement states it will “resolve in full the remaining salary scale issues pertaining to new entrant teachers.” That is what the current public service agreement, an agreed document between ICTU and the Government, currently

provides for this and we are fully implementing that measure. We have made considerable progress in respect of that.

In a moment, perhaps I can touch on the sectoral bargaining fund, which is a channel through which any final remaining issues the unions believe are there can be dealt with. They have, for example, been raising issues about what was formerly known as the HDip and the allowance in respect of that. There is also an opportunity to have that issue addressed.

Deputy Danny Healy-Rae: Millions have been spent educating these teachers and we cannot afford to lose them to countries like the United Arab Emirates and other places. The discrimination is having a deeply unsettling effect on the teaching profession. The Minister said an agreement has been reached or whatever. When will these teachers actually receive the pay they are being denied? That is the question. When will that happen? We are told there is already a deterioration in the quality of services being provided to the young students being taught because teachers are not staying. That has a kind of unsettling effect. When students get used to a certain teacher, it is hard for them to lose that teacher in the middle of their education.

Deputy Michael McGrath: I accept the importance of fully addressing this issue. I believe that building on the work that was completed in 2018, the new Building Momentum agreement provides for this incremental jump. It provides an additional increase of €1,700 per teacher. All those who are above point 12 also received an additional incremental jump to the next point on the pay scale. As I said, the skipping of point 12 on the salary scale for teachers is in addition to measures previously introduced in 2018, which provided for skipping points 4 and 8 on the relevant scales.

We are in a process whereby over the months ahead, we will be seeking to negotiate either an extension to the current agreement or a new agreement. It is always open to trade unions to raise any issues they regard as outstanding. We will then seek to address them through a process of negotiation. The current agreement, which is being implemented right now and being fully honoured by the Government, provides for resolving in full the remaining salary scale issues pertaining to new entrant teachers. That is what all parties have signed up to.

Ceisteanna Eile - Other Questions

Local Authorities

81. **Deputy Marc Ó Cathasaigh** asked the Minister for Public Expenditure and Reform the steps he is taking to ensure that local authorities have adequate flexibility in the recruitment of the multidisciplinary competencies necessary for both active travel teams and town teams, as outlined in Government policy and funding initiatives. [20494/22]

Deputy Brian Leddin: What steps has the Minister taken to ensure that local authorities have adequate flexibility in the recruitment of the multidisciplinary competencies necessary for both active travel teams and town teams, as outlined in Government policy and recent funding initiatives?

Deputy Michael McGrath: As Minister for Public Expenditure and Reform, I have responsibility under the Public Service Management Acts for recruitment to the Civil Service. I have

no responsibility for recruitment in various other branches of the wider public service, however, which are assigned to the relevant Minister. The Public Service Management (Recruitment and Appointments) Act 2004 sets out that the Minister for Housing, Local Government and Heritage is responsible for all matters relating to recruitment to local authorities.

The Government is committed to ensuring that the local government sector remains vibrant and sustainable and is well equipped and properly resourced to deliver the key functions within its remit. I am informed by the Department of Housing, Local Government and Heritage that the local government sector is embarking on a significant expansion of activities across a range of areas, including active travel and town centre first, both of which are programme for Government commitments and depend on a level of local authority input to deliver.

Where a new programme initiative is proposed that requires implementation at local authority level, the initiative will be brought by the relevant Department to the County and City Managers Association, CCMA, for discussion and agreement, particularly with regard to the number, grade and funding of staff required to deliver the programme.

In the case of active travel, which was brought before the CCMA, the National Transport Authority, NTA, developed a categorisation system with indicative staffing resource requirements across all local authorities as well as increases in dedicated active travel resources within the regional design offices. The NTA identified the appropriate analogous grades to deliver the significantly increased programme of active travel infrastructure and the local authorities are resourcing the programme as required.

The town centre first policy, which was launched in February, provides a co-ordinated, whole-of-government policy framework to proactively address the decline in the health of towns across Ireland and support measures to regenerate and revitalise them. Under the policy, it is proposed to appoint a town regeneration officer in local authorities to support the implementation of town centre first and work with local town teams drawn from the local community. The Department of Rural and Community Development, which is funding these posts, is currently in discussions with the CCMA to finalise the specifics of the role based on the programme of work to be delivered.

Deputy Brian Leddin: I thank the Minister for his answer. This question was originally sent to the Minister for Housing, Local Government and Heritage but it was referred to the Minister for Public Expenditure and Reform, who is obviously referring the issue back to the Minister with responsibility for housing.

I believe there is a role for the Department of Public Expenditure and Reform in this area, particularly with regard to the active travel allocation. The €1.8 billion over five years, €360 million per annum, is a key achievement of this Government and a key commitment in the programme for Government. We must ensure this money is spent well and I believe that responsibility falls to the Minister for Public Expenditure and Reform.

The point about flexibility is that we get the right people into these roles. What we need fundamentally in the roles are multidisciplinary teams. There is a tendency in the Irish system to put in engineers. I am an engineer and I do not want to diminish the profession in any way. Many engineers are ably qualified, of course, but we need multidisciplinary teams representing transport planning, urban planning, urban design, landscape architecture, community engagement, public health and so on in our local authorities to drive the town centre first initiative and

the active travel roll-out.

Deputy Michael McGrath: The Deputy is absolutely right to highlight the level of priority this Government affords to the issue of active travel. We have committed €1.8 billion towards its development over the five-year period to 2026.

On the specific issue of getting the correct mix of skills and experience to deliver these programmes, it is primarily a matter for the Minister for Housing, Local Government and Heritage. Section 160(1)(a) of the Local Government Act 2001 states: “The appropriate Minister may declare qualifications of such classes and descriptions as he or she thinks fit for a specified employment under a local authority or for such of the employments as belong to a specified class, description or grade.”

It could, therefore, just be a case of rewriting the question and putting it before the Minister with responsibility for housing. I have direct responsibility in respect of recruitment to the Civil Service but public service recruitment falls to the line Minister and the Local Government Act 2001 provides a statutory basis. I agree with the Deputy’s core point on the need for a balance of skills, one that is broader than those brought by civil engineers, to ensure a holistic approach is adopted to delivering the active travel programme. If there is anything my officials or I can do to support or facilitate the Minister, Deputy Darragh O’Brien, and his team to achieve that, we are certainly willing to help.

11 o’clock

Deputy Brian Leddin: I thank the Minister and appreciate his reply. I will revert to the Minister for Housing, Local Government and Heritage. As I said, we need that diversity in these teams on our local authorities and there is a question as to how we should spend public money. This is a huge sum of public money and it will be transformative in this country.

We have an issue with how we fill those posts. A person can get a level 9 qualification in sustainable transport, for example, but if he or she does not have a level 8 qualification in engineering, the person will not get a role on one of these active travel teams. Somebody with that level 9 qualification would be certainly more qualified than I would be with my level 8 in mechanical engineering, so we should seek to ensure these people will fill these important roles that will transform our towns, villages and cities.

Deputy Michael McGrath: I agree we need multidisciplinary teams to deliver the full set of active travel projects, given the set of skills that is needed is certainly wider than that confined to the engineering profession. Nevertheless, there is adequate flexibility within the current statutory framework for the local government sector to recruit people with different qualifications, skills and experience. Currently, more than 30,000 people are employed in the local government sector. I reiterate that if I or my officials can be of any assistance to the line Minister and his Department in the implementation of the active travel programme, we will be more than happy to assist.

Cost of Living Issues

82. **Deputy Jackie Cahill** asked the Minister for Public Expenditure and Reform if he expects that there will be Supplementary Estimates in view of recent measures to tackle the cost

of living; and if he will make a statement on the matter. [20569/22]

Deputy Jackie Cahill: Does the Minister expect there will be Supplementary Estimates in view of the recent measures to tackle the cost of living, and will he make a statement on the matter?

Deputy Michael McGrath: The Government is aware of the challenges many households are facing due to increases in the cost of living, in particular those on lower incomes. The recent rise in inflation is a problem faced by almost every advanced economy in the world. We saw a fall in prices in 2020 as a result of the pandemic but, as the global economy recovers, we are faced with new challenges including rising energy prices and supply issues, which have been exacerbated by the terrible war in Ukraine. In this context, the Government has introduced measures focused on temporary supports that can quickly provide assistance to households.

In February, the Government announced a suite of measures with a value of over €500 million, including an uplift in the energy credit to €200 per domestic account, inclusive of VAT. Measures in respect of the fuel allowance, school transport, the drugs payment scheme, public transport and the working family payment were also prioritised. In light of the continued high fuel prices, further expenditure measures were subsequently introduced, with a temporary emergency support measure for licensed hauliers and an additional €100 lump sum payment to fuel allowance recipients to be paid in May.

Taking into account that the estimated cost of €400 million in respect of the energy credit was considerable relative to the original Estimate for the Department of the Environment, Climate and Communications, a Supplementary Estimate for Vote 29, to provide for the additional funding needed for the energy credit, was brought before the Dáil in March. Further Supplementary Estimates may be required later this year to provide for the other measures, to the extent that the related costs cannot be met within the existing allocations.

These expenditure measures, along with the excise duty reduction on petrol, diesel and marked gas oil introduced by the Minister for Finance and now extended until budget day in October 2022, and the VAT reduction from 13.5% to 9% on gas and electricity bills until the end of October, amount to €1 billion in aggregate. These measures provide substantial assistance towards mitigating, although of course not fully offsetting, the impact of rising prices.

Deputy Jackie Cahill: I thank the Minister. He mentioned the emergency support scheme for licensed hauliers. I have been contacted by hauliers who transport livestock and, therefore, are exempt from having to have a haulier's licence to operate their business. Accordingly, they are not able to access any of the supports they have been given by the Minister towards the daily expenses of running their business. Obviously, they have all the same expenses as other businesses, with the increased costs of fuel and of running their business. Two hauliers who have contacted me have a contract, coincidentally, with the Department of Agriculture, Food and the Marine for the collection of reactors. The scheme is very much warranted and has attempted to reduce costs for hauliers, but livestock hauliers operating within the State are excluded from this support. Will the Minister address this and examine whatever small print needs to be changed to allow these hauliers to qualify for the support?

Deputy Michael McGrath: I fully accept that anyone in the business of providing a transport or haulage service is under great pressure at the moment because of the importance of fuel costs for them, which is why the Government brought forward the scheme the Deputy

mentioned. The scheme, which applies to licensed hauliers, was introduced by the Minister for Transport, so I will undertake to raise with him and the Minister of State at his Department, Deputy Naughton, the specific issue the Deputy raised. The scheme, as currently constructed, relates to licensed hauliers, as the Deputy pointed out, whereas the example he cited relates to hauliers who are not licensed. The matter is one directly for the Department of Transport, but I will convey it to that Minister and I thank the Deputy for raising it.

Deputy Jackie Cahill: I appreciate that answer. Livestock hauliers are exempt from having to have a haulier's license, and I am sure the scheme was not designed to exclude them from the support, which is needed. I appreciate the Minister's indication that he will raise the matter with the Minister for Transport and I hope we can get it sorted as quickly as possible. These businesses are under extreme pressure travelling throughout the country and hauling livestock, an essential part of the infrastructure for our agri-food industry. I hope we can get this anomaly removed from the support scheme as quickly as possible.

Deputy Michael McGrath: I will discuss the matter with the Minister. I would imagine the reason the scheme has been constructed for licensed hauliers only relates to the existence of a defined list of them and also because they are regulated. We will need to examine the issue in some greater detail. I understand the point the Deputy makes, whereby people who are involved in the business of transporting livestock are certainly not immune to any extent from rising fuel prices and are carrying the burden of that in the same way as licensed hauliers. I will certainly raise the issue with the Minister and revert to the Deputy directly.

Question No. 83 replied to with Written Answers.

Cost of Living Issues

84. **Deputy Pádraig O'Sullivan** asked the Minister for Public Expenditure and Reform if additional supports will be introduced to support families most impacted by the increases in the cost of living; and if he will make a statement on the matter. [21373/22]

Deputy Pádraig O'Sullivan: Will any additional supports be introduced to support families who are most impacted by the increases in the cost of living? It is opportune that this question follows that of Deputy Cahill, which skirted the same issue.

Deputy Michael McGrath: Budget 2022 included a number of measures to support citizens faced with increased costs of living. The Government is acutely aware, however, of the challenges still facing many households, in particular relating to energy bills and especially for those on lower incomes. In response to previous questions, I set out a number of measures the Government has brought forward. In February, there was a package of more than €500 million, which continues to be implemented, including the energy credit of €200 inclusive of VAT. The Government has also placed an emphasis on trying to reduce the costs individuals and families face, which is why, for example, the reduction in the drugs payment scheme threshold to €80, benefiting more than 70,000 families monthly, is a very important measure. In addition, there has been a reduction in the school transport fees families face, an important measure that was welcomed by many, and a reduction in public transport fares, benefiting about 800,000 people. That has been implemented in the Deputy's and my city and county of Cork and I think it is to be implemented in Dublin as well in May. That measure will certainly help and make a difference.

Of course, much of the focus in respect of the cost of living pressures has been on the area of fuel and we have done our best as a Government to make progress on that issue while having to comply with the constraints we are acting under, such as the energy tax directive, a European directive with which we must comply regarding minimum levels of taxation that must apply to diesel. There are also constraints in respect of VAT. We have made changes in that regard but these must be consistent with EU law and the Government has gone as far as it can at this point with those measures. We have introduced a range of measures we believe will help, although we are not for a moment suggesting they go all the way or fully offset the costs people are facing. Unfortunately, the tragic war in Ukraine imposes a cost on all of us across society. The Government has done its best to respond but we accept we cannot fully offset the additional costs people are facing.

Deputy Pádraig O’Sullivan: It must be acknowledged that there have been a number of interventions. As the Minister has said, they can never go far enough to address fully the real crisis that is out there at the moment, but a number of targeted measures have been undertaken, including the VAT cut on gas and electricity, excise reductions and the additional lump sum for a certain cohort of fuel allowance recipients. I will follow up on that. I am probably straying into the territory of the Department of Social Protection or even the Department of Finance, but is there something we could do in respect of the household benefits package? Every year, a certain proportion of benefits across society are not claimed. These amount to something like £15 billion in the UK. I imagine there are also a number of people here who do not fully avail of their social welfare entitlements and additional supports. Perhaps some kind of campaign could be launched to advise people as to their entitlements.

Deputy Michael McGrath: We had a very significant social welfare package in the previous budget, totalling well in excess of €500 million. As the Deputy will know, this involved increases in core weekly rates and improvements in the living alone allowance, the carer’s allowance, parent’s benefit, the working family payment, the back-to-school clothing and footwear allowance, the qualified child increase, and a number of other programmes administered by the Department of Social Protection including, for example, a pilot programme of hot school meals. A range of measures were introduced by the Department.

It will always be the case there will be people across society who are not aware of their entitlements and the supports they can avail of. We do our best as a Government. The Department of Social Protection has a very easy to use website. The Citizens Information Board has offices throughout the country providing information to people. There is also the advocacy work that we, as public representatives, do on an ongoing basis. The voluntary sector and all of the bodies that support people who are at risk of poverty are also constantly highlighting different schemes. However, we have been somewhat surprised by the fact there has not really been an increase in the number of people applying for supplementary welfare in the form of the exceptional needs payment. We expected a greater uptake given fuel prices. Public representatives could perhaps highlight that service, which is there to support people who are in genuine need and who are facing very difficult choices at this time.

Deputy Pádraig O’Sullivan: That is a point I was going to mention. I do not believe many people are aware of the discretion their local welfare officer may be able to show them. There is a role for us and a role for Government. As the Minister said, the Citizens Information Board is always very good, helpful and informative. However, some kind of campaign is warranted. People are feeling the pinch and now would be a good time for such a campaign.

If I may again stray across the water to the UK, a similar debate is ongoing with regard to addressing the cost-of-living crisis there. I do not agree with the idea but I know that privatising the UK's passport office is being looked at. There is also discussion of deferring Ministry of Transport tests, the MOT, for a year or two. Again, I obviously do not advocate such a measure but the UK is looking at all interactions the state has with the taxpayer and the citizen. It may be worth scrutinising such interactions here, such as those relating to the haulage sector that Deputy Cahill mentioned, to see if there is anything that we, as a Government, can do with regard to reducing costs, waiving fees or streamlining processes to make things easier for people and businesses.

Deputy Michael McGrath: I agree with the Deputy's point regarding the exceptional needs payment. It is there to support people who genuinely need assistance. Nobody should be afraid to reach out to his or her local community welfare officer. As a Government, we will do the best we can to promote and highlight the fact this service is there because, at a time when many people are undoubtedly under significant cost-of-living pressures, we are not seeing an increase in the number of applications coming in, which is a surprise.

We are very anxious to reduce the costs families face. I highlight the improvements to the national childcare scheme. We have extended the universal subsidy, which will kick in for older children in the autumn. As the Deputy will know, we have provided very significant additional core funding of more than €200 million in a full year, which is the largest injection of funding into the childcare sector for many a year. That will greatly assist in ensuring those working in the sector are paid an appropriate wage and have good career opportunities and will also assist parents in dealing with the bills they are facing. That is one area that is a key priority for Government and one in which we can help people to reduce the costs they face.

Acting Chairman (Deputy Denise Mitchell): Before we move onto the next question, I welcome the members of the Longford branch of the Irish Wheelchair Association to the Gallery.

Heritage Sites

85. **Deputy David Stanton** asked the Minister for Public Expenditure and Reform further to Question No. 9 of 23 September 2021, the further progress that has been made on works to repair a property (details supplied) in Carrigtwohill, County Cork; and if he will make a statement on the matter. [21400/22]

Deputy David Stanton: Will the Minister of State outline the progress made in the refurbishment of Barryscourt Castle near Carrigtwohill? The Minister, Deputy McGrath, is probably aware of this castle although I am not sure whether he has ever visited it. It is an amazing building that was built around 1550. The Office of Public Works, OPW, is doing amazing work and recently opened up Annes Grove House and Gardens in the area, which is fabulous. What progress is being made and when might we see Barryscourt Castle reopened to the public?

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I will answer this question on behalf of the Minister of State, Deputy O'Donovan, this morning as he is attending a funeral.

The works plan for 2022 is to complete grouting the external walls on the south and east

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of Barryscourt Castle. It is envisaged there will still be masonry repairs to the towers and wall walks at a high level, but it is thought these works will not interfere with progressing necessary internal works. The next phase of works includes the design of new mechanical and electrical systems. This phase has commenced but will need to be tendered and executed.

The Office of Public Works is very conscious that Barryscourt Castle has been unavailable to visitors and the local community for the past number of years. The Minister of State has asked his officials in the national monuments division to work on a reopening plan for the site. I hope progress will be made on this matter over the coming months. However, sadly, it is not possible to give a definitive date for reopening at this stage due to the complexity of the ongoing conservation works.

Deputy David Stanton: I thank the Minister of State for his response and for indicating that work is ongoing. I understand it is complicated. It is a very old building and the conservation rules are quite demanding. I would be grateful if the Minister of State, Deputy O'Donovan, to whom I have spoken about this, could impress upon those involved the importance of this particular building to local tourism. It very much links in with Fota House, Fota Island Resort and the town of Cobh. I know the Minister, Deputy McGrath, will be visiting Cobh tomorrow morning. These all link together and it is a shame this particular castle has not been available for quite some time. There is also an extensive garden, an orchard and so forth. It is a real gem. Perhaps the Ministers could visit it when they are on their summer vacations and have a look. It is hidden away and I really want to see it reopening as soon as possible, as does the local community.

Deputy Ossian Smyth: I am familiar with Fota, although probably not as familiar as Deputy McGrath beside me. Barryscourt Castle has been extensively restored. A lot of work has been done. The main hall and the great hall have been completed and fittings and furnishings have been reinstated. As the Deputy has said, within the castle grounds there is a herb garden, a knot garden and an orchard. These have been restored according to the original 16th century design. The castle is extremely old and dates back to somewhere between 1392 and 1420. It has an outer bawn wall and corner towers that are largely intact. It is one of the finest examples of a restored Irish tower house. The ground floor of the tower house contains a dungeon into which prisoners were dropped via a drop hole located on the second floor. The Barrys supported the Fitzgeralds of Desmond during the Irish rebellions of the late 16th century. To prevent it being captured by Sir Walter Raleigh and his army, the Barrys had partially to destroy the castle. That is some of the history.

Deputy David Stanton: I thank the Minister of State for his response, his interest and his comprehensive narrative with respect to the castle's history in which he mentioned the murder hole and other things that are in there. It is an amazing building. Obviously, it is imperative. I know the OPW is doing its best. It is doing great work around the country. I just want to emphasise the importance of this particular building and to get it open as soon as possible. I thank the Minister of State for his response.

Deputy Ossian Smyth: I will impress upon the Minister of State, Deputy O'Donovan, the importance of this building for local tourism. I will convey the Deputy's sentiments to him.

Departmental Funding

86. **Deputy Thomas Gould** asked the Minister for Public Expenditure and Reform if his Department takes a macro view of the funding allocation across Departments to ensure fair distribution geographically. [21482/22]

Deputy Thomas Gould: Is the Minister's Department taking a macro view of the funding allocation across Departments to ensure fair distribution geographically? I am particularly thinking of the funding streams announced for projects across one local authority. Where money is being invested, it is not being done evenly. I am sure the Minister is aware of the area I wish to discuss and is cognisant of the neglect of the northside of Cork city.

Deputy Michael McGrath: As part of the budgetary process each year, my Department sets overall expenditure ceilings for each ministerial Vote group. These are laid out at budget time in the expenditure report with further detail then provided in the Revised Estimates for public services.

Following allocation of each ministerial expenditure ceiling, it is a matter for each Minister to assign funding as appropriate at programme and subhead level for his or her Department and the agencies under its remit, taking into account the demands for services in different areas and regions and having regard to demographics and other relevant factors.

Regarding capital expenditure, the national development plan, NDP, out to 2030 is underpinned by ten national strategic outcomes. National strategic outcome No. 2, enhanced regional connectivity, seeks to enhance intraregional accessibility through improved transport links between key urban centres of population and their respective regions, as well as improving transport links between the regions themselves.

The Department of Transport launched the national investment framework for transport in Ireland, NIFTI, in late 2021, which sets out the prioritisation for future investment in the land transport network to support the delivery of the national planning framework, NPF. Investment in the regional and commuter bus fleet will continue with the purchase of up to 400 new vehicles. A strategic rail review was launched late last year, which will examine all aspects of the interurban and interregional rail network, including decarbonising the railway and the feasibility of higher speeds and increased capacity.

Under the NDP, the national roads programme will continue to provide for improved connectivity across the years out to 2030. Accordingly, there will be significant investment in the national road network across the next decade. A total of 31 specific national road projects were identified as priorities in the NDP. This is not an exhaustive list and these projects will progress through the relevant approval processes at different speeds, depending on the particular nature of the projects. Funding from within the available budget will then be provided as necessary.

In my further responses we can discuss the more local issues.

Deputy Thomas Gould: I am very proud to come from Knocknaheeny. The northside of Cork city is one of the best places in the world. We have brilliant communities with brilliant people, amazing history and huge potential. When I was elected to the Dáil, I gave a commitment to the people who elected me that I would fight to end the neglect of the northside. Part of this is making sure that when Government allocates funding, it is given out evenly and fairly. However, that is not what is happening. I have spoken to people in Departments, and when they

have looked at the maps of the funding, they openly admit there is unfair distribution. My real concern is that we are now seeing patterns across Departments that the northside is not getting proper or equal funding. This is being allowed to happen and, as a result, the northside will not reach its potential. Does the Minister's Department monitor this? What are the Minister and the Department doing to combat it? There is a duty on the Minister and this Government to ensure there is equal and fair distribution of funding.

Deputy Michael McGrath: If the Deputy examines the facts, this Government is delivering for the northside of Cork city. Indeed, it is delivering for all of Cork and there is a fair allocation of resources. Looking at the investment from this Government that is now going into the northside across a range of areas, such as a number of housing schemes with which the Deputy will be very familiar, including in Knocknaheeny, investment in road infrastructure, investments we have announced in terms of public transport corridors and BusConnects, the additional investment in education we have put into the northside of Cork, such as the expansion of DEIS, for example, the investment that has taken place in St. Mary's campus, and the investment in our sports clubs, with many of which the Deputy will be very familiar.

However, of course, we have to take a broader view of the northside. People do not just live in a silo. They avail of all of the services and facilities across our city. Take, for example, the docklands in Cork city. There is more than €400 million being invested in urban regeneration funding, some of which will be on the north side of the quays. Of course, we have the Cork-Limerick motorway project now, where an identified corridor has been published. That is just to give a very small flavour. There is the commuter rail project, which we prioritised as a Government, which will be of major benefit to the northside of Cork, including new train stations planned at Blarney, Blackpool and Tivoli. More than €180 million of European funding has been secured, and the northside of Cork city will be a key beneficiary of that. All of the evidence points to this Government's record as being a strong one in delivering for the northside of the city.

Deputy Thomas Gould: I will give the Minister a couple of facts. On the regeneration announcement for Cork, of €405 million, not one penny is going to the northside. On sustainable transport funding, there are 66 projects; 31 in the southside and 12 in the northside. Nearly €16 million is being spent on the southside and less than €6 million on the northside. These are the Government's figures. These are the facts I am talking about. On Transport Infrastructure Ireland, TII, grants, there is €2 million for Cork City Council, only €300,000 of which will go towards a look at the northern ring road.

The Minister and I live in Cork. I advise him to drive around Cork city with me and look at the road infrastructure on the southside. We have the Jack Lynch Tunnel connecting to the southern link road, and then you come to the northside. You come through that tunnel, you go up Silversprings to Tivoli and you are in the heart of the residential area of Mayfield.

I have loads of figures that prove my point. The northside is not getting adequate distribution. My final point is that if this Government is being fair to the northside, where is the funding for the northern ring road?

Deputy Michael McGrath: That is a case that perhaps could have been made in the past. I do not believe it is a case that stands up to scrutiny at this time.

Deputy Thomas Gould: These are the figures----

Deputy Michael McGrath: It might suit the Deputy to adopt a narrow, divisive approach. It might suit him politically on the ground, but it is not accurate. He is not being fair to the people of the northside of Cork city in the way he has presented that area and community today, either in the south-----

Deputy Thomas Gould: The southern link road was built 20 years ago.

Deputy Michael McGrath: -----because the evidence-----

Deputy Thomas Gould: When will the northern link road be built?

Acting Chairman (Deputy Denise Mitchell): Through the Chair.

Deputy Michael McGrath: If I can conclude without being interrupted, the evidence is this Government is prioritising investment in the northside of Cork city and across the whole area of the constituency, not just the city. The Deputy can look at Glanmire and the Glashaboy flood relief scheme, which was many years in the pipeline and is being delivered by this Government. We have included the northern ring road in the national development plan-----

Deputy Thomas Gould: Only €300,000.

Deputy Michael McGrath: -----and the Government is committed to advancing it. It has to go through a statutory process. As it goes through the process, the funding issue can then be met and funding can be made available. When the Deputy looks at the full range of housing, healthcare, road infrastructure, public transport, education, sports capital and community facilities, this is a Government that has been very good to the northside and will continue to be.

Question No. 87 replied to with Written Answers.

Departmental Funding

88. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform the proposals relating to financial assistance packages for first-time buyers or renovators that have been brought to his Department for costing and consideration; if he is giving consideration to any such packages; if so, when they will be available for drawdown; and if he will make a statement on the matter. [21470/22]

Deputy Emer Higgins: What proposals around financial assistance packages for first-time buyers or renovators are being looked at and costed by the Minister's Department? Is consideration being given to packages that may be looked at in the near future to be drawn down by first-time buyers?

Deputy Michael McGrath: As the Deputy is aware, my Department is responsible for policy on allocating public funds across each area of Government spending and ensuring expenditure is managed in line with these allocations by Departments. In this way, officials from my Department engage with their counterparts on proposals on a variety of expenditure measures, including in relation to housing. However, queries relating to housing policy are in the first instance a matter for the Minister for Housing, Local Government and Heritage, who has policy responsibility in this area.

There are a number of schemes in place aimed to support first-time buyers, in particular,

under the Affordable Housing Act 2021, which has legislated for two new affordable housing schemes. The local authority affordable purchase scheme will make homes available at a reduced price for first-time buyers. The scheme will be supported by the newly created affordable housing fund. It is currently operational and I have made €60 million available to the fund this year. Additionally, the first home shared equity scheme will be available nationwide to first-time buyers seeking to purchase a newly built home in a private development anywhere in the country. The scheme is expected to be available for drawdown later this year and €44 million is available for that in the current year. Finally, the local authority home loan is a Government-backed mortgage for first-time buyers or other eligible applicants through local authorities. The sum of €250 million is available to the scheme in the current year.

For renovators, the Department of Housing, Local Government and Heritage has a number of schemes, including the repair and leasing scheme and the forthcoming Croí Cónaithe towns initiative, which will renovate vacant homes in towns and villages. The Government is committed to supporting housing. Under the national development plan, €12 billion in direct Exchequer funding is being made available for Housing for All out to 2025.

Deputy Emer Higgins: Bridging the affordability gap and boosting supply for the provision of homes is ultimately our shared goal and it has to be our priority. I am pleased that it has such a high priority when it comes to the Housing for All plan. Many young couples at the moment are paying €1,500 to €2,000 to rent a two-bedroom apartment in places in my constituency like Clondalkin and Lucan when they would much prefer to be paying €1,000 in a mortgage for a place they would own some day. The problem is that they cannot afford to do that because they either cannot get a mortgage while saving for a deposit or they cannot find a home locally that is within their price range. The nub of the problem is affordability, and I guess that issue is fixed by supply. At the moment, demand outstrips supply. While I am pleased that the Housing for All plan aims to bridge the affordability gap and boost supply, a frustration often raised with me by constituents is that many first-time buyer initiatives only apply to new builds and we need to consider extending that to renovated homes. The Minister mentioned the local authority home loan scheme. It is positive that it now applies to second-hand homes but we need more of that to deliver change for young couples who need affordability in the housing market.

Deputy Michael McGrath: I believe there will be great interest in the Croí Cónaithe towns fund, because it will essentially involve providing grants to renovate derelict vacant properties. We all know that there are too many of them in our towns and villages around Ireland. They are located in communities where services are already in place. Many of them are in the centre of towns and villages. It seems to me that it makes great sense to invest some public money to bring them back into stock. It will also help to breathe new life into towns and villages throughout Ireland.

We are very anxious now to get the first home shared equity scheme up and running as quickly as possible. I know there is a lot of interest in it and people are looking to it as a way of bridging the affordability gap that unfortunately is there at this point in time. We are investing €4 billion a year now in direct Exchequer capital. It is the single greatest intervention of any Government ever to bring about a greater supply of social homes, affordable purchase and cost rental as well. We will continue to work with the private sector which has a very significant role to play in meeting the needs of first-time buyers and others who want to purchase a home in this country.

Deputy Emer Higgins: I welcome the shared equity scheme for first-time buyers. It is

going to be of crucial importance to people. We all await the launch of further details around Croí Cónaithe. With more people now working from home, something we should also consider is that there is a lot of commercial space in cities such as in Dublin city centre which large employers might not necessarily be utilising for their workers. There is an opportunity for us to amend the legislation to make it easier for those buildings to be transformed into residential use. We need to be innovative about this. We need more homes for young people, and we need them at affordable rates. We must examine the planning legislation and grant schemes and budgets in terms of the Department of Public Expenditure and Reform that could support such an innovative approach both for those young people who are seeking to purchase but also for the Government to lead the way on this.

Deputy Bernard J. Durkan: I compliment the Minister on his responses so far. Could a means be found to safeguard the interests of first-time buyers and young buyers by way of ring-fencing the assistance that might be available? For example, a person rang me this morning who was outbid by €100,000 for a one-bedroom apartment in the greater Dublin area. Could we somehow devise a means to ensure that the assistance available would go directly to those who are most deserving?

Deputy Michael McGrath: I thank the Deputies very much for raising those points. In regard to planning, they will be aware of the major initiative that is currently under way, which is led by the Attorney General. We are expecting new consolidated planning legislation later this year, which is a very significant step that we believe will help to ease some of the blockages that currently exist in the system and reduce the legal risk of successful judicial review applications being made.

On why schemes focus on new properties as opposed to second-hand ones, the logic is that they are designed to try to stimulate supply as well. We are seeing signs that it is working with the number of commencements increasing significantly. It is of the order of 33,000 to 34,000 on a rolling basis over the past 12 months. Supply is coming through, but that does not necessarily mean that the affordability gap is bridged, because we are seeing significant construction inflation and that feeds into the cost of delivering homes at this point as well. The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, is particularly keen that people who are not first-time buyers, but people who need a fresh start, for example those who have gone through a legal separation or people who have come home to Ireland, are also given an opportunity to avail of the schemes that are being brought forward. That is an important reform too.

Capital Expenditure Programme

89. **Deputy Jackie Cahill** asked the Minister for Public Expenditure and Reform the details of the new external assurance process for major capital investment projects; and if he will make a statement on the matter. [20568/22]

93. **Deputy Willie O'Dea** asked the Minister for Public Expenditure and Reform if he will report on the work of the major projects advisory group, MPAG; and if he will make a statement on the matter. [20338/22]

98. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform the way that he is strengthening scrutiny of major public investment proposals; and if he will make a

statement on the matter. [20518/22]

133. **Deputy Paul McAuliffe** asked the Minister for Public Expenditure and Reform the way that he is restructuring the oversight and implementation of capital projects; and if he will make a statement on the matter. [20351/22]

Deputy Jackie Cahill: I ask the Minister to give details of the new external assurance process for major capital investment projects, and to make a statement on the matter.

Deputy Michael McGrath: I propose to take Questions Nos. 89, 93, 98 and 133 together.

The Government has committed €165 billion in capital investment through the national development plan, NDP. As a percentage of national income, annual capital investment is now among the largest in the European Union. In the current year, almost €12 billion will fund vital infrastructure in areas such as housing, transport, education, enterprise, sport and climate action. There are at least 50 proposals in the Exchequer-funded element of the NDP that are considered major public capital projects, that is, those with an estimated cost in excess of €100 million.

My Department is responsible for the public spending code, which sets the value for money requirements and guidance for evaluating, planning and managing Exchequer-funded capital projects. The management and delivery of investment projects and public services within allocation and within the national frameworks is a key responsibility of every Department and Minister. 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, noting the higher risk profile of larger projects, it was recognised that new procedures were required in order to improve project outturns, avoid cost overruns and avoid delays to project delivery. Responding to this need, my Department put in place an external assurance process to provide independent scrutiny for major public capital projects, which cost in excess of €100 million. This will involve independent expert reviews at two key stages in the project life cycle under the public spending code, that is, at the approval-in-principle stage and prior to tendering. The purpose of the new process is to improve value for money and to support funding Departments and the Government with expert insight relating to project risks, delivery feasibility, and robustness of costings, governance and procurement, among other issues.

The major projects advisory group has also been established by my Department. It will support my Department in assimilating the outputs from the external reviews, and aid Departments and agencies in improving the quality of project proposals. I look forward to seeing all of these measures being implemented, which is now taking place. These new processes are up and running and I need to make sure they help us to deliver on our public capital programme in an efficient and timely manner and to do so within budget.

Deputy Jackie Cahill: The Minister has the responsibility to ensure the Exchequer gets value for money. I fully appreciate and understand that he must do that. I want to raise one major infrastructural project that is in my constituency, the Ballina to Killaloe river crossing. This project has been long in the offing. There have been a number of false dawns for this bridge, which is vital for this major tourism area. One has to go into Ballina to cross the historic bridge because it is the only crossing for miles. There could be an hour-and-a-half delay to get across from Ballina to Killaloe. It is really hindering the development of the area. We have heard that the project will be delayed because of the assurance process. Will the Minister provide a time-

frame for that major infrastructural project? Is it on target for delivery? What work has started and where does it stand as regards a completion date? Is the project still on target?

Deputy Michael McGrath: I will come back to the Deputy with the specific details of the project concerned, the Ballina to Killaloe river crossing. I wish to reassure him that the strengthening of the external assurance process is not designed, in any way, to slow down or delay the delivery of projects. All the evidence, in this regard, indicates that the single most effective way to address scheduled delay, and indeed avoid cost overruns, is to carry out external, independent scrutiny of project proposals at the planning and appraisal stage. Mistakes made in the past can be traced back to weakness in that area, where the work was not done properly in advance. This will help to ensure we can deliver the programme on time and, in so far as is possible, on budget.

The new arrangements only apply to very large capital projects with a value of more than €100 million. There are, of course, public spending code requirements for all public expenditure decisions and the roll-out of public capital projects worth less than €100 million, but they are less onerous than those of a major nature, which is what one would expect.

Deputy Jackie Cahill: I would appreciate if the Minister could come back to me with an update on the Ballina-Killaloe river crossing. As I said, it is an essential piece of infrastructure for that part of my county. I appreciate he does not have that information at his fingertips now, nor would I expect him to. I appreciate he will come back to me with an answer on this. As I said, I respect that the Minister has to ensure the Exchequer receives value for money, but we want those major infrastructural projects to proceed as quickly as possible, because they are essential to the welfare of our economy.

Deputy Bernard J. Durkan: I want to ask the Minister, in the context of this vital proposed expenditure, whether the M4-N4 road west of Mullingar will be included. That road is heavily trafficked. It is a dangerous road. Many international carriers use the road regularly. This expenditure is absolutely necessary in order to spread development into that region and relieve the infrastructural congestion east of that area.

Deputy Michael McGrath: I thank both Deputies for raising these issues. On the question of delays, I want to provide reassurance again that these new strengthened procedures are not there to delay projects, nor do I believe that they are delaying projects. One of the key elements for Departments when bringing forward major projects is that they must engage with the panel of external experts that my Department has set up. That process takes approximately six weeks and can be done in parallel with other project inputs. If Departments prepare adequately, the review does not lead to a delay in project delivery. When one considers how long it can take to deliver major public-capital investment projects, that is a very short period of time. That is time well-spent to ensure the i's are dotted and the t's are crossed, that we have our homework fully done before we press the start button on major projects.

On the matter raised by Deputy Durkan, I suggest he raises it with the Minister for Transport.

Flood Risk Management

90. **Deputy Catherine Connolly** asked the Minister for Public Expenditure and Reform further to Parliamentary Question No. 91 of 1 March 2022, the status of the Coirib go Cósta flood relief works; and if he will make a statement on the matter. [20080/22]

Deputy Catherine Connolly: My question is specific. I am asking for the status of the flood relief works that have huge significance and importance for Galway city generally and particularly for the residential and business areas such as in the Claddagh, where I live, Salthill, the Long Walk, Spanish Arch, Eglinton Canal and Merchants Road. Those areas have experienced serious flooding. I am asking for an update on the status of the works because this is significantly important for Galway and we need to ensure there are no delays.

Deputy Ossian Smyth: I will answer this question on behalf of my colleague, the Minister, Deputy O'Donovan. I am advised that further to the Deputy's previous questions on this matter, Galway City Council, as project sponsor and contracting authority, is leading the development of the Coirib go Cósta – Galway city flood relief scheme, with technical advice and funding being provided by the Office of Public Works.

The objective of the Coirib go Cósta project is to assess, design and deliver a viable, cost-effective and environmentally sustainable flood relief scheme, which has a preliminary total project budget estimate of €9.5 million and when complete will protect more than 940 properties in the Long Walk, Spanish Arch, Eglinton Canal, Merchants Quay, Raven Terrace, Salthill and Claddagh areas of Galway city from tidal and river flooding.

The scheme is in stage 1 and the preliminary draft options for the scheme are programmed to be presented to the general public towards the end of this year. It is programmed that stage 2 will begin towards the end of 2023, with the scheme expected to be submitted for planning approval to An Bord Pleanála in the third quarter of 2024, following the completion of all environmental assessments.

The scheme represents a significant investment for Galway city, which will be undertaken with due consideration for regulatory, planning, environmental and social constraints, while achieving the goal of delivering a viable, cost-effective and environmentally sustainable flood relief scheme for Galway city.

Deputy Catherine Connolly: I have tabled previous questions and I will continue to do so because this is of such vital importance to the city. I do not disagree that this is to process, design and deliver a viable, cost-effective and environmentally sustainable flood relief scheme. Nobody would argue with that. However, my difficulty with this is in terms of some of the comments that have been made, including by the Minister of State, who is not here, in regard to the term "objectors". In my experience of local politics, I have no difficulty with people making submissions under the planning laws. I do not call them objectors. On various occasions the courts have highlighted that without lay people taking part in the planning process, the situation would be much worse. There is a public consultation process. Unfortunately, because of Covid, the first meeting was held online and had poor attendance. Has any analysis been done into that? Second, will the Minister of State provide an assurance that the next consultation will be held face-to-face?

Deputy Ossian Smyth: The Deputy's first question is whether there has been an analysis

of the public consultation to date, which she believes was poorly attended as a result of it being carried out during the pandemic. I will seek an answer from the Minister of State, Deputy O'Donovan, for her about that. The other question is whether there will be further consultations and whether those consultations will be held face-to-face rather than online. I know there will be further consultations as part of the process. Some of those are statutory and others are non-statutory in nature. All the legal and required procedures will, of course, be carried out. I will come back to the Deputy with a detailed response on when the next round of consultation will be held and what form it will be.

Deputy Catherine Connolly: It is not me noting this; it was reported on the website that the consultation had low numbers. If we have learned anything about residents' concerns, it is to take them seriously and to have a forum where they are heard and to work with them. We cannot have delays with this.

On the other hand, there has to be balance with what we are dealing with, which is the Eglington Canal and the Claddagh basin that have been there since 1852 when the canal was opened by Lord Eglington. It is of particular heritage significance, not to mention for other reasons. I am appealing that, from day one, we stop the misuse of the word "objectors" and that we look on this as a project that is vital to Galway, done in a sustainable way, bringing people on board. How do we do that? How do we learn and bring people on board, inform and empower them? I am one of those people. I am a resident of the Claddagh that is affected. I have seen the place flooded. Fortunately, my house was not flooded but many others were. People want something done, but they want it done in a way that is - you know the lovely words we have used - "sustainable" and "environmentally friendly". That has to be done in consultation with the people at every step of the way.

Deputy Ossian Smyth: During a public consultation, objections are not made. Submissions and observations are made.

Deputy Catherine Connolly: They are called objections.

Deputy Ossian Smyth: There can be positive and negative elements to them. There can be suggestions for how a scheme can be improved. It is a positive process. It is legally required but even if it were not, it improves schemes in a number of different ways. It is not only about bringing people with us and it is not just about persuading people that this is a good scheme; it is about going out to people who live in that local area or to people who have specific knowledge, whether that is technical knowledge, expertise and professional knowledge, or just local knowledge from those living there who know the areas that flood and so on. It is getting that included, with the engineers, so that we get a better scheme that actually lasts. When we talk about sustainability, that is just a word for something that will last a long time. If we are doing a flood scheme that will take the better part of a decade to complete, we certainly want it to last for many decades into the future. It is a stronger scheme with public consultation and that is why we have such consultation.

Question No. 91 replied to with Written Answers.

Budget Targets

92. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform the expected growth in Government expenditure in 2022 compared to 2021; if this is in line with the budget day forecast; and if he will make a statement on the matter. [20987/22]

Deputy Éamon Ó Cuív: There have been many announcements about quite significant expenditure. I have to give the Minister great credit for that because lots of things have happened that many of us would have liked to happen in the past, but he will know better than I do that we cannot keep writing the cheques forever. In view of the war in Ukraine, what will the likely outcome be in respect of expenditure at the end of the year? Significant extra costs are being borne and we are told the economy and growth this year will not be as robust as we had hoped. Will the Minister give me an outline, at this stage of the year with four months gone, of how we are going ahead?

Deputy Michael McGrath: I thank the Deputy for raising this question. The draft stability programme update, SPU, 2022, published on 13 April, outlines the latest fiscal and economic projections for 2022. The SPU outlines core expenditure of €80.1 billion for 2022. With non-core expenditure of €7.5 billion, including in respect of Covid funding and the Brexit adjustment reserve, this gives an overall Government expenditure ceiling of €87.6 billion. This compares to overall gross voted expenditure of almost €87.5 billion in 2021, inclusive of capital carried over. While in year-on-year terms expenditure is broadly flat, there is a significant reduction in Covid expenditure that is offset by an increase in core expenditure. As outlined in the SPU, there is an increase of €2 billion in capital spending this year compared to last year.

The Government expenditure ceiling set out in the SPU is in line with that set out in the Revised Estimates 2022. The overall gross expenditure amount in the Revised Estimates was inclusive of an unallocated Covid-19 contingency reserve of €3.9 billion. At this stage, taking into account the increased supports introduced in response to the December wave of the virus, and additional funding required for the one-off cost-of-living measures introduced in recent months, about €1.5 billion of this reserve is now committed. In addition, there will be additional Covid-related expenditure that will need to be met from this reserve later in the year, in particular, as we enter the winter period. This reserve funding will also need to be utilised for the provision of supports to refugees arriving from Ukraine. The costs relating to refugees will continue to be assessed by my Department, including in the context of the summer economic statement, to ascertain the extent to which these costs can be met within existing departmental and overall allocations taking into account any emerging underspends.

Deputy Éamon Ó Cuív: The answer is very comprehensive. There has been an extraordinary response to the Covid pandemic over the past few years. As free money was available from Europe, we were able to spend our way out of it, which was very positive. I have no difficulty with that, but it entailed borrowing large amounts of money. That was fine when that money was coming at virtually zero cost but we know that due to high inflation central banks worldwide and the European Central Bank are now talking about putting interest rates up. It would appear that particular period is coming to an end, which means that we all have to be a little more careful about balancing the books.

I will separate capital expenditure from current expenditure because, as far as I am concerned, the former is investment while the latter is gone in the year it happens. Part of the reason for good results on the expenditure front in previous years was an underspend in capital.

I do not think we should rely on that. If we look at the current spend, taking all the contingencies we now know about into account, such as Covid, as the Minister outlined in detail, and the Ukrainian crisis, how near to projection will the current spend come in at the end of the year based on what we know at present?

Deputy Michael McGrath: In the current year, we provided for a reserve of almost €4 billion, €1.5 billion of which has now been spent or accounted for. That €4 billion was, in effect, earmarked for Covid-related expenditure. It is anticipated it will not all be needed for that, although some of it certainly will. We have said that the cost of looking after Ukrainian refugees who come here will also be met from that reserve. We have an overall Government expenditure ceiling of €87.6 billion. It is my expectation that expenditure in overall terms will be managed within that ceiling, which was agreed on budget day and brought forward in the Revised Estimates volume in December of last year.

The Deputy is correct to point to elevated debt levels. Our debt now stands at approximately €236 billion. We spent €30 billion in direct expenditure measures across 2020 and 2021 related to Covid and made an overall provision in the current year of approximately €7 billion. We are seeing Covid spending fall but core spending is increasing. As the Deputy knows, we now have a medium-term fiscal framework that anchors growth in core expenditure to the underlying trend growth rate in the economy, which is about 5%. That is built into our framework. Although there are always pressures, I am determined to ensure that we manage our public expenditure in a sustainable and responsible way. That involves being very careful with taxpayers' money.

Deputy Éamon Ó Cuív: I welcome that. We talk about sustainability on so many fronts but this is about financial sustainability. The Minister has been doing an extraordinary job because, as I said, the Government has been making money available, aside from Covid and the crisis issues, for other things that needed to be done in our economy, especially in respect of capital expenditure because we have a massive deficit in that regard.

I take it a big factor in budgeting for 2023 - as Covid, please God, becomes less and less of a feature - will be its replacement by the full-year cost of the Ukrainian crisis, if refugees continue to come. The Minister stated expenditure will increase by 5%. That includes all the expenditure on the Ukrainian crisis. I take it that will be a big factor in budget arithmetic coming into the autumn. Will he briefly outline the effect this will have on a full-year basis?

Deputy Michael McGrath: As the Deputy knows, in the stability programme update we have made provision of up to €3 billion for the cost of looking after refugees across a full year next year. It is a high-level estimate. In truth, we simply do not know what the real cost will be. So much depends on the number of people who come here, how many of them stay, and to what extent they will join the labour force and work. It is a high-level estimate but we have made provision for it.

We have the largest budget ever in the history of the State for capital expenditure at €12 billion. The challenges we face are delivery, or getting projects done, and ensuring we achieve value for money. We are seeing, as the Deputy will be well aware, significant increases in construction inflation. That is now manifesting itself in new tender prices that are coming in for projects. There are significant challenges in that space. During parliamentary questions, we discussed what might need to be done to address that. I need to make sure on the one hand that signing up to public works contracts is a viable proposition for contractors, while on the other I

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also need to make sure we get value for money for taxpayers.

Is féidir teacht ar Cheisteanna Scríofa ar www.oireachtas.ie.

Written Answers are published on the Oireachtas website.

12 o'clock

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Pearse Doherty: Tá géarchéim costas maireachtála ar fud na tíre. Tá billí fuinnimh ag dul in airde agus ag cur fíor-bhrú ar oibrithe agus ar theaghlaigh ar fud an Stáit. Aréir, vótáil an Rialtas in éadan moladh de chuid Shinn Féin a thabharfadh faoiseamh dáiríre do theaghlaigh trí chostas ola teasa baile a laghdú agus cosc a chur ar an gcáin charbóin a mhéadú ón tseachtain seo chugainn. Mar pháirt den mholadh a chuir muid chun tosaigh, d'iarr muid ar an Rialtas deireadh a chur leis an gcosc atá molta ag an Aire é féin ar dhíol móna ón 1 Meán Fómhair. In ainneoin an tabhairt amach ó Theachtaí Fhianna Fáil agus Fine Gael, vótáil siad leis an Aire agus lena pháirtí aréir. Tá siad sásta dul ar an raidió agus labhairt leis na nuachtáin áitiúla ach nuair a thagann sé go dtí an pointe agus go dtí an vóta, titeann siad ar chúl polasaithe an Aire agus polasaithe an Chomhaontais Ghlas le cosc a chur ar cheannach móna.

There is a real cost-of-living crisis all across the country, as energy bills have skyrocketed. It is putting real pressure on workers and families throughout this State. Last night, the Government rejected a Sinn Féin motion that would have given real relief to households. It would have reduced the cost of home heating oil and prevented the Government from increasing it by imposing additional carbon taxes, as it plans to do on Sunday. We also sought to prevent the Government's proposed ban on selling turf from 1 September. Despite the huffing and puffing from Fine Gael and Fianna Fáil Ministers and backbenchers, they dutifully rolled in behind the Minister and his party last night to prevent sense prevailing. I must say there is a notable absence of those huffing and puffing Deputies in the Chamber this morning. They are happy to go on local radio and give quotes to local newspapers but when push comes to shove they fall into line with the Green Party and its out-of-touch proposals in respect of home heating oil and carbon tax. It is political cowardice of the highest order.

Turf has been one of the only forms of heating not to see prices spiral in recent months, yet the Government still plans to punish individuals and communities who rely on turf from September. Instead of introducing measures to support communities in transitioning away from this form of heating in a way that is fair and sustainable, the Minister plans a ban. Ill thought-out policies like this proposal damage environmental protection because they alienate communities. We know that the days of fossil fuels are coming to an end. All of us in this House recognise the need for climate action. However, the way the Government is doing it is causing deep anger, upset and resentment in communities right across the State.

The Minister should not naively believe that a ban on turf is a solution because it is not. Across the State, 4% of households rely on burning turf as the main energy source to heat their homes. That figure rises to 9% in rural communities and in some counties it is over 30%. These communities need to be supported instead of facing the punishment the Minister is dishing out

when there is no realistic alternative for them to heat their homes and keep their families warm and safe. Where is the just transition in telling these households who rely on burning turf as the main source of heating their homes that it is to be banned from September of this year? After weeks of chaos, confusion and contradiction, what is the Minister's position on the turf ban? Does he now accept that the turf ban idea was daft and needs to be ditched?

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan): My view is we must stop the 1,300 deaths that occur every year. From the European Environmental Agency's assessment, that is the level of excess mortality because of the severe problem that we have with air pollution.

Deputy Mattie McGrath: That is a red herring.

An Ceann Comhairle: Please.

Deputy Eamon Ryan: Deputy McGrath thinks it is a red herring.

Deputy Mattie McGrath: Yes.

Deputy Eamon Ryan: It is not a red herring for the 1,300 families who lose a loved one.

Deputy Mattie McGrath: There are 1.3 million people on waiting lists.

Deputy Eamon Ryan: We know from the past that we can tackle this. When we introduced the ban on smoky coal in Dublin, we saved about 350 lives a year. We need to do that all over the country. This is not coming from us. The Asthma Society of Ireland makes it clear that the burning of solid smoky fuels is central to the problems that many of our children have with asthma. Are we to do nothing about asthma? Are we to ignore the heart surgeons, cardiologists and respiratory disease experts across the country who say this has to be tackled? It would be so easy to walk away and say we will not do that because it is difficult but what number of deaths should we tolerate? What should we do in ignoring that reality across the country? I do not believe we should ignore it and we will not do so. This Government will act and will deliver practical measures that are not there to punish anyone. They are part of a way of managing this so that we can protect people from fuel poverty and protect lives at the same time. I am very confident we can and will do that.

Deputy Doherty asked about the vote last night. There was another vote last night that I think was fundamental and important. What happened last night is that Sinn Féin changed its policy. To date, it has said it would not accept the increase in the carbon tax but it would retain the revenue that is already coming from it. Last night, Sinn Féin voted with Deputy Mattie McGrath and his colleagues in saying it wants to scrap it altogether.

Deputy Pearse Doherty: We voted against the Government amendment.

An Ceann Comhairle: Please. Allow the Minister to speak without interruption.

Deputy Eamon Ryan: Sinn Féin voted with the rural Deputies and voted-----

Deputy Pearse Doherty: We voted against the amendment.

Deputy Eamon Ryan: Does Sinn Féin disagree with the rural Deputies?

Deputy Pearse Doherty: Of course. Yes, we do.

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Deputy Eamon Ryan: Sinn Féin will, therefore, retain the carbon tax.

Deputy Pearse Doherty: We are not going to increase it. It is clear.

Deputy Eamon Ryan: Sinn Féin supports retaining the carbon tax we have because it recognises that what this Government is doing is correct and right-----

(Interruptions).

Deputy Eamon Ryan: -----in using the revenues from that-----

(Interruptions).

Deputy Eamon Ryan: The Deputy just said Sinn Féin would retain the carbon tax.

Deputy Pearse Doherty: We will not increase it.

Deputy Eamon Ryan: Sinn Féin was not saying that in public and on radios across the country yesterday.

Deputy Mairéad Farrell: We have.

Deputy Eamon Ryan: People should know that Sinn Féin is standing up for the carbon tax.

Deputy Marc Ó Cathasaigh: On heating oil too.

Deputy Eamon Ryan: And on heating oil. That is Sinn Féin's position. It is in favour of the carbon tax because it recognises, I presume, as we do, that the revenue it brings is the best way of protecting our people from fuel poverty.

Deputy Mattie McGrath: It is not going back to it.

An Ceann Comhairle: Please.

Deputy Eamon Ryan: I do not think Deputy Mattie McGrath speaks for Sinn Féin.

Deputy Mattie McGrath: Thank God I do not. I speak for myself.

Deputy Pearse Doherty: Answer the question about turf.

Deputy Eamon Ryan: The question is that I, like Sinn Féin, believe we should have a carbon tax because it helps us to raise the revenue to make the switch.

Deputy Pearse Doherty: There is no carbon tax on turf. Answer the question about turf.

Deputy Eamon Ryan: We need to tackle smoky fuels. The only way we can tackle smoky fuels - the coal, wet wood, peat and other products - that are causing these deaths is to have a regulatory system, as recommended by the Attorney General, in which we tackle all the smoky fuels. In doing that, we recognise it is not an outright ban because there are issues and a tradition in our country where people have had access to their own bog, cutting turf and sharing with neighbours. Of course, we will provide for that but what we will do is start saving those 1,300

lives. We will not walk away, as two previous Governments and a series of Ministers have done. We will do what needs to be done, while maintaining and helping our people through fuel poverty but not ignoring the health issue or the loss of life. That would be reckless and disregard our duty.

Deputy Pearse Doherty: I am aware the Minister has never spent a day on the bog. I hear that from media reports. However, if he understood families who rely on burning turf, it is the cheapest form of fuel at this time. The Minister talks about excess deaths. Every excess death is one too many but let me tell the Minister about excess deaths. Every year, 2,800 people in this State die of fuel poverty.

Deputy Marc Ó Cathasaigh: Where are those figures from?

Deputy Pearse Doherty: The Minister wants to ban people from rural communities - people in my community, my neighbour - from being able to purchase a load of turf come September. They do not have any other source of heating. Will the Minister tell me, if he applauds a just transition, where is the justice in that? This is a daft idea and that has been recognised across the political divide. The Minister is out of touch with the realities of people at this time. If the Government wants to ban smoky coal, it should ban coal. There is no opposition to that. Let us be clear, however. Do not ban turf until alternatives are there for the people who rely on it. We know fossil fuels are coming to an end. We know that people going to the bog is coming to an end. It is a practice that will phase out.

Deputy Marc Ó Cathasaigh: When?

Deputy Pearse Doherty: The Deputy should come to my parish and ask my neighbours how they are going to heat their homes come September and in winter-----

An Ceann Comhairle: Time is up, Deputy, please.

Deputy Pearse Doherty: -----and how they will get hot water and keep their families safe. That is what the Minister wants to do. I ask that he clarify in detail what the proposal on the turf ban is at this point in time.

Deputy Eamon Ryan: I understand the Deputy's statistics are from some 25 years ago but taking-----

Deputy Pearse Doherty: No.

(Interruptions).

Deputy Pearse Doherty: That is not true.

Deputy Eamon Ryan: Taking them, there is a correlation. Some of those figures include the very same people I am concerned about. The deaths due to air quality are also connected to poverty. It tends to be the same people, so the two issues go together.

Deputy Mattie McGrath: You are playing with lives now.

Deputy Pat Buckley: This is greenwashing.

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Deputy Eamon Ryan: Does Sinn Féin accept the legal advice we have received-----

Deputy Pearse Doherty: Please answer the question on turf. Does the Government know what it is planning on turf?

Deputy Eamon Ryan: Does Sinn Féin accept the legal advice-----

Deputy Louise O'Reilly: What is happening in September?

Deputy Eamon Ryan: -----and, if not, what is its solution to the problem?

Deputy Pearse Doherty: What are you planning to do?

Deputy Eamon Ryan: One thing I would love to do-----

Deputy Pearse Doherty: Do you know what you are planning to do?

Deputy Eamon Ryan: What I am planning to do-----

Deputy Louise O'Reilly: You do not know which way you are going.

Deputy Eamon Ryan: -----is try to work with Sinn Féin to convince-----

Deputy Pearse Doherty: Do you have a plan?

Deputy Eamon Ryan: ----it in the North to introduce the same regulations-----

Deputy Pearse Doherty: Are people going to be banned from buying turf or not?

(Interruptions).

An Ceann Comhairle: Deputies, please.

Deputy Eamon Ryan: If I can finish the point-----

Deputy Louise O'Reilly: If the Minister does not know, he should just say so.

Deputy Pearse Doherty: Sit down. You do not have a clue what your own policy is.

An Ceann Comhairle: Please do not shout down the Minister.

Deputy Eamon Ryan: I have to be able to speak.

Deputy Mattie McGrath: You need to try it in your grandfather's village near Cahir.

An Ceann Comhairle: I am sorry, Minister.

Deputy Pearse Doherty: This is an embarrassment to the House.

An Ceann Comhairle: Can we have a little silence and show a little respect for each other? Let us hear the Minister out.

Deputy Louise O'Reilly: He does not know what he is talking about.

Deputy Eamon Ryan: One of the things we need is an all-Ireland approach. One of the

problems we have with coal is it is coming across the Border. There are no regulations of the type we are looking at here in the North. The Sinn Féin manifesto for the Assembly elections in the next few weeks says nothing about air quality. It is as if it is not an issue.

Deputy Pearse Doherty: The House wants to know what the Minister's plan is on turf, with respect.

Deputy Eamon Ryan: Sinn Féin is the party that talked in the last election about change.

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

Deputy Pearse Doherty: That is ridiculous. Sit down.

An Ceann Comhairle: Deputy, please.

Deputy Eamon Ryan: Why is it any time we talk about environmental change Sinn Féin says no?

Deputy Pearse Doherty: What is the plan?

Deputy Louise O'Reilly: If you do not know the answer, just sit down.

Deputy Eamon Ryan: Why is the change to treat these public health issues is the critical problem?

Deputy Pearse Doherty: What is your plan? Do you have a plan?

Deputy Eamon Ryan: My plan is to work on an all-Ireland basis and to stop having this North-South disconnect-----

Deputy Pearse Doherty: Are you banning turf or not?

Deputy Mairéad Farrell: Let us have a unity referendum.

Deputy Eamon Ryan: -----so the pollution from smoky fuels coming across the Border stops being something that kills people on both sides of the Border.

An Ceann Comhairle: Minister, please. This sort of the behaviour is unseemly. Can we please conduct ourselves with a little bit of order? I call Deputy Bacik.

Deputy Ivana Bacik: I ask about a matter related to the serious and urgent question of how we in Ireland can best manage our collective response in offering support to those who have come here fleeing Russian brutality in Ukraine. This morning, Labour Party Deputies and Senators wrote to the Minister's colleague, the Minister for Children, Equality, Disability, Integration and Youth, Deputy O'Gorman, who is taking overall responsibility for co-ordinating the national response. We wrote to offer our support in assisting with that national response and effort and to offer constructive engagement in highlighting issues that have arisen in cities, towns and communities around the country. We have copied that letter to the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, and also to the Taoiseach. We did so because we believe that in the face of war and barbarism and this brutal Russian aggression, our best outcomes will come from co-operation, constructive engagement and not from the sort of macho posturing and shouting that sometimes passes for democratic debate in this Chamber and about which the Ceann Comhairle has rightly been critical.

In the spirit of constructive engagement we have welcomed the initiative of the Minister, Deputy Darragh O'Brien, seeking support from Opposition parties in offering suggestions for vacant housing sites that could be used to house those coming here from Ukraine on a temporary basis. We have welcomed that call and are compiling a list of sites in conjunction with our network of local councillors around the country. We will be sending that list to the Minister. In my and the Minister's constituency of Dublin Bay South we will be proposing Baggot Street hospital, which has been mooted by my colleague, Councillor Dermot Lacey, and others, be utilised and that other vacant institutions such as, for example, the Avalon hostel on Aungier Street, could also be utilised for accommodation.

There has been a really strong response in Ireland and the awful war has shown the people's generosity of spirit. However, issues have arisen that are not trivial and require a co-ordinated response. In particular, we want to know what format the newly announced Cabinet subcommittee on co-ordinating the Ukraine response will take. With respect to accommodation, what is the role of International Protection Accommodation Services, IPAS, compared with the role of local councils, in co-ordinating the accommodation of our Ukrainian guests? We have heard concerns at local level about access to safeguarding measures for women and children in congregated settings and access to primary healthcare, GPs and mental health supports.

I am also hearing from local council officials of the need for a clear funding stream to enable councils to work with local and community voluntary groups to offer supports to Ukrainian guests and those who are hosting them here. I am thinking of the sort of networking events we have seen so successfully carried out in the Swan leisure centre in Rathmines and in other settings across the country where groups have come together on a voluntary basis to assist and support Ukrainian families and individuals coming here. We need that clear funding stream. As such, I would welcome a response from the Minister on that co-ordination of an approach to welcoming and showing support to Ukrainians.

Deputy Eamon Ryan: I thank the Deputy. I agree with her comments on the need for a co-ordinated response to how we welcome, look after, care for and get back on their feet the people displaced by the war in Ukraine. I also agree with her on the form of politics that is going to work best to deliver that and very much welcome her willingness to work with the Ministers, Deputies O'Gorman and Darragh O'Brien, in coming forward with practical solutions because we must be practical and quick here to provide housing, shelter and a whole range of other different supports.

I also agree with the Deputy regarding the example of the Baggot Street hospital. It is a perfect example of such a facility. In the Cabinet's discussion on Tuesday it was included as one of the projects we are looking to refurbish and bring back into use. The Deputy knows Baggot Street hospital. While there has been some work going on it for the last decade or two, it has been lying idle and empty in the middle of a city-centre village. I support bringing it back to life, initially for displaced Ukrainian people, but also then getting over this inertia that seems to be in our system that allows buildings to lie derelict and has allowed vacancy to exist during a housing crisis. In some ways, one of the advantages we can take out of this crisis is that we then develop and open up buildings that have been shut for so long and refurbish them quickly.

The role of IPAS is critical because it has the expertise. This is a very complex and difficult issue. We have experience from the Syrian refugees and the Afghan refugees more recently. Going back over the years, IPAS has the best expertise on how we integrate and bring a welcome. However, it cannot shoulder the burden on its own. It cannot be responsible for

the long-term assimilation of people. The whole discussion at Cabinet and the paper the Minister, Deputy Darragh O'Brien, brought to us this week, which was agreed, was to ensure the Department with responsibility for housing really steps up now, as well as local authorities. They have a critical role. We must designate key individuals within local authorities who work with community groups and other agencies of the State and accommodation providers, so this matter is not just left to IPAS. The service will not be able to manage the numbers, scale and long-term work that needs to be done. Its expertise is in managing immediate crises. It is about a co-ordinated approach between the local authorities, the Department with responsibility for housing and a range of other Government bodies, including the Departments of Social Protection, Health and Education. Central and critical to that will be a new Cabinet subcommittee being established so we as Ministers can ensure the system is responding. That door is open for co-operation with Opposition parties of every colour and hue to help make it work.

Deputy Ivana Bacik: I thank the Minister for the response and the constructive engagement. My colleague, Deputy Duncan Smith, has raised a number of practical ways we can ensure a more co-ordinated national response because that is the issue. It is about co-ordinating the response and co-ordinating the national effort.

The point the Minister made about IPAS is welcome. It is clear local authorities are stepping up in a huge way. They and council officials are dealing and will deal with a large number of front-line measures to support Ukrainian families and individuals coming here. However, they need clear funding streams to enable them to do that. They need flexibility in working with community and voluntary groups that have also stepped up.

We also need to see supports in place for the Red Cross, which has taken on a huge responsibility in assessing the suitability of accommodation and has already reached out to other entities and agencies for support in that. There is, for example, a way in which current or retired community welfare officers could be engaged to help those seeking to access supports. Visiting the Ukraine support centre in Cork Street, I saw just how many civil and public servants are already doing that and offering that support. However, in recent weeks I visited a community hall in my and the Minister's constituency where families were sleeping on mats on the floor. Clearly, that is not ideal and it was only short-term but there is a real uncertainty about the national co-ordination of what should be a national and collective effort.

Deputy Eamon Ryan: There has been and is, and the fact is that we have been able to manage 25,000 is unprecedented. There has never been a case of such numbers coming so quickly and we will manage the further numbers to come.

It is not only Government. It is coming from the bottom up. The Minister of State at the Department of Health, Deputy Anne Rabbitte, has informed me that in Waterford there are 20 people in the local authority working in terms of providing exactly that sort of response. Scouting Ireland, up in Larch Hill in the old hills of Dublin, is converting accommodation. An old convent in Templemore will come online in the next few days and it will provide a welcome home for people. There are further convents, in Loughrea and in Gort. There are numerous examples across the country. Those measures, combined with almost 2,000 houses under the pledge scheme which are coming on stream, are becoming available to the local authorities to place people in addition to the hotels, the other City West accommodation-----

Deputy Roderic O'Gorman: Student accommodation.

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Deputy Eamon Ryan: -----and student accommodation. There is a plethora of different facilities being provided. It is difficult but my sense is it is working. We have no choice. It has to work. We have to provide an open door.

Deputy Matt Shanahan: Let me, first, put my green credentials on the record. I have sold commercial green energy solutions. I was part of a consortium that successfully lobbied in Brussels for changes to alternative fuel feedstock specifications. I am no climate denier.

The Minister has warned us on many occasions about the urgent need to address climate change and I have a warning of sorts for him. I have outlined in this House to both the Taoiseach and the Tánaiste the lack of funding that is being directed to the south-east region and its population. As a partner in government, the Minister, Deputy Eamon Ryan, bears responsibility for this also.

The Minister is almost half-way through his Government term and the pattern is now set. We have seen the Minister in action. We have seen what the Minister really cares about. At this point, it is my view that the Minister has lost the south-east region and that at the next election, the voters of the south-east will turn away from him and, more importantly, from his green agenda.

The Green movement received a mandate from the south-east. Ten per cent of the country has given the Greens two of its Dáil seats. That is the same mandate given to Fine Gael. If the south-east turns on the Minister, it will not be because of climate change denial but because of the Minister's failure to deliver on the mandate entrusted to him.

Job number one of this Government and Deputy Eamon Ryan's Department was the Dunkettle interchange signed off with undue haste. Deputy Eamon Ryan bent to the Cork cabal with what, in percentage terms, is a project further out of budgetary control than the national children's hospital. Meanwhile, the M24 Limerick-Cork-Wexford pivotal route infrastructure for the south-east was binned. An entirely preventable blood price continues to be paid on the N24 and N25 for spending decisions made in this House by the Department, and now by the Minister, Deputy Eamon Ryan. Waterford Airport is fighting for its life, closed off from regional airport funding of €160 million which is being bunged largely into dysfunctional DAA outfits and disproportionately into Cork Airport in what was the fastest capital project completed in the State. At the same time, Deputy Eamon Ryan's Department withdrew all support funding previously committed to at Waterford Airport which is now threatening its very existence. In University Hospital Waterford, the south-east regional trauma and cardiac centre continues to be starved of capital resources and head count and continues to have one of the highest out-patient lists in the country and there is still no relief in sight coming for the most underfunded model 4 hospital in the State. This is what the voters of the south-east see when they think, "Want Green, Vote Green".

We also see the Minister's partners in government strategy of waiting him out on the M20, the Shannon liquefied natural gas, LNG, terminal, Comprehensive Economic and Trade Agreement, CETA, and other multiple initiatives. Failure to deliver for the south-east these things that are commonly being delivered elsewhere will, in my opinion, implode Green politics in the region. Mark my words, the south-east is not at Cabinet and yet, day by day, we look on appalled by Deputy Eamon Ryan's Government's decision-making and the inequity around it. My question to the Minister is, in the remaining time of the Government, what will he deliver for this region, a region that has given him his mandate.

Deputy Eamon Ryan: No Deputy in this House needs to explain, burnish or think one is better than the other in terms of green credentials. Like in our country, there is broad consensus and understanding that the science is real on the likes of climate change and we must act. I read in detail, as well as attending, some of the debates yesterday, and while there was heated debate and discussion on some of the policy solutions, on the underlying problem everyone, including Deputies from the Rural Independent Group when I read their debate contribution yesterday, agreed that we must address this environmental challenge in front of us. Not a single Deputy, in reading the full extracts yesterday, did I read stating we do not have to act.

Deputy Danny Healy-Rae: Leave the people who cut their turf alone.

An Ceann Comhairle: Please.

Deputy Eamon Ryan: Deputy Danny Healy-Rae's brother yesterday, in his contribution, as I recall reading it, recognised that electric vehicles are the better cars and that we need to make this switch.

Deputy Danny Healy-Rae: I would say the Minister must get glasses because that is not what he said.

Deputy Eamon Ryan: Deputy Danny Healy-Rae can read "the blacks".

An Ceann Comhairle: Can we go back to Deputy Shanahan?

Deputy Eamon Ryan: To make the point, this does not belong to any one party, Independent or otherwise.

Deputy Mattie McGrath: It belongs to Deputy Eamon Ryan.

An Ceann Comhairle: Please.

Deputy Eamon Ryan: It will not work if we are pointing the finger at one person versus the other.

Deputy Mattie McGrath: The tail wagging the dog.

Deputy Eamon Ryan: Deputy Shanahan will recall I met him when we visited WIT a few months ago and I visited the local authority. My sense of Waterford City and County Council is it is absolutely up for it. They are committed. They were all talking about how we put in the resources to make this happen.

There was an the event in Rosslare last week on the development of the port for offshore renewables. I do not know whether Deputy Shanahan attended but there were 150 people there. My sense is the community is right behind the opportunity that exists in the south-east as well as in other parts of the country to tap into that resource.

I remember, after meeting Deputy Shanahan in the Waterford local authority, we went down to the river with the county manager and we were looking at the site where we will put the new pedestrian and public transport bridge across the Suir. That is going to tender now. That is real. I could go on.

We will not work on the scale of the just transition jump we will have to make if any place is left behind. It has to belong to everyone and be involved everywhere. Waterford city, in

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mind, more than anywhere else, if I were to pick on the city, has a huge opportunity to become the capital of the south-east and to grow, particularly on the north quays and into Ferrybank. If there are Kilkenny Deputies here, I will be running into trouble but I see Waterford as a city that is primed-----

Deputy Mattie McGrath: Do not forget Tipperary.

Deputy Eamon Ryan: ----- to develop as a sustainable centre. It is already happening. I note the amount of jobs that have been delivered in Waterford in the past year and they are the type of jobs, the type of people and the type of companies that want to be part of this green transition.

I fundamentally disagree with the analysis that we are not looking to the south-east as part of this transition. My Department and, certainly, my party will do everything to get the jobs, the investment and the good local environment in the south-east for the good of the people as well as the wider global challenge we must face.

Deputy Danny Healy-Rae: The Minister would try to sell sand in the Sahara.

Deputy Matt Shanahan: I thank the Minister. Indeed, I accompanied the Minister on those initiatives that he discussed, but I say to him: resources, resources, resources. I have seen more reports about the south-east at this stage; I could walk on the paper of them from Waterford to Dublin.

Deputy Mattie McGrath: It is across the river to Deputy Shanahan.

Deputy Matt Shanahan: There is no delivery. The Minister confuses the green agenda with a Government agenda of delivery. The only boots that we have on the ground in the south-east is a chain of chemists and although all of the projects that the Minister has outlined are laudable, none of them is under way as yet. We are being promised, promised, promised. Funding to our airport has not occurred. Funding to our hospital has not occurred. Funding to the IT has not yet occurred. Funding for the north quays, although promised, has not yet been released.

Deputy Mattie McGrath: Where is the Minister of State, Deputy Butler?

Deputy Matt Shanahan: The Minister has two-and-a-half years done in this Government. I have asked the Minister if he will commit to the delivery not only of the green agenda but to the social and economic agenda of Waterford that it has been crying out for and it has deserved. It has been denied for the past 20 years.

Deputy Eamon Ryan: Some of colleagues words are ringing in my ears to point out the truth, as I understand it, that the emergency department in Waterford Hospital is the top-rated in the country.

Deputy Matt Shanahan: And the most underfunded.

Deputy Eamon Ryan: But, if I am a patient, what I want is to be in the very best centre.

Deputy Mattie McGrath: What about 24-hour cardiac care?

Deputy Eamon Ryan: What I hear told is that Waterford is the best.

Deputy Matt Shanahan: We have the longest waiting list of any in the country.

Deputy Eamon Ryan: The best. I am also told-----

Deputy Mattie McGrath: The Minister cannot believe all he is told.

Deputy Matt Shanahan: It is the most underfunded model 4 hospital in the country. It is patently obvious we are very efficient but we are totally under resourced.

An Ceann Comhairle: Allow the Minister to respond.

Deputy Eamon Ryan: I am also told that second cath lab is under construction as we speak. That is an example of resources being deployed. Does the Deputy agree?

Deputy Matt Shanahan: The commitment for that cath lab was given in 2010.

Deputy Eamon Ryan: It is an example of resources being deployed. It is being built as speak. A third example is something that was requested for a long time. Waterford Institute of Technology, WIT, has university status. Has that not been delivered during the lifetime of this Government?

Deputy Matt Shanahan: That facility did not receive investment for 20 years.

Deputy Roderic O’Gorman: This Government delivered it.

Deputy Eamon Ryan: The sense I got when we were at that meeting in the boardroom of WIT with the directors of services of the university - there is now a university in Waterford - is that they are good people with real skills. I agree with the Deputy that funding ought to have been provided for the resources referred to. We agree on that point. However, the Deputy should not underestimate the skills in that institution. He should not underestimate the rise of Waterford-----

Deputy Matt Shanahan: I do not underestimate Waterford at all.

Deputy Eamon Ryan: -----under this green agenda. That is the story of our future.

Deputy Marian Harkin: The programme for Government committed to support family carers. We have also been told that a home care package will be in place by the end of the year. In that context, I ask the Minister about the Government and the Green Party position on the important issues relating to carer’s allowance. Carer’s allowance is means-tested. That means any household with a total gross income, before tax, USC etc., of less than €37,000 is entitled to full carer’s allowance. That is a minimal amount of income. If the total gross income of a household is between €37,000 and €62,000, there is a sliding scale and a successful application for those earning €62,000 would mean approximately €10 per week in carer’s allowance. Anybody earning €62,000 in gross income pays at least €20,000 in tax and USC. That shows how low the income disregards are. A person with a second property or savings of more than €20,000 starts to lose the carer’s allowance. The Government has stated that will increase to €50,000 by June, which is positive and I am not minimising that change. However, it is still not enough. It is estimated that 25% of carers get carer’s allowance. I know they are not all giving care full time but the Government needs to review those income disregards and get rid of the means test, which I have heard described as a “mean test” over many years.

It is also important to remember that to get carer’s allowance, the person cared for must

be medically assessed to be in need of full-time care. Crucially, carer's allowance is taxable, which means those who benefit most get the most income from carer's allowance.

However, this issue is not just about money. The Citizens' Assembly has said that care must be recognised in the Constitution and that Article 41 should be replaced by an article on care. That would mean the State would be obliged to support carers. The assembly also suggested the Government should increase the disregard on carer's allowance.

We are all aware of the cost of caring. Just a week or two ago, I was happy to launch, with Family Carers Ireland and the Vincentian Partnership for Social Justice, another report on the cost of caring. The main costs are around energy and transport. In that context, will the Minister commit to working to ensure carer's allowance is a qualifying payment for the fuel allowance?

Deputy Eamon Ryan: I agree with the points the Deputy has made. It is important we recognise it when we increase payments because otherwise the political support for further increases will not be there. As the Deputy said, as part of the most recent budget, the capital disregard for carers increased from €20,000 to €50,000. That was not insignificant. The improvements in the income disregard went from €332.50 per year to €350. That is not as much of an improvement as we might want but it is still a significant increase.

I will record what has been done with regard to the carer's support grant in the past year because it is important to record things with which we might want to go further so they are not just ignored and forgotten about. The grant was increased to €1,850. The qualified child allowance also increased and there was an underlying increase of €5. There are a number of ways in which this Government has recognised that what the Deputy has said is true. We need to support caring and the whole variety of roles that carers play. This is not just about the economy and getting everyone working. There is critical value in caring work we need to recognise and support.

I agree about the potential involved. If I heard the Deputy correctly, what might be called the woman's place in the home referendum will give us an opportunity to redefine the Constitution not only to remove some of its sexist aspects but also to retain what was intended by the original wording, as I understand it, and value caring work. I agree with the Deputy. That is an opportunity the Oireachtas needs to grasp to ensure we get the right wording so that we do, in our Constitution, support caring work in the home and elsewhere.

The Deputy referred to the energy and food price crisis. There will be increases in the cost of food and other materials as a result of the war in Ukraine. We have introduced a range of measures. We are going to have to think about what we do in next year's budget. It will take time and we need to talk to our social partners and others, and think about how to address this cost-of-living crisis. My sense is that we should be targeted in what we do because those on the lowest incomes or facing certain circumstances may be caught out most.

I had a meeting yesterday with the team in my Department that is looking at the issues of energy security and our response to the crisis. Mr. Alan Barrett from the Economic and Social Research Institute, ESRI, is helping to co-ordinate work we are doing with the modelling from the ESRI, University College Cork and University College Dublin to try, in the period as we approach the budget, to target areas where there is the most need in the context of the cost-of-living increase. That might provide the opportunity for what I sense the Deputy is looking for, that is, detailed modelling to target those most at risk, which may be those in the role of carer. That modelling work may help us to target them and design a solution to protect them most in

any response.

Deputy Marian Harkin: I thank the Minister. I have heard what he has said about targeting. Whether the Government gets rid of the means test or increases further the income disregards, we will see the outcome when the modelling is done. The Government needs to take one of those measures because that is what the Citizens' Assembly has asked it to do. The Citizens' Assembly also made another important point. Gross income is taken into consideration. This means family carers, male or female, are relying on their partner's income to support them and to support care in the home. The assembly also asked for social welfare payments to be individualised. That is an important point. Men and women who are carers find themselves at a significant disadvantage because of the way this legislation is put in place.

The Assisted Decision-Making (Capacity) Act will come into being in June this year. That means family members will have a formal role to play. It is an extra commitment and an extra administrative burden on all family carers. The Government also needs to take that into consideration.

Deputy Eamon Ryan: We will take that into consideration. I understand the Minister, Deputy Humphreys, last year published a cost of disability report that might help to back up some of the Deputy's argument. I believe the Deputy is looking at a wider and important budget issue. Over the years, Social Justice Ireland has made a case similar to that the Deputy is making, that is, we could look at the use of refundable tax credits or other mechanisms to recognise we individualised the tax system but did not the social welfare system. That is a broad issue that goes back some 20 years. There is a real case for such a further evolution, because if we do everything on the assumption that it is all about people in work and leave behind and do not recognise the work of people who are outside the paid workforce, that would be a real injustice. This is not a small change and is not easy to make. It might have to be done on a step-by-step process. I agree with the broad premise. It is about valuing, perhaps in a universal way, everyone's contribution and giving people freedom and flexibility to make their choice as to what is best for their life, be that caring or other roles.

Ceisteanna ar Pholasáí agus ar Reachtaíocht - Questions on Policy and Legislation

An Ceann Comhairle: Before we proceed, I wish to point out that if the Members first up, that is, the leaders of the groups, take more than the allocated one minute per person, they are taking time from the people at the end of the list. I ask everyone, please, to adhere to the one-minute allowance. I call Deputy Doherty.

Deputy Pearse Doherty: There has been widespread outrage at the actions of the Sea-Fisheries Protection Agency, SFPA, in Killybegs over recent weeks. These actions have cost the local fishing community a huge amount of income and many workers have lost their livelihoods. It has forced some fishing vessels to turn away from Killybegs, never to return, and others have turned fish for human consumption into fish meal. Two fishing vessels were forced to land in Derry and then to have their catch transported to Killybegs for processing. If that was not bad enough, the SFPA has now removed in-factory weighing permits from the two fish factories in Killybegs on the basis "the SFPA remains of the view that the landing took place outside of Ireland". Does the Minister regard Derry as being outside of Ireland? Is he going to allow the SFPA to put a hard border on the island of Ireland and punish our fishermen and fish producers for daring to challenge this madness and trying to earn a livelihood for themselves?

Minister for the Environment, Climate and Communications (Deputy Eamon Ryan):

I can confirm that on 31 March, the SFPA sought to undertake an inspection, which would include supervising the weighing before transport, of a fishing vessel at Killybegs Harbour. Such weighings are required by the interim EU control plan, as approved by the European Commission. The SFPA confirms that the master of the vessel and the operator objected to the process for weighing upon landing, as set out in the interim EU control plan. The master and the operator were offered the use of an industry-owned water separator, which would preserve the quality of the fish during the process. They opted not to avail of this and, subsequently, the master of the vessel chose to leave the port. The SFPA has notified the relevant regulatory authority of the EU member state in which this vessel is flagged of this interaction. Since then, two further vessels on which the SFPA sought to conduct a supervised weighing in Killybegs Harbour departed the harbour without landing the fish on board. A formal control plan to enable the derogation of weighing of fishery products after transport in Ireland was submitted to the European Commission in March of this year.

An Ceann Comhairle: Time is up, Minister.

Deputy Eamon Ryan: Unless the Commission approves this plan, the derogation that allows for weighing after transport will cease. This will involve landings being weighed on the pierside until a control plan is in place.

An Ceann Comhairle: I thank the Minister. We have to finish.

Deputy Eamon Ryan: That is the detail I have in response to the concerns raised.

Deputy Pádraig Mac Lochlainn: That is nonsense.

An Ceann Comhairle: I call Deputy Bacik.

Deputy Ivana Bacik: Why can the Government not do more to help renters? There have been serious rises in the cost of renting in Ireland. Average monthly rents stand at €1,415 and at €2,000 in Dublin. That is an unaffordable chunk of take-home pay for many renters. The issue is lack of regulation and lack of supply. We in the Labour Party previously brought forward a Bill to restrict the use of companies like Airbnb for short-term lets. We are asking the Government to take more urgent action to ensure such short-term lets will not outstrip the supply of long-term lets. Research and analysis by my colleague Senator Rebecca Moynihan has shown that, at a given time in March in nearly every county in Ireland, there were more properties advertised for short-term rental on Airbnb and other sites than on *daft.ie* for long-term rental. In a total of 11 counties, local authorities took no action against this practice of short-term rentals last year. We need greater supply and we need renters to get a break.

Deputy Eamon Ryan: I read that article. Deputy Bacik and Senator Moynihan are absolutely right to be concerned. Our constituency in particular is at the very epicentre of the rental crisis. It is an issue for the whole country. With regard to Airbnb and the issue of short-term rentals, there is real cause for concern if local authorities are not pursuing it. However, we have to be slightly careful because the measures that were introduced in the Housing for All strategy, which is the best way to address the rental crisis, apply those restrictions or requirements on local authorities in counties where rent pressure zones apply. We have to be careful because many of the counties that have been mentioned are not in rent pressure zones and therefore I imagine the local authority would say it was not required to do anything. The underlying need for regulation is clear and strong. In Housing for All, it was agreed that my colleagues, the

Minister, Deputy Martin, would develop with Fáilte Ireland a further innovation-----

An Ceann Comhairle: Time is up, please.

Deputy Eamon Ryan: -----in the form of a registry system so people involved in such short-term letting would have to be registered. That will be a big help.

Deputy Cian O'Callaghan: Problems are faced by renters in every part of the country. However, I want to ask the Minister about investing in public transport to encourage more people to use it as part of our response to climate change. Is the Minister aware that Irish Rail is advancing proposals that will remove direct train services from part of the DART network? If this plan goes ahead, direct rail services to Dublin city centre will be taken away from a significant number of commuters on Dublin's northside. Journey times will also be increased for these commuters. This makes no sense at all at a time when we should be improving public transport to encourage more use to help meet our climate change targets. Is the Minister aware of these plans? Does he support them? What is his view on them? Will he, as Minister for Transport, source funding to improve rail infrastructure and capacity so direct services are not removed from commuters and so journey times are not increased?

Deputy Eamon Ryan: Every part of the country is important. I just meant that Dublin Bay South happens to be the area with the highest rents. No area is immune to this rent crisis.

Deputy Richard Boyd Barrett: Dún Laoghaire is higher.

Deputy Eamon Ryan: Similarly, we need commuter rail in Limerick, and we will build it and deliver it. We need commuter rail in Cork. We will build it. Going back to what Deputy Shanahan said earlier, we need to move the railway station in Waterford up the north quays so we can build housing there. It is the same in Galway. We need a twin track from Oranmore.

Deputy Cian O'Callaghan: My question-----

Deputy Eamon Ryan: Metropolitan rail is important, as it is in Dublin. We have gone to planning and are now rolling out the DART+ West scheme, which will be the first part of the extension, expansion and massive increase in DART services.

Deputy Cian O'Callaghan: Will the Minister answer my question?

Deputy Eamon Ryan: I will. We have already invested in new carriages and new DART trains, which will be deployed on the existing network and which will result in an increase on the northern DART line straight away next year when they come in.

Deputy Cian O'Callaghan: Can the Minister answer my question?

Deputy Eamon Ryan: I am not aware of the scheduling issue the Deputy referenced.

Deputy Cian O'Callaghan: It is not scheduling.

Deputy Eamon Ryan: If he could send me the details-----

Deputy Cian O'Callaghan: The Minister is responsible for transport. He should be aware of this.

Deputy Eamon Ryan: I do not know the details. I ask the Deputy to send me the details.

28 April 2022

An Ceann Comhairle: I thank the Minister. Time is up.

Deputy Eamon Ryan: This Government is going to expand and increase the DART capacity in Dublin, as we will with metropolitan rail in other cities.

Deputy Richard Boyd Barrett: I was contacted by a local catering company in my area which says it has been informed that, without any tendering process, Aramark has been given all the contracts to provide catering to the refugee hubs for Ukrainians. This company is pretty disgusted about that. As the Minister will know, Aramark has been a very controversial company. It has been criticised for the poor quality of its catering in US prisons and for the poor quality of some of the catering it provides people in the abhorrent direct provision system. There were protests by artists and workers at the National Gallery about it getting the contract for the café in the National Gallery, which is right here beside us. It was recently caught up in unofficial strike action because it did not give redundancy terms to catering workers in the old Bank of Ireland site. Is it true this company, a US multinational, has just been given all the contracts for catering for Ukrainian refugees?

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): We are dealing with a crisis this country has never had to experience before, and we are dealing with it in a way that ensures every Ukrainian who comes to this country seeking shelter and security can be given it. That has meant we have not been able to use the traditional procurement processes. We have had to short-circuit processes to ensure-----

Deputy Richard Boyd Barrett: So local caterers are cut out of it completely. That is bad.

Deputy Roderic O’Gorman: -----people get fed and get shelter. If we did not do that and had long delays, I have no doubt the Deputy and others would be condemning the Government, and they would be right to do so. We have had to move quickly.

Deputy Richard Boyd Barrett: Local caterers can get better quality food.

Deputy Roderic O’Gorman: We have moved quickly. That is why 16,000 people are being sheltered and fed.

Deputy Richard Boyd Barrett: It is not good and it is not fair.

Deputy Denis Naughten: This morning I received a copy of an electricity bill from a constituent, a pensioner living on her own. Her bill has gone from €123 to €3,385 because her bills have been estimated for the past 24 months.

Deputy Mattie McGrath: That smarts.

Deputy Denis Naughten: To add to her shock, she is being charged all of these arrears at the current electricity rate, compounding the financial hardship she is now facing. In the meantime, the electricity supplier gains excessive profits due to this inflated unit rate. The only obligation placed on suppliers is that they must attempt to take a meter reading four times a year. After that, the onus to submit a reading is thrust back on the customer after a banal card is thrown into the letter box. In the UK, under the back billing rules, an electricity supplier cannot send a bill for energy used more than 12 months previously. What plans are there to do the same here?

Deputy Eamon Ryan: It is a real concern throughout the country, but that is a shocking

case. It is beyond belief that someone could have such an increase in a bill. The energy security framework plan the Government published two weeks ago contains a series of immediate emergency actions we are asking the Commission for Regulation of Utilities, CRU, and supply companies to do to manage this very difficult situation, so that customers who get into difficulty for whatever reason do not see an impossible situation with which they cannot cope with or manage. It obliges supply companies to engage, make sure they are not disconnecting people and that they actually manage and help people through the bills process. That customer needs to contact his or her supplier, as well as the Money Advice & Budgeting Service, MABS, or other support agencies to make sure that the situation is resolved and he or she is not left exposed. The Government has given clear direction. CRU, the independent regulator, recognises the problem and is giving clear direction to supply companies about how to manage such inappropriate situations.

Deputy Denis Naughten: The Minister should read the meters.

Deputy Mattie McGrath: The licensed hauliers emergency support scheme, LHESS, is badly needed. I thank the Minister for rolling it out and for supporting the haulage industry, which needs it so badly. Like any scheme, there will be anomalies. Livestock hauliers are trying to be included in the scheme. Under the law, they are exempt from having a haulage operator's licence for their business. As a result, they are unable to apply for the LHESS. Many hauliers in Tipperary and all over the country are registered with the Department of Transport and hold a professional competence certificate in road haulage transport, but they cannot apply for this scheme because of the exemption. Companies are employed directly as contractors for the Department of Agriculture, Food and the Marine and the marts throughout the country. They are a vital link in our food chain. Livestock haulage companies are fully tax compliant, hold a current C2 certificate and are registered with the Road Safety Authority, RSA. Like all haulage companies, they face the same costs. Will the Minister try to meet with this group to include it? It is a good scheme but it needs to be tweaked to bring in these important players.

Deputy Eamon Ryan: I appreciate the Deputy recognising that it is a good scheme. It was designed to be delivered quickly and to help hauliers through a difficult period. It does not cover every haulier, which we were clear about from the start. It is for licensed hauliers. We have done that for a variety of reasons. It has always been the way that we have been able to intervene and provide support where the licensing system has given us a mechanism to control, monitor, implement and introduce a scheme. If we had gone beyond that, it would have been impossible for us to deliver the scheme, which we needed to do in a timely manner. Hauliers outside that licence range will not be able to avail of the scheme. If we delayed it and broadened it, those licensed hauliers would not be able to get the funding when it was needed.

Deputy Mattie McGrath: They are working for the Departments.

Deputy Catherine Connolly: Baineann mo cheist le heaspa seirbhísí faoisimh ar an talamh i nGaillimh agus fulaingt na gcúramóirí dá bharr. I am delighted the Minister of State, Deputy Rabbitte, is here. Perhaps "delighted" is not the right word. I am once again obliged to raise the absence of respite services in Galway. I hope I do not get an answer about the hundreds of thousands of hours being provided. I acknowledge that, but what is happening here in Galway might be different from the rest of the country. A message from one person says that like many people in the west, they are exhausted after struggling for 18 months, day and night, without a break. People are not complaining. They are simply asking for the right to respite services, which have been done away with, with Covid being used as an excuse. Will the Minister of

State address that issue and take a hands-on approach? I realise she has been rebuffed on many occasions when she has taken a hands-on approach.

Minister of State at the Department of Health (Deputy Anne Rabbitte): There is no doubt there was a vacuum in disability services. We are reinstating respite services for adults and children. The question is really about respite for older people. I do not have an answer for the Deputy. I will ask the Minister of State, Deputy Butler, to provide an answer later. I spoke to her last night about home care support in Galway and how many were on a waiting list for home care support. She told me 51 people are awaiting home care support. I will address the respite issue with the Minister of State, Deputy Butler, later.

Deputy Jennifer Carroll MacNeill: I thank the Minister of State, Deputy Rabbitte, for her ongoing engagement with me on the state of autism assessment and delivery of services in my area, in community healthcare organisation, CHO, 6, which I identify as a problematic area. I give the example of a young boy, Dillon McGee, who has very complex needs. His parents asked me to raise his case. There is inconsistency of services. He does not have access to child and adolescent mental health services, CAMHS, because of where he lives. His mother has been told to turn up at Crumlin to get medication when his behaviour gets out of control. There is inconsistency with respite services. Children in Churchtown can get services in Greystones, but he cannot get services in Blackrock while being in Blackrock. He cannot get the bus from Leopardstown to Twigs because it will not go that little bit further, but a child from Swords is getting it. I am raising the complete inconsistency between CHO areas and what is being delivered. It is not being delivered in the way it needs to be in CHO 6, so the Minister of State and I keep having this engagement and she keeps raising this with the HSE. I beseech the Minister of State to help me to deal with the inconsistency in my own area to get the services.

Deputy Anne Rabbitte: I saw the correspondence again this week and I am assured a meeting will be set up with Deputies Carroll MacNeill, Devlin, the family and the HSE to resolve this. We need consistency and a standard operating procedure for all, regardless of where in the country they live. We need access to universal care, which is the same in Galway as it would be in the Deputy's area. That will be addressed.

Deputy Patrick Costello: This week, yet another large apartment development in my constituency was found to have significant defects. It is the third development in Dublin South-Central in recent months. Owners face remediation costs of upwards of €30,000 per apartment. Residents must cover this imminently so that the management company can maintain the insurance of the buildings. These people cannot wait for the report of the working group or for the scheme to open. They must part with large sums of money now and hope the Government will reimburse them in the future. Will the Government commit to supporting owners financially and retrospectively through tax measures or direct expenditure for building defects arising from a history of lax regulation?

Deputy Eamon Ryan: As the Deputy knows, the programme for Government has commitments in this area. Our colleague, the Minister, Deputy Martin, did much work in the previous Oireachtas, which informed the programme for Government commitment to examine defects in housing, and particular regard is had to the recommendations of the report of the Joint Committee on Housing, Local Government and Heritage, called Safe as Houses. The Minister, Deputy O'Brien, established a working group to examine defects in housing. It has been meeting monthly since March last year. The terms of reference in May last year focused on fire safety, structural safety and water ingress defects in purpose-built apartment buildings, includ-

ing duplexes constructed between 1991 and 2013. I know that will not cover everything, but it is where the focus is. It includes an evaluation of the potential cost of technical remediation options and pursuing options and possible financial solutions to effect a resolution in line with the programme for Government commitment to identify options for those impacted by defects to access low-cost, long-term finance. It is critical the work is concluded as soon as possible to help apartment holders.

Deputy Johnny Mythen: There are supposed to be six whole-time equivalent psychology posts in County Wexford's children's disability network team. There are currently only two *in situ*. This renders the disability network team almost unworkable, considering the waiting lists. Four posts are still vacant. Two of the four positions have been vacant since August and September 2021. This is causing untold damage and severe pressure for families, and most of all for the vulnerable children themselves. Children's disability network teams provide support services for all children with significant teams and who require a team of professionals working together, but they cannot function when two thirds of the staff are missing. How long will this be allowed to continue for? When will all these posts be filled? Families are suffering. Vulnerable children are left without proper services. The current staff in the Wexford disability network team are stretched to their limit. People in Wexford are feeling totally let down by this abject failure to provide professional services for their vulnerable children.

Deputy Anne Rabbitte: I thank the Deputy for raising this issue. I am aware it is taking a long time to recruit to those posts. I have been in contact with the HSE. It is re-advertising some of those positions. It is a failure within the HSE that it takes so long, approximately 40 weeks, to fill a post. We are all addressing it across Government.

1 o'clock

Deputy Cormac Devlin: The Minister will be aware the National Transport Authority, NTA, has licensed Aircoach to operate six routes connecting Dublin Airport with Dublin, Cork, Galway and Belfast cities. It must be acknowledged that management and staff, particularly the drivers at Aircoach, deserve great credit for keeping the service running during Covid-19. However, I have been contacted by customers who use a free travel pass and who find themselves disadvantaged as they cannot book an Aircoach ticket online. It is the only way of guaranteeing a seat on a particular service. Since passenger volumes have returned to normal, this has caused great anxiety. I am aware Irish Rail provide an online booking system for customers with the travel pass, which is very convenient. I have contacted Aircoach about this issue but have not received a reply. Will the Minister raise the issue, asking that the matter would be raised with the NTA, which is responsible for regulating, supervising and licensing the service, to ensure people with a travel pass are not disadvantaged?

Deputy Eamon Ryan: I am glad the Deputy has raised this issue. Aircoach and other commercial coach operators have, as the Deputy has said, provided an important service through Covid and in ordinary times. They were expanding rapidly, as well as our public service obligation, PSO, services, and will do so again as we return from Covid. There is not an obligation on commercial operators to take travel passes, but many do and they avail of a subvention scheme in that regard. I will follow up on the details. I do not have the specifics in this case but I will ask my office to look at it and very much encourage the NTA to try to support them and make it available.

Deputy Chris Andrews: News broke yesterday that the next round of training for the Gar-

da armed support unit, ASU, has been halted. I have been informed, however, that gardaí who had been selected for that training were told that it has been cancelled outright. The selected gardaí have been waiting since 2019 to take part in this armed support unit training. Armed support units across Dublin barely have enough resources to be operational and are only at 75% capacity. Ireland has a high rate of gun violence. Our gun murder rate is six times that of Britain. Amid a deadly feud in Finglas, which is spilling out into our own constituency in Dublin Bay South and right across the south inner city, why is the Government being so complacent at resourcing the ASU? The Government must intervene. The cancellation of ASU training courses must be undone. The training must be fast-tracked to bring armed support units up to full operational levels.

Deputy Eamon Ryan: That would seem to be a matter for An Garda Síochána which is responsible and independent in its allocation of resources. The Government does provide the broader overall financing, but I will ask the Minister for Justice to see if inquiries can be made on this specific case. We need gardaí who are trained properly. I will ask for the details but I believe it is a matter for An Garda Síochána.

Deputy Réada Cronin: The Government needs to get a grip on the national retrofitting scheme given what the climate committee was told on Tuesday about gaps in the quality of materials, training and skills, and an apparent lack of oversight. The EU Court of Auditors gave Ireland a “must do better” report on our better energy, warmer homes scheme, and the Department of Public Expenditure and Reform report was not much better. There is no one in charge, and when nobody is in charge, there is nobody responsible and nobody can be held accountable. The potential gaps exposed show that the Government is playing fast and loose with public trust and public money, and neither of those should be squandered. The retrofit scheme must be right to prevent a wealth transfer of public funds. Optics over substance is taking green washing to a whole new level. Will the Minister appoint a type of carbon tsar, based in the Department of the Taoiseach, to take charge of the retrofitting scheme? Judging on past performance as an indicator, at least we will know who to go to and who to bring before the Committee of Public Accounts if the retrofits need another retrofit.

Deputy Eamon Ryan: Let me be very clear, the Sustainable Energy Authority of Ireland is in charge of delivering the retrofitting scheme. The SEAI now has 22 years of experience, real skill and a significant increase of an additional 100 staff in the past two years, to make sure that they and the industry are in place to deliver on the massive expansion we need to do in the retrofitting area. There has been specific attention since the very start on making sure standards are upheld, operators are registered, there are routine checks and making sure the work done is actually to specification and that it works. The Deputy is right. If we have to retrofit a retrofit programme, it is deeply damaging in a whole range of different ways. The SEAI has the skills, the ability and the staff, and I believe it is delivering on our plan.

Deputy Johnny Guirke: St. Mary’s Special School in Navan, County Meath, was informed a few weeks ago that the speech and language therapy service at the school was to be withdrawn in four weeks. The therapist at St. Mary’s does not just work with the 55 pupils. She also works closely with the principal, she trains the teachers on how best to teach the children, and she works with parents and gives guidance to everyone involved. The principal has said that the therapist is the best she has seen in her 28 years teaching. The nationwide plan to withdraw these services from schools will have a detrimental effect on pupils and parents. The teachers and the principal of this school all fear that the children will regress significantly. Only five children will be able to keep working with the therapist, with 50 children left in limbo. Parents

have informed me there is no alternative plan in place with the HSE for these children, or if there, is the HSE has not discussed it with parents. Will the Minister ensure the removal of therapists from special schools is stopped and that the therapists lost are restored immediately? Children cannot be collateral damage because of these decisions.

Deputy Anne Rabbitte: I thank the Deputy for raising the question today and for giving me the opportunity to bring the House up to speed on it. I met earlier this week with the Minister of State, Deputy English, on the matter and I will be meeting with the school principal, Maria, before the end of May to discuss the issue and to have a positive outcome with her.

Deputy Pat Buckley: The Minister met with families of the Owenacurra health facility in Midleton, County Cork, and he is aware of that situation. The needs of some 400 people have not been met in the past two years because of two short-term respite beds. The Committee on Health and the Sub-Committee on Mental Health have called for the reversal of the HSE's decision to close the centre. I ask the Minister to go back to the Ministers to tell the HSE to reverse that situation. Last Saturday night, a woman who was refused services slept in her car outside the centre. I am asking and appeal once again to the Minister and the Ministers of State to tell the HSE to reverse the decision to close the Owenacurra health facility, in Midleton, County Cork.

Deputy Eamon Ryan: I was very glad, in a visit to Cork last week, to meet some of relatives of the residents of the centre, to listen with real intent to their heartfelt stories about their relatives, and to hear how this is a home that works and that is central to the lives of those residents. Having returned from Cork, I said I would follow up and do whatever I could do. Further follow-up has indicated it is complicated because I am told there is a fire inspector's report-----

Deputy Pat Buckley: It is very simple. Just ask them to reverse it and provide the services the HSE has failed to provide.

An Leas-Cheann Comhairle: Please allow the Minister to respond.

Deputy Eamon Ryan: I am just reporting back what I heard having followed it up, and with real concern for the relatives concerned. I do not want to be inaccurate here, but there is a report from the fire officer that says the building is not fit for purpose and that some residents must be moved. It is a complex issue but those residents and their needs must be looked after.

Deputy Danny Healy-Rae: I will take the Minister, Leo and Micheál out of the bog for a while. It is clear they have bogged down to the bane. Fertiliser costs are savage and are putting farmers under savage pressure. However, if proper levels of lime were applied to the land, it would increase fertility, make it more productive, and reduce the amount of fertiliser needed to be spread on the land. Will the Minister bring back the subsidy for lime? It was there before. I am asking for this, please, given the increased transport costs for delivering lime and the increased cost of everything. It would help farmers a lot to bring back the subsidy for lime. If the Government is real about reducing nitrate use, this would be one way to help.

Deputy Eamon Ryan: I absolutely agree with Deputy Healy-Rae. He is right that the price of fertiliser has gone through the roof. It is not just the price. There are restrictions on availability given what is happening with Russia. My understanding is that this summer we may have a 30% reduction in the amount of nitrate fertiliser applied. How this is going to work will be critical. The Deputy is also right that the application of lime, especially combined with re-

ally good soil analysis, water and grasslands management, and moving towards a mixed sward system could give us a very productive grazing system with a much-reduced cost and a better environmental output. Lime could have a critical role in that, so I will ask my colleague, the Minister of State, Senator Hackett, and the Minister for Agriculture, Food and the Marine, Deputy McConalogue, to look at taking up the suggestion. I believe it is a good one.

Deputy David Stanton: Will the Minister indicate when it is proposed to publish the assisted decision-making (capacity) (amendment) Bill 2021? I understand that pre-legislative scrutiny has been completed. Is it still the intention of the Minister to commence the Parts of the main Act in June as reported?

Deputy Roderic O’Gorman: Yes, it is the intention to undertake those sections in June. We have had a very useful and lengthy pre-legislative process. The report has come to my Department and my officials are working with the Attorney General’s office on some points. A couple of other points have also come in, which we may bring forward as Committee Stage amendments. We see the importance of this, however, and of setting up the Decision Support Service, DSS. We want to move away from the wardship system that is so outdated. The DSS is the mechanism to do that but we need this legislation to pass. The Minister of State, Deputy Rabbitte, and I will be working to get it through the House as quickly as possible.

An Ceann Comhairle: We are out of time but we have two remaining Deputies present. Deputy Kerrane has 30 seconds.

Deputy Claire Kerrane: There is a commitment in the programme for Government to develop a pension solution for family carers. That commitment is now nearly two years old. The Report of the Commission on Pensions, which was published seven months ago and on which we still await the Government’s response, made a number of recommendations for family carers.

Can a commitment be made to ensure that this pension solution for family carers is brought about in the next budget? They have waited long enough. Family carers deserve a full State pension; they deserve no less. They have waited a very long time. This must be done in the next budget.

Deputy Alan Dillon: I have received many queries from Irish people who are returning home to live from parts of Canada and the US and whose driving licenses are non-exchangeable. We understand the biggest difficulties facing Irish citizens returning home are the cost of car insurance and applying for a driving licence.

While I welcome the announcement to authorise the exchange of Ukrainian driving licences for Irish driving licences, and it is great to see the National Driver Licence Service, NDLS, gearing up to accept applications for licence exchange from Ukrainian refugees, it is crucially important that the Minister’s Department also reviews current procedures for Irish residents holding full licences that were issued in the US and parts of Canada and that we implement a similar exchange system in order that it is easier for them to return to Irish roads.

Deputy Eamon Ryan: Deputy Kerrane’s question is similar to the question Deputy Harkin asked earlier in terms of carers. It is appropriate in the run up to the budget process for us to look at whether such a carer’s pension arrangement could be included. I would support it but I think it has to be part of a wider balancing of the income and receipts measures. We will have to work on a strong partnership approach as we go into next year’s budget because it will be

a challenging time. I encourage the Deputy and various Oireachtas committees, including the Committee on Budgetary Oversight, the Committee on Finance, Public Expenditure and Reform, and Taoiseach, the Committee on Social Protection, Community and Rural Development and others to make the case, and I hope it is heard.

I will follow up for Deputy Dillon in terms of the provisions that will allow us to accelerate and ease the cost for those people coming from Canada and the US to be able to swap their licences. It makes no sense for us to put blatant bureaucratic hurdles in the way of people we welcome into our country, be they displaced Ukrainian people, Irish citizens or others coming from the US and Canada. I will ask my Department to follow up and contact the Deputy to look at the details of that.

Cuireadh an Dáil ar fionraí ar 1.13 p.m. agus cuireadh tús leis arís ar 1.53 p.m.

Sitting suspended at 1.13 p.m. and resumed at 1.53 p.m.

Judicial Appointments Commission Bill 2022: Second Stage (Resumed)

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

Deputy Catherine Murphy: Significant recommendations were made during pre-legislative scrutiny and many of them are important. I acknowledge that. The Minister did not accept some of the recommendations, however. First and foremost of these is the recommendation for the names of three nominees to be ranked in order of preference. Should the Cabinet decide not to go with the recommended ranking, it would have been required to provide a written reason for doing so. This is really crucial and it is one of the main points I will cover.

The ranking of candidates has been very specifically asked for by senior judges, legal academics, the Judicial Appointments Advisory Board, GRECO, the Irish Council for Civil Liberties, the Irish Human Rights and Equality Commission, the Law Society and the Bar Council. How could we, in good conscience, ignore this when many legal experts and anti-corruption bodies have been seeking this measure for some time? Allowing the commission to provide the Government with a small number of ranked candidates would only provide greater transparency and limit the degree of real or even perceived political influence exercised in making judicial appointments. What is the purpose of the Bill if it is not for that?

If the Government is serious about reforming the judicial appointments system, this must be done. We cannot have a repeat of the Judicial Appointments Advisory Board, JAAB, Bill where reforms fell short because there was a reluctance to relinquish political control. We need a proper merit-based appointments system for judicial appointments. The Minister cannot, in good faith, say the Bill will achieve that goal without candidates being ranked.

A ranked list would not be unconstitutional and it is disingenuous to suggest all those legal bodies in the country have somehow got this wrong. The Executive would, of course, retain discretion in the appointment of judges and it can be explicitly indicated that the ranking is not binding but merely advisory. If the Cabinet chooses to pick a judge who is not ranked first, it would be entirely possible for it to do so. All the benefits of the independent merit-based assessment would be undermined if three unranked names were to be sent to the Cabinet, as the coalition partners could divvy the names between them. All the accountability and transpar-

ency we are building into the appointments process will fall at the last hurdle if, in essence, we retain the exercising of political choice over judicial appointments. We are trying to get away from that. The GRECO evaluation team explicitly criticised the proposal to have an unranked list of nominees sent to the Cabinet and called on the Government to really tackle the matter of Executive influence over the judicial appointments system.

The argument given during pre-legislative scrutiny against the ranking of nominees really does not stand up. It was argued that excessive constraints on the discretion of the Executive may be unconstitutional but the Executive would not be bound by ranking, which would be purely advisory. It was argued that some nominees may be of equal merit and that can be catered for by having a joint position. It is perfectly possible to do that. It was also argued that ranking would result in possible reputational damage but the entire appointments process protects candidates from such damage. The selection process is exempt from the freedom of information framework, for example, and the Cabinet is bound by Cabinet confidentiality.

There is no doubt that amendments will be put on Committee Stage seeking the Minister to accept the change so we can get ranked candidates. I ask sincerely that the Minister would seriously consider the matter. It is a mistake and its consequences can be foreseen. This undermines the very objective we are trying to achieve.

Like previous speakers, I also have concerns about the role of the Attorney General in the process and ask if it is appropriate. The Attorney General would not have a vote in the selection process but it is undeniable the Attorney General would play a central role. We all know we look to certain people for influence and advice, etc., and there is no doubt the Attorney General would be in such a position. When the names are sent to the Cabinet, the Attorney General would again have a significant influence on the final pick. Nobody doubts the qualifications of an Attorney General but it is a political appointment nonetheless and having a representative of the Government at the judicial appointments commission would undermine its supposed independence. Others have made the point as well and I would like it considered seriously.

It is not standard in other jurisdictions that a position like the Attorney General would have this role. The Attorney General is also responsible for purchasing many legal services in the State and there are significant risks of conflict of interest that need not arise if a change is made to the Bill here. If the Government decides the nominees should remain unranked because it wants to make a decision as independently as possible, the Attorney General should not be involved in the judicial appointments process.

2 o'clock

There is also an added complication whereby many Attorney Generals take on a senior role in the Judiciary when they leave office. With that being a well-established precedent, it is entirely inappropriate for the Attorney General to sit on the judicial appointments commission. I am looking for that be re-examined.

There were some blanket comments made that we have all been well served by the Judiciary. At times we have not been. Some of the changes will be helpful, for example in terms of training. Sentencing can be very inconsistent. We might look at the kinds of resources that have been put into designing and upskilling judges in other jurisdictions. The UK would be a case in point. It is not just about legislation. It is about the resourcing, in order that we do work that builds confidence. I say this because on occasion people will ask about it. This is particu-

larly true in cases where there has been a sexual assault. It is hard enough to get people to go to court. Sometimes there will not be a custodial sentence for a crime that is on the high end of the offences. I think that undermines the Judiciary. The resources will be just as important in building up that capacity.

The number of judges is another issue. Again, the legislation does not necessarily deal with it. While you can have very good legislation, if do you not have the resources to deal with matters appropriately, you will have difficulties. In the District Court, for example, the priority will obviously be given where there is a criminal case. As a result, civil cases and planning cases can take years to go through the District Court. Sometimes they get scaled up to the Circuit Court. Sometimes you find an injunction at High Court level because the District Court takes too long. There is a huge waste of time at local authority level, for example, when people go down to the courts to wait for a case so that they can get a date, but it keeps being postponed. There is a real issue with the capacity to deal with the number of cases at every level. I ask the Department and the Minister to take that on board.

The point and provision that has been made for diversity is important. That goes across gender, socioeconomic status, people's racial background and maybe their experience in other jurisdictions. It is important that we see it in practice. It will be important to see how that happens in practice, given the closed environment that is in place in some aspects of the system. It will be necessary to get to a point where we get the kind of diversity that is needed to have an understanding of people's lives. We do not want the kind of potential groupthink whereby the Judiciary is drawn from the same socio-economic cohort and background, for example.

Those are my main points. There is a lot to be welcomed, as I said when I started speaking on this Bill yesterday, not least that the Bill has come before us in the first instance. However, changes are required. The changes in relation to resourcing issues will require much attention if we are see our criminal justice system functioning as well as it can.

Deputy Jim O'Callaghan: I spent much of my time in the previous Dáil debating judicial appointments commission Bills. I am sure the Leas-Cheann Comhairle contributed to those debates as well. I am sure Deputy Martin Kenny, who I see across the Chamber from me, did likewise.

I bring to this debate a certain amount of knowledge of those Bills, which ultimately got caught up in the politics of the last Dáil, unfortunately. In October 2016, my Fianna Fáil colleagues and I introduced a judicial appointments commission Bill. It got the support of the Government on Second Stage. It then went to Committee Stage, but it did not get through Committee Stage because the Government decided not to provide a money message for it. However, the Government said it was committed to introducing its own judicial appointments commission Bill, and that was subsequently introduced in May 2017. The history of that Bill's progress through the Houses of the Oireachtas could be written in about four volumes. It got through the Dáil fairly rapidly and then it went off to the other House, Seanad Éireann. In fairness to the then Minister, Deputy Flanagan, I think he spent 30 or 40 days there debating amendments to the Bill, which ultimately was not enacted. In fairness to the Houses of the Oireachtas, I think that we were right in the last Dáil and Seanad not to enact that legislation because it was not good legislation. Unfortunately, it got wrapped up in the politics of the last Dáil.

We need to be clear that we should try to get consensus on this. It is difficult to try to set out a statutory mechanism pursuant to which people would be recommended to be members

of the Judiciary. As we have all stated before, on balance we have been well served in this country with the Judiciary we have had since independence. The most important feature of the Judiciary is that its members have been independent. They have been able to say to governments, “You are not allowed to do that”. They have been able to say to the Oireachtas, “We are striking down legislation because it is unconstitutional and infringes the rights of others”. They have been able to do so without any fear of the consequences. The reason they are able to do it without fear of the consequences is because it is extremely difficult to remove a judge in this country, as it should be. The last thing we want is the type of tyrannical regime we see in other countries, whereby judges whom the government does not like can be removed very easily.

We have never really had a satisfactory mechanism or scheme for the recommendation of people to be judges. I want to point out that it is a difficult task to do. First, it is difficult because you are selecting from a very small group of people. The only people who are eligible to become members of the Judiciary in this country are qualified, practising lawyers: qualified, practising solicitors and qualified, practising barristers. That will be changed under this legislation. I welcome the fact that it will now be extended to include certain legal academics who also have experience of practice. However, necessarily, you are dealing with a small number of people.

I am conscious of what Deputy Catherine Murphy has said about increasing diversity. That will happen once the professions reflect increasing diversity. We have seen it happen already with gender balance. Approximately 20 or 30 years ago, very few women were on the High Court. Mella Carroll, as the Leas-Cheann Comhairle will remember, was the first woman appointed to the High Court. The main reason for that was that very few women were eligible for appointment to the High Court. That has considerably changed over the past ten years. This Government and the Minister are to be commended on the appointments that this Government has made. There has been virtual gender balance in the appointments to all the courts.

It is a difficult task to do. You are trying to identify what type of person you think would make a good judge. My experience is that people who are good lawyers do not necessarily make good judges and, similarly, people who are bad lawyers can sometimes make good judges. I emphasise that it is not possible to be a good judge unless you have a good understanding of the law. You could be a bad lawyer or, I suppose, an unsuccessful lawyer, but make a very good judge. However, in order to be a judge, the fundamental requirement is that you have a good understanding of the law.

We might look at other countries. It is obviously a political issue in the United States of America as to who is appointed for instance to the US Supreme Court. Fortunately, we have overcome that issue in this country. In this country, we resolve our complex social issues through political debate and, ultimately, through referendums. That is how we have dealt with contentious social issues in the past ten to 15 years. In the United States, they do not do it like that. They do it on the basis of how the US Supreme Court interprets their constitution. Necessarily in the United States, therefore, it will be a political decision as to who is appointed to the US Supreme Court. We have seen that in recent years with the appointments to those courts.

One of the contentious issues about this Bill has been what is contained within section 9, which relates to membership. The Bill I introduced in October 2016 proposed 12 members. In the Bill that the Government proposed in 2017, there were 13 members. In this Bill, there is a proposal for nine members. Having looked at all three Bills again, this one is better than mine and the one the Government previously published in 2017. It is far better-off to have a situation in which one does not have the President of the High Court on a statutory body that

advises on appointments to the District Court. It makes much more sense just to limit the body to the president of the court where one seeks to make a recommendation in respect of a judge.

I know the fact the Attorney General is included in the statutory body under section 9 is contentious. My recollection of the Bill that Fianna Fáil introduced before is that he or she was not included. The reason for that was one would have the Attorney General at Cabinet. What would be the purpose of having him or her there at the early stage? However, I have to say that ultimately when it comes to ensuring that good and qualified people are nominated to be judges, the Attorney General plays an absolutely crucial role. I commend the current Attorney General on the nominations he has advised on so far.

On balance, it is not something about which we need to have a huge row. He is on this statutory board but he does not have a vote. One of the most powerful parts of the legislation is section 51 which expressly states that the Government cannot consider for nomination anyone who is not recommended. That certainly goes further than any other legislation. On balance, I welcome it. Let us take our time and get it right. I commend the Minister of State, Deputy Browne, the Minister, Deputy McEntee, and the Attorney General for the excellent work.

Deputy Thomas Gould: There are concerns with this Bill. I hope the Minister will take on board the amendments we and others will bring forward to improve it. There are and have been concerns with the Government's role in judicial appointments over the past couple of years. The Oireachtas Joint Committee on Justice did not agree to waive the pre-legislative scrutiny, PLS, on this. More importantly, the Minister has had to correct the record on responses to parliamentary questions.

The days of the old boys' club has to end. People voted for change because they are sick of friends helping friends and of the State being run by a cosy circle and the revolving doors of Fianna Fáil and Fine Gael. Confidence in Government appointments is extremely low. We see this from the issue with Tony Holohan and Katherine Zappone. This Government has shown again and again that it is not capable of transparency and accountability. It is time for a general election. We do not need a Taoiseach to be under criminal investigation and that is where we will be if things do not change in the coming months. We need a new leadership and a new vision. That is what Sinn Féin will deliver.

I will discuss another topic briefly, namely, antisocial behaviour across the State and in Cork city and my constituency in particular. There are huge problems which Deputy Ó Laoghaire has raised here in areas he represents such as Carrigaline and Douglas. It is the same in my constituency. There are nightly occurrences of people burning bins, graffiti, damage to cars, antisocial behaviour, homes being attacked, intimidation, violence and joy-riding. This occurs throughout my constituency from Knocknaheeny to Mayfield to Farranree. Gardaí on the ground are doing their best but the problem is they do not have resources. We need joined-up thinking. We need gardaí to have the ability to tackle these gangs-----

An Leas-Cheann Comhairle: It is the Judicial Appointments Commission Bill 2022.

Deputy Thomas Gould: Yes. I appreciate there is considerable work to be discussed in this Bill. It is vitally important. We talk about the Judiciary but ordinary people on the ground have to feel protected and safe. I ask the Minister of State to raise that at Government.

Deputy Jennifer Carroll MacNeill: I thank the Leas-Cheann Comhairle and the Minister of State for the opportunity to speak on this Bill which I welcome. I agree with Deputy

O’Callaghan that it is the best of the iterations that have come out over the past number of years. I thank the Minister of State for the response to the Oireachtas Joint Committee on Justice recommendations and the work on the Bill.

In response to Deputy Gould, the Judiciary has among the strongest support from the people in terms of institutional independence. It is internationally recognised in the top ten along with other countries such as Norway, Finland, New Zealand and Australia. New Zealand in particular is interesting because it appoints all its judges entirely by political means with no external reference. It is the attorney general who leads on that point. Therefore, it are not necessarily connected that political appointments mean a judiciary that is not respected or independent. It is much more complex than that.

Deputy Catherine Murphy said that the reform of the judicial appointments system in 1996 fell short of real reform. It was a real reform because before then the Government could appoint absolutely anybody it wanted as long as that person was ten- or 12-years qualified. It made a considerable reduction on political discretion for the Government. Instead of the universe of people being everybody who was qualified, it was now the seven names recommended by the Judicial Appointments Advisory Board. What happened was not the application of the legislation by the Government but most bizarrely by the Judicial Appointments Advisory Board which was set up and given extraordinary powers to reduce the universe of Government discretion from everyone who was qualified to the people who applied and the seven names it recommended having assessed them. From approximately 1995 to 2002, it recommended approximately seven names as the legislation described. It had the power to recommend fewer than that if that was what it wanted to do. That happened until 2002 or 2003.

At that time, the membership of the board decided to take a different approach which was to recommend all of those people who were not unsuitable. It got senior counsel advice to say whether the board was acting constitutionally. I do not know why it needed senior counsel advice when one looks at the composition of the board which included the Attorney General, the Chief Justice and the President of the High Court. It reinterpreted its own function under the legislation. I do not know why. I have never managed to figure out why it did it. However, the effect of what it did, which was not at the request of Government or the Oireachtas Joint Committee on Justice, Defence and Equality and was never reviewed in any meaningful way, was to recommend all of those people who were not unsuitable. If one had 150 applications for a District Court position, approximately 100 of those would be deemed suitable under the Act. Instead of recommending seven out of the 100 suitable, it recommended all 100, which gave all of the political discretion back to the Government. It was not at the Government’s request or behest, but because of the decision-making of the Judicial Appointments Advisory Board. It is genuinely inexplicable.

That continued until 2014 or so when it was described publicly. It then brought its practice back to in and around seven. The question of political discretion is bandied about as though the Government wants it all the time and is trying to acquire as much as possible. The Government actually restricted its own discretion in 1995-96, got it all back from the Judicial Appointments Advisory Board, pointed out the problem and the discretion was reduced again. It is just not true to say it is some sort of cosy cartel of the Government trying to grab all this discretion for itself at all times. It is just not the way it worked. It was the procedures of the Judicial Appointments Advisory Board.

The other things it did not do well unfortunately was that it never interviewed. Despite hav-

ing the statutory power, it never interviewed anybody. It could have but it did not for various reasons, mostly because it felt it did not have the expertise or capacity to do it. What that meant was that the Government had no real detail about who was being recommended to it or why.

We talk about whether it should be ranked. The political discretion point I make is important because it is an important constitutional point. However, it does not really matter if the Judicial Appointments Advisory Board or the commission will not engage in serious analysis of the candidates in a professional way, in the way that the Public Appointments Service does and Top-Level Appointments Committee, TLAC, do, and give quality information to Government about why it has picked this person and the person's relative merits and strengths and make an analysis.

It is perfectly possible to have candidates of equal merit who are candidates for very different reasons such as a very good commercial or criminal lawyer. There are many different types of candidates and it is important for the Government to make political choices between those people but they are not political choices with a capital P. They are not party political choices but subtler political choices such as that made by the Government in 2011 to remedy the gender deficit on the courts. That was a political choice to have two out of every three appointments being female. Those are the sorts of broad political choices that are needed.

I discussed this with Deputy McLoughlin, as he was in 2014 or 2015, on the Oireachtas Joint Committee on Justice, Defence and Equality and pointed out that if he or Deputy Kenny were Minister for Justice, they might wish to make broader political choices between three competent qualified people who have been assessed under a statutory process where there is quality information going. It is a sort of simple political charge that it is not being ranked and therefore the Attorney General is involved. It is a little more complex than that.

This Bill is the best iteration, as Deputy Jim O'Callaghan has said. It is important that all appointments go through this, and it is important that the Minister be aware of all the people who have applied. In that way it gives the Minister a safeguard to be able to assess whether diversity really is coming through the Judicial Appointments Advisory Board. The board publishes its annual reports every year and gives a breakdown of who applied - the gender breakdown, the professional breakdown and so forth - but not of who came out the other side, which is a barrier to being able to assess whether real diversity is coming through the JAAB. It was impossible for the Government. Although it had the statutory power to appoint somebody other than a person who was recommended by the Judicial Appointments Advisory Board it only ever did it once, in the case of a person who subsequently became Chief Justice. The fact that it had the discretion to do it was statutorily relevant, but in practice it was irrelevant because it never did it. Again, there is this bandying about of political this and political that, but if one looks at the vast majority of the applications by the Government of the Act, it never used the scale of political discretion that was available to it all the way through. In fact, the real difficulty, which I am sure will be remedied in the case of the new judicial appointments commission, was the institutional drift that the body went through.

The Bill is very welcome and I will enjoy taking it through Committee Stage to continue the debate about the role of the Attorney General, rankings and so forth. However, there is a strongly independent Judiciary in Ireland and a very good system that is comparatively benched. This is an important institutional reform and improvement, but that is all it is.

Deputy Chris Andrews: I welcome the opportunity to speak on this Bill. It seeks to enact

a wide range of reforms which will change the way in which judges are appointed in Ireland. We support the Bill although we will propose amendments to it to make it stronger. We must see the appointment of judges who truly reflect Irish society, not just a certain section of society. We must have judges who are in touch with all communities, especially working class communities because those communities live with the brutal reality of drug-related crime and antisocial behaviour. It is consistently said to me that judges are out of touch and leave gardaí fighting crime and social disorder with one arm tied behind their backs. Countless gardaí have told me how frustrating and disheartening their role has become due to out-of-touch judges. There are countless examples of violent offenders with 70 or 80 previous offences receiving suspended sentences from judges. Many violent offenders feel untouchable. This is having a devastating impact on local communities. It infuriates local residents and undermines the role of the gardaí.

Previously in this Chamber I have raised various gang feuds and the ongoing social disorder. Recently, it was in Creighton Street in City Quay and prior to that it was in Grand Canal Docks. The gardaí struggle for the required resources, but they do a great job with the limited resources they have. We must have judges who are not afraid to hold offenders accountable. Some absolutely horrible crimes are committed in communities across the country and the leniency of the sentences takes one's breath away. Residents tell me that judges are out of touch with inner city communities. As was mentioned earlier, the cohort of people who are qualified to be judges is small. It will be extended slightly. For me, the challenge is that we cannot wait for the natural change to happen. We have to be proactive to ensure that the judges reflect the increasing diversity sooner rather than later.

Deputy James Lawless: I welcome the Bill and thank the Minister, Deputy McEntee, and the Minister of State, Deputy James Browne, for bringing it forward. I also thank the members of the justice committee, two of whom, Deputies Martin Kenny and Carroll MacNeill, are present, while others have contributed, for their work on this Bill. Shortly after the Oireachtas Committee on Justice was established, this Bill came to it for pre-legislative scrutiny. It might have been the first Bill to do so. We now see it on Second Stage in the House. I note that a number of the recommendations we made following pre-legislative scrutiny have made it into the Bill. It is a good example of collegiate, constructive work across the Houses through the committee system. As chair of the committee, I thank the members for their constructive inputs throughout.

As Deputies Jim O'Callaghan and Carroll MacNeill mentioned, the Bill has taken probably the best from both previous Bills while removing some of the more problematic aspects that were attempted in the previous Dáil. The former Minister, Mr. Shane Ross, was particularly culpable, shall we say, despite not being the Minister for Justice, in driving certain views. Some of those issues have been addressed in this Bill and some have been removed where appropriate. The good in that Bill and, indeed, in Deputy Jim O'Callaghan's effort is taken forward in this new composite Bill. That is very welcome. The Bill is not a panacea and there is still much to do - "A lot done, more to do", as a famous previous Member of this House said, which is true of many things. It is certainly progress and I welcome it. It is important that we move it forward.

One thing struck me at the outset of this consideration to my great surprise. I had always imagined the Judicial Appointments Advisory Board to be a type of selection or assessment process, and I had understood that it would make recommendations, prioritise and present a slate from which the Government could choose. I was surprised to find that it really served as largely a form of clearing house, akin to no more than a Garda vetting, whereby somebody was

eligible for a role as opposed to being particularly suitable or particularly useful, and there did not appear to be any ranking or assessment, which was a pity. I understand the freedom and power of the Government to appoint judges has always been constitutionally guaranteed, but that issue has been addressed in the Bill in terms of the far more rigorous, useful and practical process to shortlist and make a number of recommendations. The Government will then choose from those recommendations, as opposed to having a process and procedure, going around the houses and ignoring it by picking somebody off the bat, which was an issue previously. We know it happened. It happened many times in many jurisdictions. Perhaps many of those appointed worked out very well in the end, but a process to screen candidates, shortlist them and present them for appointment in an assessed manner makes far more sense. It is very welcome.

I mentioned that the Minister has taken on board some of the recommendations from the committee. One in particular, recommendation 6 made by the committee, referred to the definitions of experience required for academic selection. The concept of appointing academic practitioners or academic personnel to the Bench is not new. We have some very eminent jurists and legal scholars on the Bench in Ireland and we have benefited from their expertise, but what they have in common is that they have practical experience as well. That is very important. Something that is perhaps not always understood fully is that our appellate courts have a panel and a division. They have a number of judges sitting in parallel together. They consider an appeal on a point of law. It is very technical, detailed, scientific or academic.

However, the majority of decisions in the first-instance courts, which include the High Court, Circuit Court, District Court and all courts below the Court of Appeal that the majority of cases come through, are far more practical. They are all about inquisitions into fact-finding and also on any morning of the week managing a list, managing quite an unruly room at times, trying to put some type of structure on a number of cases that are being put before the court, trying to second-guess or read the room, trying to decide whether some *ex parte* application takes priority over some motion that was filed two weeks previously, whether some other matter is urgent and needs to be heard or whether a witness can give evidence or whether it is on affidavit only. There are all these practical considerations to manage a courtroom. For an academic non-practitioner to come in, who might have a fine and thorough knowledge of the law at academic level but has never set foot in a courtroom in his or her life, it would not be very practical and would not lead to good management of that courtroom. The point I made in the committee is that it is akin to taking a very eminent medical scholar who had never practised medicine and appointing the person as the head of a busy emergency department on a Saturday night, where the person with the least experience would be the most senior person in the room. It would not have good results. We made the same point in this context. Certainly, academics are very welcome and will enhance the Bench, but the requirement that has now been incorporated in the Bill is that they have a minimum of three years' experience. Three years is actually quite low, but that there be some degree of practical experience present before coming in is very welcome. I thank the Minister for taking that point on board.

Another point to be made in this debate is that we need to look at our *per capita* rate in terms of the numbers we have in the Judiciary to serve us. Ours is quite low compared to elsewhere in Europe and internationally. It is a fact that emerged in a number of inquiries in the committee, among many unexpected topics. A point made by many stakeholders is that we need more judges. We need more people to hear court cases, hold proceedings and pass judgment because there are many matters to be dealt with. For example, a victim who is waiting time and again to come back to court and who sees matters delayed is being re-traumatised every time

they have to appear in the court. Sometimes, a complex area of law has to be clarified for the benefit of this House or of other stakeholders or a particular sector, and there can be logjams in the employment courts and across the board. It is very important that we address that. I would say to the Minister of State, Deputy Browne, and the Minister, Deputy McEntee, that we need to do that. The Government is doing that and it has made a number of appointments over the last year, but we need an injection to get us up to the level that would be seen in comparable jurisdictions.

On a point that is not covered by the Bill, I believe the Judicial Council is considering the issue of judicial conduct. There is a lot of talk these days about safe spaces and dignity at work. Sometimes, particularly in the lower courts, one can be a king or queen of one's own castle. Dignity is not always afforded to those practising or appearing as witnesses, or to gardaí or officials. The Judicial Council is looking at some form of disciplinary or internal complaints procedure. It is needed and is something we have in every other walk of life. Just because somebody is sent to the Bench, they should not be immune from being asked to be accountable in that regard.

An Leas-Cheann Comhairle: From the Rural Independent Group, I call Deputy Michael Collins, who is sharing time with Deputy Mattie McGrath.

Deputy Michael Collins: Judicial appointments have been covered by politics for as long as appointments have been made. This is wrong from the word go and it cannot continue. It should be on the basis of someone's ability, not on a nod and wink basis because someone's father or mother supported a certain party all of their lives. There is no point in the Judiciary stating that we have to separate the Judiciary from the political system as most of the judges are here because of politics. They are linked and I have no doubt that many cases that come before the courts have been on the desk of a local Deputy at some stage. We, as well as the Judiciary, should play a part in law cases in this country to rid the country of crime.

We also need to strengthen the extradition laws of this country, especially with European countries which we have locked arms with. I know of some very suspicious characters in this country who roam the countryside free because they have escaped extradition. I call on the law of the land to rectify this. If they are as innocent as they claim to be, why not go to the country that is most affected by the crime that was committed and either clear their names or face jail for the rest of their lives if found guilty? We seem too relaxed in this country about extradition and fall on the side of protecting the guilty, which in turn makes it look like we made mistakes in the lead-up to these people being brought to justice, and in turn these people try to make our gardaí look weak, which if looked into properly, is not true.

I have seen law cases in this country where gardaí have been attacked and, to my astonishment, the criminal gets a very small sentence. How can gardaí apprehend hardened criminals when the law of the land fails to protect these gardaí? Gardaí end up being badly injured in the line of duty. Sentences for these types of crimes need to be stronger. We need to show this country and the world that Ireland does not go easy on the thugs who commit these crimes.

On my behalf and on behalf of my colleagues in the Rural Independent Group, I thank the Master of the High Court, Edmund Honohan, for carefully crafting the Impaired Farm Credit Bill 2022, which has been sponsored by the Rural Independent Group. This is an innovative Bill which aims to protect the family farm from vulture funds and boost low interest credit for farmers. It was cleared for debate in the Dáil on Tuesday last. For too long, the Government

has facilitated the vulture funds and banks to seize and sell family farms in Ireland. This Bill would create a policy platform to tip the scales back in favour of landowners and farmers. It is all about protecting the small man or woman against predatory financial institutions.

An Leas-Cheann Comhairle: I remind the Deputy that this is the Judicial Appointments Commission Bill.

Deputy Michael Collins: I have spoken on that and I will refer back to that again. It is good to see the Judiciary has played a part in this to bring forward this Bill and it is very important that we explain that.

Deputy James Browne: He is not a member of the Judiciary.

Deputy Michael Collins: Only for Edmund Honohan, who is a member of the Judiciary, it would not be before us.

Deputy James Browne: He is not.

Deputy Michael Collins: He certainly is. It is unfortunate the Minister of State did not attend the audiovisual room the other day when he was here discussing what was before us in regard to this Bill. The Minister of State would have found out a lot more.

Farmers are under attack from all quarters. First, the Government is targeting deep cuts to farmers' ability to earn a living through climate action reductions and an inadequate CAP programme. Second, banks and vulture funds continue to seize and sell off family farms all over the country, with Government policy stacked in favour of these institutions. We have observed at first hand the destruction and crippling impact that these vultures have caused to families and rural communities. That is why we have brought forward this imaginative new Bill.

This would not be possible without the exceptional and invaluable contribution of the Master of the High Court, Edmund Honohan. His first-hand knowledge of the difficulties faced by farm families and his exceptional legal expertise have been instrumental in the publication of this Bill. The Master of the High Court, Edmund Honohan, has himself stated that the new world of banking is not geared towards agricultural lending. It is simply that the banks do not get agriculture and their business model will not allow it. Between banking as we know it and agriculture as we now know it, there is a grave mismatch and it is farmers and their families who are the losers in the process. This Bill provides an approach to credit and impaired credit which is *sui generis*, or of its kind, and unique to the farm enterprise.

The Bill is an invitation to all stakeholders to engage in a searching reappraisal of the current dysfunction in the banking model as it applies to Irish agriculture. Naturally, the usual gang of anonymous and highly paid banking lobbyists will beat a path to the door of any Minister who might appreciate a briefing on the measures in this Bill in a desperate attempt to block or delay open discussion and to protect the interests of the banks. Instead, we invite all of those individuals and institutions to come on record and direct their observations to the committee of the Oireachtas, where they can be subject to constructive analysis. After all, it would be nice for once to hear a Minister undertaking to put on the record of the House a full record of all comments he receives from front-door or back channels when it comes to this Bill.

An Leas-Cheann Comhairle: I know the Deputy is doing his best to make it relevant but it eludes me.

Deputy Michael Collins: Thank you very much. To be in the company of Edmund Honohan is to meet a mild, humble man who is more than willing to help, in my opinion. I am sure many will agree the Master of the High Court, Edmund Honohan, is someone every judicial appointee should aspire to be.

Deputy Mattie McGrath: I am delighted to have the opportunity to speak on the Bill. It is very loose and very weak and, unfortunately, it is not doing what it says on the tin or what it was meant to say on the tin. The Minister needs to get that opener for the tin and open it, because we know what happens to the fruit inside if it is left too long - it goes out of date. We are stale.

Mention was made of a former Minister for Transport, Shane Ross, who I fought with tirelessly with regard to rural issues. However, I supported him with regard to the Judicial Appointments Advisory Board Bill that he was trying to bring forward. Deputy Jim O'Callaghan mentioned that political shenanigans in the last Government stopped it. There was no appetite for it. The former Minister did his best and I salute him for the large amount of work he put into it. He wrote about it before he came into the House and he made promises to people. He did his best and more than his best, but it was not to be because of the political masters of the day, unfortunately, with no disrespect to the Minister of State, the Leas-Cheann Comhairle or anyone else who has served at the Bar, as a solicitor or at legal level, and there are a lot of good people. However, there is a huge job in shifting the balance from across the river to here. Power is meant to lie here and, unfortunately, it is across the river that the power seems to rest. Goodness, we have seen that in many cases, most recently with the so-called and very poorly named "golfgate", when there was a lot of media and it was a circus really, but that was a superficial war dance. There are a lot of serious issues and many families are very hurt by the justice system in this country, which has not served us well.

The joint committee's report set out ten recommendations in regard to the Bill. A number of changes have been made to the general scheme following the pre-legislative scrutiny process and subsequent recommendations of the joint committee. However, certain concerns remain regarding the role of the Attorney General and the fact the recommended candidates are not ranked in order of merit. The system is going to pick the three candidates and send those three candidates forward to the so-called commission, but there is no ranking, so it is going to give the Minister of the day the political choice that he or she wants. That is what it is and that is what is going to happen. Three names will go up.

I have some experience of discussing these issues with Ministers for Justice. I was involved in a strange court case following which I was cleared by a jury of my peers in County Tipperary, thankfully, after spending a long time in the court. I thank the jury and all the legal people who were involved. I met the then Minister and was very frustrated. This happened after the court case, not before it. I was told that Minister had not appointed the judge but had received a bit of paper from the then Taoiseach to tell him to appoint the person. That is the way it works. It stinks to high heaven and has done for a long time. The system must be cleaned out and it is wrong. I could highlight countless cases from counties Tipperary and Waterford in which justice was not served for ordinary citizens by a long shot.

Deputy Michael Collins mentioned the former Master of the High Court, Mr. Edmund Honohan, who offered a briefing to any Member who wanted to attend it on Tuesday evening last. He gave us a wonderful briefing and he gave us a great help. In fact, he drafted our Impaired Farm Credit Bill. Deputy McGuinness, Senator Norris and other Members did their best in this area previously. Anybody who stood before this very humble, decent, upright and respectful man of

the people, whom the justice system is meant to serve, in his chambers was treated with dignity, respect, the utmost decorum and fairness and was made to feel human. I have attended many court cases along with distraught families. The system in many courts is not very humane, and it got even less humane earlier in the Covid pandemic. Justice delayed is justice denied. People were locked out of court cases. Businessmen and farm families throughout the country have been put through nothing short of a torture chamber, and some members of the Judiciary have no halos above their heads after what they did. We have seen this before, where massive sums have been written off by banks for certain individuals, and they have then sat on a case instead of recusing themselves because they have a vested interest in the form of an investment with the bank. That would not happen under Putin, as awful as that man is.

Acting Chairman (Deputy Chris Andrews): Is that related to the Bill?

Deputy Mattie McGrath: It is, of course. This is supposed to be a reforming Bill. I thank the Acting Chairman for his advice but I am, of course, referring to the Bill.

I am referring to serious anomalies. There will be no lay chairperson, a major flaw. What does the Government have against laypeople? Is everyone not entitled to exercise his or her intellect and to respect, whereby he or she can bring another perspective to the table? No, the legal eagles want the power. The Attorney General, the highest legal officer in the land, will be there in an advisory capacity, even though there have been some recent decisions in which he has scratched his head and asked what had happened. I mean nothing personal against the Attorney General but his office was there. There will be four on four and the legal eagles will win out again because there will be no lay chairperson, a major fundamental flaw. It is a major design, architectural flaw that will ensure the Bill will not reform, will not do what it says on the tin, will not do what people are waiting for, and will do nothing along the lines of the efforts the former Minister, Shane Ross - I again salute him - made to tidy up the issue and to bring some sense of normality and fairness to the process.

I mean no disrespect to the Minister of State, Deputy James Browne, and the Minister for Justice may have attended an earlier session of the debate. I understand the Minister of State has some skin in the game, given he is a qualified barrister. I say “fair dues” to him in that regard - I have nothing against that - but whenever a debate gets around to our, smaller groups’ speaking slots, the senior Minister will have left the Chamber, like a cat out through a skylight. You would think someone was chasing after them with a pellet gun. You cannot do that, of course, because of animal cruelty laws, but that is the way it is. It is patently insulting and downright disrespectful to the section of the electorate that sends us here. I refer to me, my colleagues in the Rural Independent Groups and other small groups as well. It happens all the time. Surely the Government can organise a structure whereby if the Minister has to leave before the debate has concluded and if a second session has been scheduled, a Minister can attend the second session for a while to listen to our views. Our views are not weird or off the wall. Our voices, and the voices of the people who put us here, have to be heard too.

To return to the Bill, the three names will be recommended to the Government. I have sat on many an interview board as a voluntary board member of both a national school and a vocational education committee, VEC, school. There is always a ranking system. The interview panel tries to get the best person available and, in second level at least, there was always an education inspector who was very good and gave sound advice. On many occasions, there were two wonderful ladies who had retired from the Sisters of Mercy order, who were brilliant in their knowledge and their in-depth line of questioning and advice for us laypeople. I was the

chairman of the panel many times and I would not have been able to do that without the expert advice of those people. We recommended the candidates in order of our preference in case, for some reason, the number one choice could not leave their previous job or could not take up the new job. We always had to do that and we would give three or four options in order of preference, but that will not be the case following the commencement of this Bill. Three names will be handed to the Secretary General and the Minister's Department, and there will be a pushing and shoving at the Cabinet meeting, a nod and wink and whatever. The political appointee will get the job every time. It is plain and simple. If it looks like a duck and walks like a duck, it is a duck. The Bill will not change that one iota.

We talk about juntas in African countries and elsewhere. We fought here and got our freedom and our democracy. We got the courts and the legal system but it has not served us well. It may have served us in the main, but I could mention countless instances where it has not. I could mention Tom Kennedy's family in Tipperary, who have suffered an appalling vista of abuse, Kieran Hartley, whose case is currently before a Waterford court, where the witnesses were locked out of the court, or my own case, but I will not because, thankfully, the jury saw through what was going on. It is totally, scandalously political and it is what is going on up and down this country. That needs to be tackled and it is what the then Minister, Mr. Ross, was trying to tackle. As I said, I fought with him on transport issues and many other issues relating to rural Ireland but I am that kind of person. I deal with issues as they come before me. Above all, I like to be straight and honest and support issues where I can and if I can point out flaws, that is what I do.

The Bill contains many failures and inadequacies, the main one being that relating to na triúr ainmneacha. They will be on a piece of paper in a white envelope with no ranking. That is not an interview process. An interview process is meant to pick out the best person from the four, eight, 100 or however many people come before the panel. It should pick the best person who has applied to do the job, in the opinions of the eight people on the panel, with the advice of the Attorney General. There will be plenty of advice in the room. Moreover, although I may stand to be corrected on this, the Chief Justice will chair the meetings and will be available to offer advice. In any event, there will be plenty of advice on the legal side, so why will the Government not allow for a lay chairperson? He or she would not be Mattie McGrath coming in, running amok and wrecking the place. That person would respect the place. Mol an óige agus tiocfaidh sí, mol na daoine agus tiocfaidh said.

We should get people of valuable experience. I do not mean people from NGOs. I was shocked to learn we now have 36,000 NGOs, costing €5.5 billion annually. I want ordinary, true laypeople to be involved. I refer to people of the country, that is, ordinary people who have lived their lives and raised their families like any normal person and who have a lot to offer. Many of them have done tremendous work in voluntary organisations throughout the country, unlike the NGOs. You are nobody now if you are not an NGO. We need to re-evaluate that system also, although that is not included in this Bill and I will not get into that. The Group of States Against Corruption, GRECO, has on several occasions criticised what is going on, the delay, the inaction and the obfuscation that went on when the then Minister, Mr. Ross, was trying to make changes. I have ears and can hear what goes on. Tá dhá chluas agam. I could hear what was going on in this building, outside of the Chamber. People said they would make sure it was buried, and it was buried. All that was lacking was the funeral and the praise. It was buried because it was not wanted. It was not because of who the former Minister, Shane Ross, was but because it was unpalatable to some. It was trasna na habhann, across the river.

We had a seismic shift here. I am looking at the Acting Chair here. I should not comment on the Chair but I am looking at Sinn Féin, which is champing at the bit to get into power. It has made many promises. I will live in hope and wait and see. The system is so cumbersome now that it will take a fair amount of courage and dedication to change it. You would need a jackhammer or a pickaxe to get the hands of the very senior civil servants, such as Mr. Watt and others, senior officialdom, some NGOs and the whole cabal that exists off the handlebars of power and to give a small bit back to the people and to his House. We have taken power here. We saw this in how this House acted during the Covid pandemic. Any legislation requested was passed. We saw legislation on hearsay included in emergency legislation on health during a pandemic. That was the biggest joke of all time. There was not a word from any of the major parties here, including the main Opposition party. That was put in. That was the boldest, most audacious move. The Government thinks it can do what it likes with the people, including the people in here as seen in the inclusion of that legislation on hearsay. It is devastating that hearsay can be allowed as evidence. *Dúirt bean liom go ndúirt bean léi go raibh fear i dTiobraid Árann a bhfuil póca ina léine aige.* That is what hearsay is. I will finish but this is useless, toothless and fruitless.

Deputy Catherine Connolly: I have great respect for Deputy Mattie McGrath but I do not agree with him that this is toothless, fruitless and useless. In fact, I welcome the Bill and the amount of work the Department and the Minister have put into it. I often criticise written speeches but I will not on this occasion. It was succinct and to the point. Of course, it does not deal with the issue of the Attorney General or the thorny question of the concerns raised in that regard, but it deals with the matters it deals with. It talks about fundamental reform and I acknowledge that. This is fundamental reform and I acknowledge that openly.

However, what is missing from the speech is the context. It is as if this Bill has arrived from nowhere. The background to this is that it has been a long time brewing. Let us put it like that. I have read all of the submissions and I once again acknowledge the work of the committee. In fairness, it highlighted the different opinions among its members. It did not come down on one side or another but certainly highlighted different issues, including the issue of rankings, concerns over the Attorney General being placed on the committee and so on.

Why do we need this? It is not a reflection on the judges. I will put up my hand and say that, in a different life, I was there. I am highly critical of any institution, including the Judiciary, when necessary but the older I get and the more time I spend with institutions, the more I realise they are the last bastion of the people who managed to get there. Unfortunately, not everyone has access. I wish we were discussing equality before the law in terms of access and the number of judges we need rather than this but this is the first step in looking at that.

We have at least four academics, including three in Ireland and one from outside, acknowledging we need a fair, transparent and rigorous process. They say this Bill goes a long way towards that. The Irish Council for Civil Liberties, which we often quote here, tells us that an independent, fair, transparent and effective judicial appointments system is crucial for protecting the independence of the Judiciary and the right to a fair trial. The Irish Human Rights and Equality Commission tells us, “An independent and diverse judiciary are fundamental components of a functioning democracy.” It also points out that, “Judicial independence is a cornerstone of the rule of law and access to justice.” Access to justice is another thing we do not talk about in here. It goes on to say, “Independence of the judiciary is an essential element for an individual’s perception of the judiciary and confidence in the judicial system.” Perception is very important here. The commission states:

Perceptions about the independence of a judiciary can affect an individual's decision to:

“bring cases to court, to refrain from legal action or, if available, to use other methods of dispute resolution”.

Interference with judicial independence and attempts at influencing judges can severely undermine the protection and recognition of human rights.

It also states, “Furthermore, from a rule of law perspective, a judiciary should be representative of the diversity nature of society.” I could go on but these fundamental principles have been pointed out for quite some time.

We are here today with a Bill that certainly is reforming. There are many positive things in it. I do not agree that the former Minister, Shane Ross's Bill was the right way to go about this. It was most unfortunate that it served to deflect from the real necessity for a debate on justice, access to justice, diversity of the Judiciary and many other issues. If this is the start of that debate, I welcome it. The positive aspects include the fact that, for the first time, judges will be appointed based on merit. That is set out in legislation. There will be published criteria, selection statements and diversity statements. An interview will be essential.

The number of candidates from which the Government must select a judge has been reduced to three. That is welcome. All of the organisations I have mentioned, as well as international organisations like the Group of States against Corruption, GRECO, have said that a big number of names going forward to any government is unacceptable. The reduced number of three is acceptable. I have an open mind with regard to ranking. I know a lot of issues have been raised in that regard. I feel that concern has been met to some extent by reducing the number to three, which still leaves the Government the discretion it must have under the Constitution. A good balance has been struck there.

I welcome the underlining of the importance of education and training. It is fundamental. I welcome that there is to be a diversity strategy published with the particulars set out. I may come back to that point. I welcome that all applicants will go through the same system regardless of their position. The existing system, under which there is a difference, is unacceptable. The proposal in the previous legislation put forward on this issue, that there would be a trinity, including the Attorney General, to appoint the top judges, was simply unacceptable, so I welcome that, under this Bill, all applicants will be treated in the same way and will have to go through the same process. I welcome that eligibility has been extended to include the President of the High Court and legal academics. Although I know the Bar Council has some concerns with regard to experience, I do not share that concern. I believe it is a welcome change that legal academics are to be allowed in.

I welcome the accountability and that a report will be produced annually and presented to the Dáil. I welcome the built-in review in the legislation, which will go some way towards bringing about accountability, although I have concerns about a matter that is not set out - perhaps I have misread it - which is the review not being publicised. Perhaps the Minister of State can clarify that point. The review that is to be conducted by the commission in due course is to go back to the Minister but I do not see any provision for it to be sent to the Dáil. If we are seriously interested in increasing diversity among judges at every level, it is essential we see what the commission is saying, what we are learning and what further changes from the Dáil are necessary.

I welcome all of those changes but I will now move on to some of my concerns. I see no reason for including the Attorney General in the judicial appointments commission. The judicial appointments commission is to replace the Judicial Appointments Advisory Board, JAAB. It is a change of letters but it may theoretically be a lot more than that, depending on how the replacement is implemented.

3 o'clock

If it is implemented properly and the review is carried out properly, it will ensure fundamental reform. Practically every single submission expressed serious concerns about the presence of the Attorney General, with the exception of the Bar Council. Its concern was simply that there was no provision for a replacement when the Attorney General steps out where he or she is going for promotion and would have no part in the process. That is the most basic requirement, that he or she would step out. If the judges on the commission are going for promotion, they must step out and there is provision for their replacement. The Attorney General is on the commission, but if he or she steps out, there is no replacement. That is one practical problem the Bar Council pointed out.

However, there is a far more fundamental problem that is totally at odds with the fundamental reform in this Bill that I am praising and which the Government is praising. There is no fundamental reform if we have the Attorney General on the commission, albeit in a non-voting capacity, because he or she will be there every step of the way, as has been pointed out, and will be there at the end when the Government decides. As pointed out by the submissions, the Attorney General will inevitably be involved in the final selection once names are sent to the Minister. Therefore, having the Attorney General sit on the appointments commission, albeit without a vote, seems to give an overly dominant - I would say influential - role. The Irish Council for Civil Liberties has pointed this out, the legal academics who made submissions have pointed this out, and the Irish Human Rights and Equality Commission, IHREC, has pointed it out. Specifically, IHREC says the rationale for the presence of the Attorney General on the judicial appointments commission is unclear.

Significantly, there is a gap in the speech where there is no reference to it at all except one line saying it will be a non-voting role. It does not deal with the issue raised after the process of consultation has been completed and when the vast majority of submissions have raised the most serious concerns in regard to having the Attorney General on the judicial appointments commission. I would love if the Minister dealt with that, with why we are avoiding dealing with it and giving us a rationale. It does not make sense. I think the rationale that was given by a colleague – it has gone out of my head but I might come back to it, and I think it was Deputy Lawless but I had better check - certainly did not ring with me as a rationale for having the Attorney General on the commission. The Attorney General is the Government's legal adviser and arguably this provides a means of Executive involvement in the judicial appointments commission's proceedings. This is not me talking - it is from the submissions - but I fully endorse this. This is particularly so given the Attorney General also sits at the Cabinet, again in a non-voting role. The risk is that having the Attorney General on the judicial appointments commission presents the obvious risk of double counting the view from the Executive.

Independence from the Executive and the Legislature was precisely the issue, and this has been pointed out and gone into in detail, and I share all of those concerns. The Law Society of Ireland said it is not appropriate to have the Attorney General on the judicial appointments commission. It outlines six different persuasive reasons the Attorney General should not be

on it. There is also a suggestion the Attorney General should be ineligible for appointment as a judge of the Supreme Court or the Court of Appeal for at least a period of 12 months after leaving office. That is another concern that has not been dealt with. As I mentioned already, the Bar Council said there is no provision for a replacement for the Attorney General when he or she steps out of a commission meeting. Obviously there cannot be because there is only one Attorney General. That in itself is a problem.

The Bar Council raised an interesting point in regard to the cost analysis and the danger of a new quango. I fully agree there has to be a judicial appointments commission and that it has to be staffed, but the Bar Council raises serious issues in regard to the creation of a new State body and whether it is proportional to the function for which it is created. In any given year there might not be any judges appointed and we are providing an office, funding and a director. The basis for the potential extra expenditure has not been identified in the Bill. Perhaps it has somewhere and I am not aware of it.

There are concerns about confidentiality, which is another concern of mine, where an offence has been put into the Bill. Only one submission raised this and it was the academic who is, I think, based in Oxford. He raised the question of the necessity for creating an offence for canvassing or for disclosure of confidential information. I understand in the previous legislation there was simply a prohibition on disclosure. Now we have gone further and created an offence. It could may well be that there is a need for that but I see no evidence. Has somebody broken that in the past? Have they contravened the prohibition? Why do we need that? How is that dealt with in relation to the Attorney General? He or she sits on the judicial appointments commission and then goes back to Cabinet and talks to the Ministers and so on. Where does confidentiality come into that? Will that person who is Attorney General be treated differently in regard to confidentiality? I would like that to be clarified. If we are going this far, and I think it is a major step in fundamental reform, why shoot ourselves in the foot by keeping an Attorney General on a commission when there is no rationale for it?

I mentioned already that ranking was a serious concern of many of the submissions. It is not a concern for me now that the numbers have been reduced down to three. The other matter was in regard to judges being elected by their peers. It is not clear to me if that is the case or whether they will be nominated. It would seem to be an international practice that they would be by their peers.

In regard to diversity and gender equality, it took 101 years to get the first two females appointed to the Bar. We are dealing here with 100-year periods. The year 2021 marked the centenary of the call to the Bar of the first two women, Frances Kyle BL, and Averil Deverell BL, in November 2021. They were the first two to be called to the northern bar. That was the 100th year. It took another year to break the barrier for solicitors, and they were appointed in 1923. Mary Dorothea Heron was the first woman to be appointed. I think great strides have been made. Some 40% of barristers are now female, although there is a complete imbalance in regard to senior counsels, of whom only 17% are female. However, the promotion of judges is from the pool of senior counsels. I acknowledge Deputy Carroll MacNeill's work in this area, the book she has written and the research she has done. It has taken quite a long time to get this far where 40% are female. The diversity strategy and the gender strategy need to mean something in reality. The first review that is carried out will be essential to learning and to seeing whether we mean what we are saying when we pass this legislation. Will it be implemented?

The other thing, when I looked at this, is that very often there can be strong legislation and

strong strategies, as they have in England, and it does not make a difference. We are actually ahead of England in terms of gender equality, as I understand it. Having it is one thing; implementing it is another.

In regard to diversity in terms of socioeconomic and ethnic backgrounds and so on, we have no data. It is another fact that jumps off the pages. We know anecdotally the judges do not reflect society, that they come from a particular background and a particular education system, which is absolutely no reflection on them. In my opinion they do a good job, relatively speaking, compared with other institutions, as I said earlier. We need data urgently. One of the first jobs for the commission is to have data and to commission and carry out research. Its strategy should be based on that. It should have targets and objectives that should be reviewed. It should be brought into the Dáil or the relevant Oireachtas committee in order that we can look at it.

Why do we need this Bill, besides any of the political debates that have gone on about it? Given the recent developments in Poland and Hungary, and again this has been identified in the submissions, it has become all the more clear that we cannot rely on convention or tradition alone and assume the goodwill on the part of any future government.

We need an independent process inasmuch as we can do that under the Constitution. I think this strikes the balance in that regard.

I will finish by saying that I would love a discussion in here when we have this done and the system is set up to monitor it, the targets that are set and on access to justice. The President of the High Court, Mary Irvine, has pointed out repeatedly that there is an absence of judges and the five recent appointments in the past year were already counted, so we need more judges.

In response to the argument that judges are a cabal, let me point out that back on 30 January 2014, eight years ago, the Judicial Appointments Review Committee set out 16 recommendations in a report. They are fundamental. It was stated that: “The present system of judicial appointments is unsatisfactory.” That is the senior judges speaking. They also stated: “As a matter of principle, political allegiance should have no bearing on appointments to judicial office.” They went on to say that there should be no distinction between the appointments of judges on a higher level and a lower level. They asked for ranking in recommendation 16. There were the senior members of the Judiciary crying out for change. I agree with a lot of what Deputy Carroll MacNeill says, but not on this. The Judiciary itself highlighted that reform was necessary and that it should not depend on political patronage.

The final issue that is not addressed is what happens if the judicial appointments commission fails to nominate somebody, if it does not pick anybody or it is not in a position to recommend anyone. I do welcome the fact that the Government has to pick from the three candidates, but what happens if three candidates are not chosen?

Deputy Bernard J. Durkan: I am pleased to have an opportunity to speak on this important legislation, which was very laborious in its birth, had a long gestation and on which we anxiously awaited the outcome. I agree with many of the points made by the previous speaker, but I want to warn about a couple of issues that cannot be remedied in a small country. No matter what board comes up for renewal, in what capacity it comes up or on what basis an interview board is set up in this country, it is a small country and there is no way we can be certain that nobody on the board knows the person who is being interviewed for appointment. It cannot be

done in a small country. Neither can it be guaranteed that they do not know their relatives or something about them.

I have the highest respect for the Judiciary and the need to keep the separation between it and the political system because of our constitutional requirements. That must not change, because if there is any movement towards change it would give rise to a problem that would manifest itself in early date. Like many of us in this House, I have been before most judges. I have been impressed by many of them. I found the judges of the High Court, Supreme Court and all the other higher courts to be exemplary in the way they discharged their duties. I would be the first to say that. Occasionally, in some of the lower courts one would raise questions about decisions taken or the basis of the decisions taken, which could be on whether a person liked politicians. For instance, I have been a witness in a case where a judge refused to allow the witness to speak on behalf of a defendant. I know as much about this system as they know about the system in that regard. A witness is a witness. Whether he or she is a public representative or not, he or she is entitled to be a witness. I have seen various witnesses in courts discharge themselves admirably and I have seen witnesses discharge themselves dubiously as well. We would ordinarily expect to be in a position to quiz them as to their authenticity and so on, and it might not always work. I remember being told by a judge that the court was not a political arena, to which I had to respond that I was not there in a political capacity, I was there as a witness, a distinction that has to be observed.

In the system that now prevails there is no way that we can be certain that we have taken all the knots out of the woodwork in the course of our work. It was a good system heretofore which worked well generally. There was the odd one here or there, but sure there is the odd one in this House from time to time and I ask how they got in here, and they could say the same about us. The point is that in a small country it is well nigh impossible to get an interview board at any level whereby somebody who is being interviewed does not know somebody who knows those carrying out the interview. It is not possible to do it. For example, they might know the school they went to. They all know that, and there is no use in pretending otherwise. Despite the fact that this was a long drawn out debate, some of the debate was well placed and some of it was not. We have to depend on two things in our system: the integrity of the judicial system and its separation from the political system. There must be a strict observance of that division at all times.

In the past, I and I am sure many other people in this House have challenged whether somebody was stepping over the system and wandering into each other's territory. It is not possible to do that. It is not possible for the Members of this House to sit in judgment on every judgment either. There may be judgments that we can question and that the public will question, but we cannot go through every case. It is not possible to do that. In fact, it is a dangerous thing. The courts should not be looking behind them in the rear-view mirror wondering whether or not something would meet the approval of the political group. That is not the way the system works. It is not supposed to work that way and it should never be that way. Let us hope that this system irons out some of the perceived kinks that were in the system. I say "perceived" because there are always explanations as to why different decisions were made. We could all raise questions, but the fact of the matter is that we have to respect the integrity of each other's positions and the importance of the Constitution in this country. We look across the water at our nearest neighbour, which does not have a constitution - it has a different system there. We do have a Constitution here which must be strictly observed whereby the State and the judicial system are completely separate and independent.

Dependence on the integrity of this system is important to every citizen, whoever it may be, whether he or she is an influential or important person or of no importance at all as far as the general public are concerned, but people are entitled to their day in court. They are entitled to justice, in so far as they can get it, but what they get in court is the law, in many cases, as opposed to justice. We recognise that if the law says a particular application must be made in a particular way, that is the way it is going to be. That is where solicitors differ. Some solicitors say we can change that, and some lawyers say they can challenge that. Sometimes they win and sometimes they do not. That is as it should be as well.

In the final analysis, I hope this works well. I also hope that people recognise that we are a small country, and everybody knows everybody else in some way, shape or form. It is impossible to avoid that. I hope we will learn to live with the new system, get the benefit from it and as a result get improved stature for the system - both the system of politics and the judicial system, and that both will grow in strength.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Deputies for their contributions. We have had an interesting debate both on the previous occasion and today and very useful contributions. This legislation meets the commitment in the programme for Government to overhaul our judicial appointments system. We are debating serious and meaningful reform. It is significant that all judicial offices in the State and outside the State will come within the commission's remit to recommend. It is critical that all applications must be made to the commission, and only to the commission, including from serving judges. It is important the Government may only appoint or nominate a person recommended by the commission.

I may not have the opportunity to cover all issues raised, but I will endeavour to respond to some key points. Deputy Martin Kenny welcomed the Bill and questioned the chairing and lay complement. The Judicial Appointments Advisory Board is, and has been for about 25 years, since its inception, chaired by the Chief Justice of the day. The Chief Justice has a unique perspective on the workings of the entire judicial system and has a particular understanding of what is required to become a judge at any level of the judicial system. The Chief Justice is chair of the Judicial Council. I accept that the commission we are providing for and the council are not the same and have different functions and objectives, but I believe there is not a person better placed to guide and lead the function of selecting judges into the future. It is not always the choice of comparable jurisdictions to have a leading judge heading up this role, but some jurisdictions, such as Northern Ireland, have this arrangement and I am satisfied that it works particularly well.

The context is increased lay involvement. Judges and lawyers outnumber laypersons on the Judicial Appointments Advisory Board by eight to three. The Bill represents a large vote of confidence in what previous and existing lay members will bring to this function and the future expertise lay members will bring to the commission under section 13. Under section 9, four lay members, openly recruited, will have the exact same weighting on the commission as judicial members, that is, four to four. A smaller commission with a balance of lay and judicial voices will be efficient and effective at making recommendations to the Government. The judicial membership has been reduced from what was previously planned and what currently pertains under the Judicial Appointments Advisory Board. There is no particular need to have all court presence sitting all the time. The Bill provides for the fixed membership of the President of the Court of Appeal only. Other presidents will come in and out as members, depending on which court vacancies are being considered. Overall, with the Chief Justice's chair, this is a sound,

effective and balanced arrangement.

Deputies Martin Kenny and Catherine Murphy also mentioned ranking of candidates or an order of preference among the three recommended names. The Minister's advice is that, for the Government to discharge its function under the Constitution, it must have a choice of candidates. The Minister is of the view that three names, without an order of preference, is essential to maintain this balance.

Deputy Howlin reminded us of the context of the inception of the Judicial Appointments Advisory Board arrangements. He also touched on the important context of the rule of law in the EU for the Bill.

Deputy Howlin and others also referred to the position of the Attorney General on the commission. This matter was the subject of the committee's pre-legislative scrutiny report and thank them for raising it. As noted in the committee's report, the general scheme of the Bill provided that the Attorney General shall not, as a member of the commission, have a right to vote, and section 9 provides for that. The committee's report notes it was argued that the general scheme of the Bill contained a significant weakness in the proposal for the senior judicial appointments advisory committee including the Attorney General. However, the Bill does not include this proposal, as the Minister mentioned yesterday.

As the legal adviser to the Government and the chief law officer of the State under the Constitution, the holder of the Office of the Attorney General is a suitable person to be a member of the judicial appointments commission in the performance of its functions under the Bill. The provision that the Attorney General shall not have a vote as a member of the commission allows for an appropriate balance between the four judicial members and the four lay members. Under Article 30 of the Constitution, the Attorney General shall not be a member of the Government, and the Attorney General does not have the role of representing the Government on the commission.

Several Deputies mentioned the importance of the diversity objective. I agree this is a concern and I thank them for raising this important issue. I have two points to make. First, section 28, in a development of the general scheme, now provides for the periodic publication of a diversity statement by the commission. This will set out the manner in which the commission gives effect to the objective, set out in section 39, that membership of the Judiciary in each court shall reflect the diversity of the population of the State as a whole, as well as related matters specified in section 28. The commission must prepare such a strategy periodically. It should be noted that section 61 requires a review of how the key objectives of the Bill, including diversity, are being met.

Second, focusing more so on the legal professions, the Minister is engaging with the Legal Services Regulatory Authority, LSRA, on the matter. The Minister asked the LSRA to examine further the remuneration of trainee barristers and solicitors, the other costs associated with joining each profession, the information available to prospective trainee barristers and solicitors on available masters and solicitors firms, the information available on the terms and conditions available and how they are selected, and any other barriers facing young barristers and solicitors, including the ability to take maternity leave. The Minister asked the LSRA to pay particular attention to equity of access and entry into the legal professions and the objective of achieving greater diversity within the professions. The authority has reported on the matter and the Department is currently engaging with the authority.

Deputy Connolly raised the issue of access. Access is an important component of Mr. Justice Peter Kelly's review, wherein 90 recommendations were made, including several relating to access. An action plan will be brought before the Cabinet shortly in the implementation of these recommendations.

As to the number of judges, there was a recent increase in the number of High Court judges, from 37 to 42, and a review is being carried out to assess the need for judges across all courts.

I thank the Deputies once again for their engagement with this topic. There is clear acknowledgment of the importance of a judicial appointments process and the need to get the various aspects and balances around the procedure right and fit for purpose. The selection, recommendation, and appointment of persons to these critical roles with such a bearing on peoples' lives and on communities and greater society is a focal point of the administration of justice. This will be enhanced by the reforms put forward in the Bill.

Question put and agreed to.

Judicial Appointments Commission Bill 2022: Referral to Select Committee

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

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

Question put and agreed to.

Child Care (Amendment) Bill 2022: Second Stage

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O'Gorman): I move: "That the Bill be now read a Second Time."

The purpose of the Bill is to reform the existing guardian *ad litem* system. At present, guardians *ad litem*, GALs, are appointed by the court for children who are the subject of child care proceedings under the Child Care Act 1991. The GAL's role is to ascertain the views of the child and communicate these to the court. The GAL also makes recommendations to the court as to what is in the best interests of the child. This is an important role that gives a voice to vulnerable children during care proceedings, yet the current legislative provisions do not set out the qualifications and experience necessary to act as a GAL. The status, role, and functions of the GAL are not defined. There is no requirement on the court to appoint a GAL, which means that appointments are *ad hoc* and inconsistent.

The Bill will address these issues by repealing section 23 of the Child Care Act, and inserting a new Part specifically relating to guardians *ad litem*. The Bill provides a statutory basis for a national GAL service that will provide high-quality assistance to both vulnerable children and the courts. The reforms set out in the Bill have been welcomed by children's rights campaigners and are in line with the Oireachtas joint committee recommendations and submissions received by my Department. The publication of this legislation is delivering on commitments in both the programme for Government and in Better Outcomes, Brighter Futures, the national

policy framework for children and young people.

I would like to discuss some of the policy considerations that informed the development of the Bill before I outline the main provisions in detail. The children's right referendum of 2012 saw the passing of the thirty-first amendment to the Constitution. In addition to recognising children as rights holders, the thirty-first amendment provided that, in the resolution of all proceedings involving children, the best interests of the child are the paramount consideration. In recognition of this, the Bill specifically provides that in any proceedings before a court in relation to the care and protection of a child under the Child Care Act, the court is obliged to regard the best interests of the child as the paramount consideration.

The Bill further provides that where a child is capable of forming his or her own views in any child care proceedings, the court must determine how to facilitate the child in expressing his or her views. The court must then give due weight to any views the child wishes to express, having regard to the age and maturity of the child.

In its 2015 annual report, the Comptroller and Auditor General considered the guardian *ad litem* service. The report noted a lack of transparency surrounding selection, registration and vetting of GALs. It also highlighted a lack of oversight regarding costs and found that payments made to GALs in Ireland appear to compare unfavourably to the contracted early rate of GALs in other common law jurisdictions. The report further expressed concerns that while GALs in this country are paid a standard hourly rate, they do not necessarily deliver a standard service.

Under the current legislative provisions, a GAL may engage legal representation if he or she feels it is in the child's best interest to do so. The selection and appointment of legal representation is a matter for each individual GAL as GALs are not employed or managed by a public body. This situation means that despite the large sums of money involved, there is no open, competitive, tendering process in place for legal representation for GALs. The Comptroller and Auditor General report, therefore, recommended that my Department examine options for engagement of legal representatives by GALs. This issue has been addressed in the specific section in the Bill on legal representation for GALs.

Deputies may be aware that a similar Bill to regulate GALs was introduced in 2019 and fell with the dissolution of the previous Dáil. The lapsing of that Bill gave my officials further opportunity to consider issues that have been raised by stakeholders and to further refine its provisions. The general scheme of this Bill was then examined by the Oireachtas joint committee in pre-legislative scrutiny. The committee's report focused on two key issues that have been the subject of lengthy debate. These are the appointment of GALs and the status of GALs. The committee recommended the mandatory appointment of a GAL in all proceedings before the court under the Child Care Act. The Bill provides for mandatory appointment in all proceedings under section 25 of the Mental Health Act 2001 and in special care proceedings before the High Court. I believe the automatic appointment of a GAL for a child in these types of proceedings is an important safeguard for a child who could potentially be deprived of his or her liberty. However, in relation to all other childcare proceedings before the court, the Bill provides for a presumption in favour of appointment.

The Oireachtas joint committee also considered the issue of whether a GAL should be a party to the proceedings. While providing that GALs have all of the necessary powers to fulfil their role, the Bill confirms that the GAL is not a party to proceedings. However, the Bill ex-

PLICITLY confirms the discretion of the court to allow a GAL to exercise certain party-type rights, where appropriate, in the child's best interests. The court may also direct GALs to carry out further duties, as the court considers necessary, in the interests of the child and in the interests of justice. I have considered the recommendations of the committee carefully and while some differences of opinion remain, I believe the Bill addresses many of the concerns raised.

I will now turn to the provisions of the Bill. Section 1 sets out the definition of key terms used in the Bill. It defines the Child Care Act 1991 as the principal Act. Section 2 provides for the repeal of certain provisions of the Child Care Act 1991 and the Child Care (Amendment) Act 2011. These repealed provisions will be replaced by the provisions of this Bill. Section 3 amends the interpretation section of the Child Care Act 1991 for the purpose of inserting a definition of the data protection regulation. Section 4 amends the principal Act by substituting a new section 24 for the existing section. The purpose of this amendment is to reflect the intent of Article 42A of the Constitution by confirming that in any childcare proceedings under the principal Act, the court must have regard to the best interests of the child as the paramount consideration. Section 5 inserts a new section 24A into the principal Act. The new section provides that where a child is capable of forming his or her own views in any proceedings under the principal Act, the court must determine how to facilitate the child in expressing those views. The court will be required to give any views that the child wishes to express due weight, having regard to the child's age and maturity.

Section 6 amends the *in camera* rule by inserting a new section 5B into section 29 of the principal Act. This new subsection provides that the Minister may grant an approval to an official, which will enable that official to attend childcare proceedings in specific circumstances. An approval may be granted if the Minister is satisfied that attendance by an official would assist in the promotion of good practice by GALs or where such attendance would assist in the review of the operation of the Child Care Act. These amendments provide clarification on the documents that the Child Care Law Reporting Project may also access.

Section 7 inserts a new Part, relating to guardians *ad litem*, into the principal Act. This new Part comprises sections 35A to 35Q. Section 35A sets out the definitions used in this Part. Section 35B specifies that a person is not appointed as a GAL for a child unless an order directing such an appointment has been made under this section. It provides that the High Court will appoint a GAL for all children in special care proceedings. It creates a presumption in favour of the appointment of a GAL in proceedings before the District Court. Where the District Court decides not to make an order appointing a GAL, the court will be required to give reasons for this decision in writing.

Section 35C requires the Minister to appoint a GAL where an order is made by the High Court or the District Court, or if the court has made a direction to keep proceedings under review. Section 35D deals with the provision of legal advice and legal representation for GALs. It requires the Minister to provide legal advice and legal representation to GALs appointed in special care proceedings. The Minister will be obliged to arrange for the provision of legal advice to GALs who have been appointed for a child in proceedings before the District Court upon request. The Minister may also arrange for the provision of legal representation to a GAL in the District Court, if the Minister considers it is in the best interests of the child to do so, having regard to the list of factors set out in this section.

Section 35E further provides that a GAL is independent in the performance of his or her functions and, in performing those functions, the GAL will regard the best interests of the child

as the paramount consideration. The section explicitly provides that a GAL is not a party to the proceedings. However, under subsection 11, the court may, where it is satisfied, having regard to the nature of the case, that it is necessary and in the best interests of the child and in the interests of justice to do so, order that the GAL shall have such party rights as it may specify. The court may specify whether the exercise of these rights is for the entirety of the proceedings or in respect of particular issues in the proceedings.

Section 35F sets out the powers of a GAL and provides that a GAL is permitted to apply to the court to request that a report be obtained on any question affecting the welfare of the child. A GAL may make an application where there is no existing report, or where there is a report but the information contained within it is out of date. Before making an application to the court, the GAL is required to consult the parties to the proceedings, or the counsel or solicitor, if any, representing the parties.

Section 35G allows the GAL to make a request to Tusla for information relating to the welfare of the child which is necessary for the performance of his or her functions. Subject to the general data protection regulation, GDPR, and the Data Protection Act 2018, Tusla is obliged to comply with such a request. In the event that the agency refuses to comply with a request from a GAL for information, the GAL may apply to the court for a determination on the dispute.

Section 35H specifies the circumstances in which an order appointing a GAL in either special care proceedings in the High Court, or proceedings in the District Court, ceases to have effect. It further provides that where a child for whom a GAL has been appointed becomes a party to the proceedings, the court shall determine whether the order appointing the GAL ceases to have effect.

Section 35I provides that the Minister will pay any reasonable costs or expenses incurred by a guardian *ad litem* while exercising his or her functions under this Bill on or after the relevant date.

Section 35J provides that the Minister may develop a regulatory framework for the purpose of ensuring that guardians *ad litem* are held to high professional standards when performing their functions under the Act.

Section 35K provides that the Minister may ask a GAL to provide information relating the guardian's functions, including information relating to the proceedings in which the guardian *ad litem* has been appointed. Subject to the general data protection regulation and the Data Protection Act 2018, a guardian *ad litem* is required to comply with such a request. This provision allows for the appropriate management and supervision of guardians *ad litem*.

Section 35L provides that the Minister may issue an authorisation to those persons he or she considers appropriate to perform the functions of a guardian *ad litem*. A person will not be considered as an appropriate person to perform the functions of a guardian *ad litem* unless he or she fulfils the requirements which are to be set out in regulations to be made under this section. The regulations may prescribe matters such as the particular professions from which guardians *ad litem* may be authorised and the qualifications and minimum levels of professional experience required. It is intended that guardians *ad litem* will be required to hold relevant qualifications in social work, social care, psychology or psychiatry, with at least five years' experience.

Section 35M provides that a person who has been authorised to act as a GAL is required to notify the Minister in writing of any relevant matter which would affect his or her authorisation

within the timeframe specified. “Relevant matter” is defined as a criminal record within the meaning of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

Section 35N sets out the circumstances in which the Minister may revoke the authorisation of a guardian *ad litem*.

Section 35O sets out the circumstances in which a GAL authorisation will cease to have effect. It further provides that where a guardian *ad litem* has been appointed for a child and his or her authorisation is due to expire before the conclusion of proceedings, the Minister has the discretion to extend the authorisation.

Section 35P provides that the Minister may enter into contracts for service and issue an authorisation with persons considered appropriate to perform the functions of a guardian *ad litem*. This will enable the executive office to operate a panel of guardians *ad litem* on contract. While it is intended that the vast majority of guardians *ad litem* will be directly employed by the executive office, this provision is intended to allow some flexibility. It may, for example, be necessary to be used where a GAL needs to be appointed for a child who lives in a very remote area and no employed guardians *ad litem* are available in that location.

Section 35Q sets out the transitional arrangements which will apply. These arrangements will ensure that there is minimal disruption to ongoing childcare proceedings in which a GAL was appointed before the date on which this Bill comes into operation.

Section 8 makes consequential amendments to the principal Act in order to insert references to the new part on guardians *ad litem* which is proposed to be inserted by this Bill.

Section 9 amends section 71 of the Children Act 2001 for the purpose of inserting a reference to the new Part which is proposed to be inserted by this Bill.

Section 10 amends section 25 of the Mental Health Act 2001 by substituting a new subsection for the existing subsection 14. The new subsection provides that in proceedings before the District Court relating to the involuntary detention of a child, the court must appoint a guardian *ad litem* for that child and, furthermore, the GAL is entitled to both legal advice and legal representation for the proceedings.

Section 11 amends the National Vetting Bureau (Child and Vulnerable Persons) Act 2012 by inserting a reference to guardians *ad litem* into Schedule 1 to that Act. The purpose of this amendment is to ensure the provisions of the vetting legislation apply to guardians *ad litem*.

Section 12 amends Schedule 2 to the Children First Act 2015, which sets out a list of mandated persons under that Act. Its purpose is to ensure that guardians *ad litem* continue to be included in the list of persons who are obliged to make mandated reports to Tusla.

Section 13 is a standard provision that provides for the Short Title, collective citation and commencement of the Bill.

Deputies will have noted that the Bill does not explicitly provide for the establishment of the guardian *ad litem* executive office. Instead, it gives the Minister all the necessary powers, including regulation making powers, to establish the office. It also provides for a transitional period in the first year of operation in order to ensure that there is a seamless transition from the current system to the new national guardian *ad litem* service

Before I conclude, I draw the attention of Deputies to one final matter. The Government wants to ensure that Ukrainian children have a right to access subsidised childcare services under the Childcare Support Act 2018 via the national childcare scheme, NCS. Working with the Attorney General, we are considering whether this requires a small amendment to primary legislation. I am mentioning this issue as, depending on what the advice is, I may need to bring an amendment to the Childcare Support Act on Committee Stage of this Bill.

The purpose of reform in this area is to regulate and expand the provision of GAL services in a consistent manner across the country. The provisions of the Bill will enhance the rights of children and the capacity of the courts to make the right decisions in helping children and their families.

The Bill will help our legislation to better reflect the ideals of the thirty-first amendment of the Constitution and, most important, it will put these ideals into practice in a very real manner in childcare proceedings. Under this Bill, GAL provision will no longer be *ad hoc* and unregulated, but will instead be an organised service that will benefit children regardless of where they live in the country or where their case is heard.

This Bill covers a crucial section of much wider legislation, the Child Care Act 1991, which is currently under review in its entirety by my Department. This reform also takes place against the backdrop of a much greater programme of change, namely, the planned creation of specialised family courts. I look forward to bringing forward that significant amendment Bill to the Child Care Act 1991, probably in the next year, and I look forward to working with the Joint Committee on Children, Equality, Disability, Integration and Youth on progressing significant reforms and modernisation in that area.

I commend the good work that many guardians *ad litem* do across this country, supporting children in very vulnerable situations around public law childcare proceedings. We are grateful for their support and work to create an even better service for all children in every part of the country. I thank them and all the stakeholders who have contributed to the development of this Bill. I am pleased to have had the opportunity to outline its provisions and I look forward to hearing Deputies' responses. I also thank the joint committee for its very swift work in bringing forward its recommendations. I commend the Bill to the House.

Deputy Kathleen Funchion: I welcome the opportunity to speak on this Bill. It is good legislation. The Minister outlined the *ad hoc* nature of the current system. The work that guardians *ad litem* do is an important service. Where it works well, it works really well. However, we must always look at situations where it may not work well or is a little *ad hoc*.

I have a few questions that the Minister might answer in his response. I welcome the presumption of the appointment of a guardian *ad litem*. I see the point on the potential difficulty of a mandatory situation. I strongly feel that there is not much point in a mandatory situation if it is not working well and is not fit for purpose. In such circumstances, it becomes a tick-box exercise. I know there is a presumption that a guardian *ad litem* will be appointed. Is an appeals mechanism available in cases where someone believes he or she should have been appointed a guardian *ad litem* and none was appointed?

For me, the crucial element is the status of the guardian *ad litem*. I am open to correction but I understand that guardians *ad litem* are sometimes referred to in this legislation as "witnesses". Maybe that has been changed but it is important that the language makes clear that they are

representatives because that is exactly what they are. They represent the child's voice and it is really important that they do that, particularly for vulnerable children but also in general. We have had a lot of discussion, particularly in the last few days, around language and its importance. Last night, the House discussed the Birth Information and Tracing Bill. It is important that they guardians *ad litem* are referred to as representatives rather than witnesses. As I said, I am open to correction in that regard. I was a member of the Joint Committee on Children and Youth Affairs in the previous Dáil which carried out pre-legislative scrutiny of the Bill, and I know some significant changes have been made to the legislation since then. I will admit that it is a change that may have been made of which I am not aware. Are guardians *ad litem* listed as representatives? If not, can that be changed on Committee Stage? It is important that guardians *ad litem* are not relegated to the status of a witness, who have a much different status in court proceedings than someone who is a representative has.

I understand the guardian *ad litem* is currently entitled to access the full Tusla file. I notice there is reference to it possibly being able to apply to the court for a file or for a report. However, are they not given that as an automatic right? If not, is that something we could consider changing on Committee Stage?

The three key concerns are whether there is any sort of appeals process if a person feels he or she should be appointed a guardian *ad litem*, GAL, and has not been, the status of the GAL *vis-à-vis* whether he or she is a representative or a witness and then the matter of accessing the full Tusla file, as currently. Maybe that is still going to be the case and the Minister is referring to potential additional information. The Minister might clarify those two points when he responds.

In general, I welcome the Bill. It is good. As I said, we had it in the last Dáil and it never progressed further so it is good to see it at this Stage. It is important the area is regulated. With anything relating to the voice of vulnerable children, it is important we have it 100% above board.

Deputy Denise Mitchell: I welcome the opportunity to speak on this Bill. I hope it results in the proper regulation of guardian *ad litem* going forward. These reforms should be of real benefit and should bring Ireland in line with best practice. The work of the guardian *ad litem* is vital. They represent the voice of children in some very complex cases. The voice of children in these cases cannot be lost and it is important their views are front and centre when considering a case that could potentially impact the next few years of a child's life. I know from my own personal experience the key role GALs play. Children build up excellent relationships with their GAL and there is a real sense of trust. For many kids GALs are a stable and positive influence in their lives and the importance of that cannot be overstated. With the passing of this Bill, GALs will now be properly regulated and this will ensure they are accountable on behalf of the children they represent.

The committee on children conducted pre-legislative scrutiny in February. It had six recommendations and they need to be addressed in this Bill. One recommendation was that a judge would have the ability to appoint specific GALs, especially where the GAL is already involved with siblings of the child. This makes an awful lot of sense given the child will already be familiar with the GAL. I hope the Minister takes that on board. We need to ensure that the role of the GAL is adequately recognised by the courts and as pre-legislative scrutiny recommended, that needs to include the District Court. Dr. Conor O'Mahony spoke about this Bill in recent months and had concerns with the wording around the appointment of GALs. He wanted the

Bill to include an automatic entitlement to a GAL. This was also a recommendation of the committee in its PLS report. I hope this is something we can revisit on Committee Stage.

I welcome sections 4 and 5 of the Bill which ensure the best interests of the child are paramount in considering any actions by the court and that the views of the child are properly heard while keeping in mind the child's age and maturity. Section 7 relates to the regulation of GALs and is quite detailed. It outlines the role of a GAL and the functions he or she needs to allow him or her act in a way he or she believes is in the best interests of the child. This is all really welcome but it is important that the ability for a GAL to challenge proceedings is included and that the GAL has access to Tusla files relating to a child and is protected.

We need to ensure we get this Bill right and that the best interests of children are reflected in every area of it. It has the potential to reform how the voice of a child is heard for years to come and ensure that the child is recognised and prioritised in court proceedings. My colleague, Deputy Funchion, intends to amend parts of this Bill on Committee Stage. I hope the Minister can listen to the concerns that have been raised and that we can all work together to ensure the voice of the child is heard. I hope we work together to make an impact that will really improve their lives.

Deputy Réada Cronin: I too am happy to speak on this Bill. Like my party colleagues, I am happy to support it in general terms. Guardians *ad litem* have at times been a source of public interest and contention when the eye-watering fees paid to a number of them were published. For example, during 2018 guardians *ad litem* were paid €8.44 million in fees by Tusla. The legal fees they incurred amounted to a further €6.21 million that year. The guts of €15 million is a lot of money by any standards. In 2017 the Committee on Public Accounts heard the average GAL income was €126,000 the previous year, with one GAL being paid almost €250,000, which the Minister of State, Deputy Madigan, correctly declared to be more than the President of Ireland. The average GAL income of €126,000 was based on 1,000 hours work, which was said to be two and a half times what similar practitioners in England, Scotland and Wales were getting. I am glad to see the Minister is willing to address that here. Then came the necessary reform of the law governing guardians *ad litem* in the Bill that fell with the dissolution of the previous Dáil.

The current Bill sets out to reform the existing *ad hoc* GAL arrangements for children who are the subject of court proceedings. A key aim of the Bill is to ensure the GAL informs the court of the views of the child where that child is deemed both capable and willing to express his or her views. It also allows the GAL to make recommendations to the court on what is in the best interest of the child, after considering the child's view. It also sets out to provide for mandatory GALs in all special care proceedings.

On the best-interest-of-the-child principle, I wish to broaden my remarks because this principle has become a kind of holy of holies that some people believe applies to all matters involving children in this State and of course, to our great discredit, it does not. It must and it should. In fact, in the broader State responsibilities, it is simply a mantra that allows for all the feels and statements about upholding the rights of children. It is as if we are saying look at us and how great we are, but it is nothing more than optics. This nonsense is why we have 732 children in special education without a designated school place last year and why we have children's spines turning into S bends while they await spinal surgery. It is why we have children living in log cabins, on their granny's sofa, in a prefab or in the recent case of a child in my constituency, a caravan. The child was afraid the caravan would blow away in one of the recent storms. The

Minister might therefore forgive me for noting much talk of the lauded and much-promoted best-interest-of-the-child principle is galling for those people who I hear and listen to every day.

The voice of the child is indeed critical and it must be heard. In the context of the family law courts I am aware of a number of section 47 cases where the children told me their voices were not heard at all. I welcome any move that strengthens this provision for our children involving the family courts. While we welcome the Bill, we will be proposing a number of amendments on Committee Stage because it needs further strengthening. For example, we want to ensure the role of the GAL is fully recognised in the eyes of the court and to ensure there will no watering down of GAL access to Tusla files. We cannot hide behind GDPR on that. GALs must have the information they need to give children the best voice, opportunity and protection to which they are entitled.

Deputy Patricia Ryan: The need for reform of the law governing the guardian *ad litem* system is long overdue. Guardians *ad litem* are appointed by the courts to make sure young and vulnerable people have a voice in court when life-changing decisions are being made about them. They advise the courts about the wishes and needs of young people and need to represent the interests of young people in the highly stressful atmosphere of a court.

The current Act, as the Minister mentioned, is over 30 years old and does not set out the qualifications required to act as a guardian *ad litem*. It does not set out the criteria for their appointment, nor does it define their role or powers. Sinn Féin will be supporting this Bill. However, we will be proposing a number of amendments on Committee Stage to strengthen it. These amendments will ensure the role of the guardian *ad litem* as an advocate is fully recognised by the court.

4 o'clock

At present, the GAL is entitled to the full Tusla files and we are concerned that access to this could be watered down. Deputy Cronin previously mentioned that.

In 2009, the Children Acts Advisory Board published guidance on the role, criteria for appointment, qualifications and training of GALs. This guidance has become a reference point and must now be placed on a statutory footing. As the Minister mentioned, a previous Bill that sought to address this fell with the dissolution of the Dáil in February 2020.

I visited the Tiglin service at Jigginstown Manor two weeks ago. Tiglin provides a full holistic service for care leavers. It has a warm and friendly person-centred approach which supports the educational, training, employment and social needs of residents and this will be offered to all. Its aim is to empower each resident to achieve independence and to become a valued member of the local community. I cannot speak highly enough of its work and I wish it every success. However, it is scandalous that it receives no Tusla funding because Tusla believes there is not sufficient demand. Tusla needs to revisit this decision because the number of care leavers I have assisted over the past two years would have filled this place twice over.

Deputy Ivana Bacik: I am glad to speak for the Labour Party in support of this important Bill and to welcome its introduction today. As others have said, it is hugely important that we see regulation in place on the principle and the practice of GALs. Indeed, this is a Bill that has had a long genesis. The Minister alluded to that. A previous iteration of it fell in 2020. It is long overdue.

I should say that I am somebody who, in practice as a barrister, represented GALs in quite a number of cases. I came to know several GALs very well and was hugely impressed by the way in which they carried out their work and by the enormous merit of the GAL process. All of us are conscious that GALs have been operating in an unsatisfactory legal context. There was little set out in law on their role or functions, and yet the seasoned and experienced GALs with whom I worked performed hugely important work in a very traumatic context.

The State exercises one of the most extreme forms of State power when it takes a child into State care and away from his or her parents, who are often themselves in deeply traumatic circumstances and contexts. Obviously, huge issues have to be in place before the State would contemplate this. In these scenarios, GALs often act as an important bridge between parents and social workers. Indeed, they fulfil the important mechanism of conveying to the court what is in the child's best interests or, where the child is old enough, the child's own views. They provided a way of expressing those views and the voice of the child to the court in the years even before we passed the referendum to insert Article 42A into the Constitution, which now requires the voice and the views of the child to be heard. Therefore, GALs have been hugely important.

In my experience, there has been greater concern in many child care proceedings where GALs have not been appointed. This can make court proceedings more difficult and often more protracted. I have seen GALs - sometimes this point is missed - perform a valuable function not only in the substantive conveying of the interests of the child and ensuring the child's interests are protected, but also in enabling the more efficient and effective functioning of child care courts. It is a much better way for a judge to come to make a decision where he or she is presented with a report from an experienced GAL and where the GAL is intervening to assist in the making of very difficult decisions around care proceedings. I say all of that not only to commend GALs but also to defend the system that is operating in spite of this legal vacuum without adequate legislative governance. I welcome the new provisions that will give us for the first time a proper statutory framework for the exercise of GAL powers because these are weighty powers and proceedings where we are talking about children being taken into care.

I am conscious that this is not the final stage in regulating the practice of GALs. This morning, the Joint Committee on Gender Equality heard from the Minister's colleague, the Minister for Justice, Deputy McEntee, who discussed with us the new proposals around the family courts system in the context of measures to address the needs of survivors and victims of domestic, sexual and gender-based violence. There is a real awareness among NGOs and any of us who have worked in the courts system of the current problems that arise where there is insufficient co-ordination between criminal courts and family courts. I refer, for example, to circumstances in which domestic violence issues are before the criminal courts and at the same time there are parallel proceedings in the family courts involving private family matters around custody of and access to a child. It is essential that there would be greater co-ordination in such circumstances. We should have a family court system that can deal with all of these questions together in a unified and co-ordinated fashion that is in the best interests of the survivors of abuse but also, of course, of children who are involved in such proceedings.

I am conscious that, as the Minister has said, there will be fuller legislation coming forward, not only on the basis of the review of the childcare legislation that is being carried out but also on the basis of the overall reform of the family court system. The Minister, Deputy McEntee, has talked about family hubs. In that context, it is worth mentioning one area where GALs are not involved. In private family disputes, we have often extremely protracted, difficult and traumat-

ic proceedings going on around contested custody, guardianship, care and access arrangements in respect of a child. These are scenarios where many practitioners, judges, social workers and, indeed, parents might be of the view that it would be helpful to engage an independent impartial advocate for the child. Judges may, of course, seek reports, such as private reports and written reports, on children's views but it is very different from the GAL process. The Ombudsman for Children, Dr. Niall Muldoon, has expressed concern that children in private family law cases may not be getting the same opportunity to have their views expressed in court as children who are represented by GALs. Therefore, the question of extending a similar mechanism arises. Ms Freda McKittrick of Barnardos, which, of course, runs the country's largest GAL service, has spoken about the need for a family court welfare service - a one-stop shop - which would allow families to access a range of services and thereby enable more joined-up co-ordination when there are a number of different issues before the courts dealing with one particular family. This is part of the broader reform that the Ministers, Deputies O'Gorman and McEntee, have spoken about but it is an important context in which we are debating this particular legislation.

As the Minister stated, the legislation has been welcomed by NGOs and experts alike and there will be longer term arrangements made to ensure the establishment of the new executive office, and this legislation is enabling the Minister to do that.

Looking back at our recommendations from the pre-legislative scrutiny from the joint Oireachtas committee, I will address a couple of those points. Like Deputy Funchion, I was interested to hear what the Minister said about introducing a presumption rather than a mandatory appointment in all proceedings. I take the Minister's point that it may be a better way to ensure the voice and views of the child are heard but we will need to consider that further on Committee Stage because the GAL should be, and normally is, the best way of expressing a child's view. There may be cases, of course, where the child is an older teen and where that is not necessary. The way the Minister has framed the legislation means that the presumption will be displaced where the court is satisfied that it can determine other means by which to facilitate the expression by the child of his or her views. It may be necessary to spell out in a little more detail how that decision is to be made by a judge and that may be part of a broader reform involving more of an overarching family court welfare service.

Another of the concerns the committee had and that we will need to address, perhaps on Committee Stage, is the appointment of a specific guardian *ad litem*. Other speakers have raised this issue. Where a guardian has been involved in respect of a child's siblings, for example, or has knowledge of a particular family, there should be a facility whereby the court can appoint that specific guardian.

The issue of the access of the guardian to information from Tusla was raised at the committee. Section 35F gives the power to the court to order a report on the application by a guardian for same. Section 35G gives the guardian the power to request information from Tusla. I see there is a mechanism for the court to adjudicate when there is an issue about access to information. My own experience, and this is self-evident, is that the guardian process is at its most effective when full information is provided and, indeed, that is the practice because without that, the guardian cannot give a full report, particularly if the child involved is very young.

I welcome the Bill. There is a lot of technical material in it that will be better dealt with on Committee Stage. However, I repeat that the guardian *ad litem* process, as it has evolved, has been significant in providing a better mechanism for children's interests to be represented before the court than any previous process. We have, of course, become cognisant of the need

to ensure there is better governance of guardians *ad litem* and I welcome, therefore, the technical provisions around how to authorise guardians and the sorts of qualifications required. I know a lot of the detail will be dealt with by ministerial regulation rather than via the primary legislation, as is appropriate. It is also appropriate that we see clearer provisions around the appointment of legal representation to guardians because like the guardian practice itself, that has been *ad hoc* until now. I have seen that myself. It will be a welcome change to ensure we have proper regulation of all of these areas.

I welcome the legislation and commend those who are currently involved in providing the important services guardians *ad litem* provide. I look forward to further debate and discussion on Committee Stage.

Deputy Emer Higgins: I am pleased to have the opportunity to contribute to the debate on this important Bill. The Child Care (Amendment) Bill 2022 incorporates some welcome policies and provisions that have been a long time coming. We are all glad this legislation is finally before us.

The Child Care Act 1991 is currently the primary legislation governing the welfare of children and young people in need of care and protection. It provides for guardian or guardian *ad litem* appointments in care proceedings where children or young people are not party to the proceedings or where it is in the best interests of a child or young person, and in the interests of justice, to have a guardian *ad litem* appointed. As it currently operates, the guardian *ad litem* process is not fit for purpose. It is unregulated, unaccountable and opaque. In fact, the Act fails to outline how a guardian *ad litem* is appointed or how one even qualifies to become a guardian *ad litem*. In addition, the 1991 Act fails to outline the functions and powers of the guardian *ad litem* in proceedings. My fundamental concern is that it does not support the 2012 children's referendum which the previous Minister for Children and Youth Affairs, former Deputy Frances Fitzgerald, brought before the people of Ireland and which I, like so many others, campaigned for in order to ensure the rights of children were strengthened and protected. It is high time the 1991 Act was amended, as has been asked for by many people with direct experience of the system and organisations representing them, including the likes of Barnardos.

The courtroom is not a natural place for a child or young person to be. It can be a scary and intimidating process to go through for an adult, never mind a child. While the courts make great efforts to accommodate young people in a child-friendly manner, there is much room to improve. Introducing this Bill will ensure that our legislation better acknowledges and maintains the rights of the child.

I thank the Minister and his Department for their commitment to addressing the disparities of guardians *ad litem* in the 1991 Act and I welcome this reform as it will be beneficial to all children and young people subject to care proceedings. The welfare of the child is central to court proceedings and it must be. The courts must regard the best interests of a child in all proceedings relating to care and protection, and I welcome the provision for courts to consider children's views, where they have chosen to express them, and to consider those views in light of a child's age and maturity, as well as any special circumstances or harm that the child is, or potentially could be, suffering from. That is important. It is fundamental that the court considers the child's environment and gives weight to any views expressed by that child. It is necessary that a child's views are heard and that a court must determine the best method for a child to be accommodated in expressing his or her views.

I am pleased to see that provisions have been made for the mandatory appointment of a guardian *ad litem* to replace the previous *ad hoc* nature of the appointment and, principally, to extend and regulate the guardian *ad litem* system so that it benefits the greatest possible number of children and young people. It will provide high-quality service to children and young people in care proceedings and as public representatives, all of us must listen to and respect the views of children and young people. We have a duty to serve them as well as those who vote for us.

This Bill has great potential to transform the 1991 Act. We must legislate for a system that is adequate, modern and fit for purpose. We must create flexible and adaptable legislation because society flexes and adapts. Society continues to change and to hold different principles and perspectives.

The best interests of children must always be at the core of any decision-making affecting them. The best support must be granted to every child requiring representation. Each child will be affected by a court's decision and so I welcome the provisions in this Bill and look forward to seeing it progress and improving the court process for young people.

Deputy Catherine Murphy: Reform of the guardian *ad litem* system is welcome. It is an issue with which I have dealt over the years. I have engaged with youngsters and guardians *ad litem* who represented particular children.

Guardians *ad litem* are important in childcare cases; there is no doubt about that. Their role is to convey the voice of the child to a judge to ensure the child's own opinion is heard regarding his or her welfare. That is essential. The age of the child will matter in that regard but the ability to listen and understand what the child requires is important. Guardians *ad litem* have the option to form their own view about what they think would be in the interests of the child and that does not always match up with the opinions of the child. It is incredibly important to have an expert in these situations who can truly listen to a child and make him or her feel heard and included in these procedures. It is important that children understand the procedures and how decisions will be made on their behalf. Guardians *ad litem* need to have emotional objectivity. That is also important.

There are approximately 6,000 children currently in the care of the State. I did not hear all of the debate so this may have been said already, but in childcare cases, it is currently up to the individual judge as to whether a guardian *ad litem* is appointed and the frequency varies by region. As the Minister is aware, a study on childcare proceeding in three counties between 2011 and 2015 found there was complete inconsistency in the appointment of guardians *ad litem*. In one county, it was the exception rather than the norm, while in another, they were appointed in the majority of cases. The Child Care Law Reporting Project 2013-2014, which collected data on 486 childcare proceedings, found that guardians *ad litem* were appointed in only 18% of cases in Clonmel and 80% of cases in Dundalk. Guardians *ad litem* were more likely to be appointed in Dublin than in most other cities, with 68% of cases having guardians *ad litem*. There may be other factors relating to courts that influence those figures but it is important to know that there are differences in the frequency with which guardians *ad litem* are appointed. It is essential that we remove any kind of postcode lottery in these proceedings. Children should get the same standard of care in court proceedings in Clonmel as they do in Dundalk, Dublin or anywhere else. There is no definitive published information relating to the frequency of the appointment of guardians *ad litem* in public childcare cases. This issue is not unique to childcare. We are not very good at collecting data and the absence of those key data makes it difficult to estimate what the demand for the service will be. This legislation makes a welcome

shift towards presuming guardians *ad litem* will be appointed in all cases, with some exceptions. I recognise the need for exceptions. There will of course be cases where the services of guardians *ad litem* are not needed, but I wonder whether the exceptions are a little too broad. We have seen the interpretations by judges. Section 35B refers to where “the court is satisfied ... that the best interests of the child can be determined without such appointment being made”. I could foresee a situation where a judge would make that judgment call and presume it should be the exception when that is not the case. I am concerned that that provision is a little too open. Given that the current allocation of guardians *ad litem* fluctuates massively, we need to make sure that discretion is not misunderstood.

The Child Care Law Reporting Project recorded 1,194 District Court childcare cases between December 2012 and 2015. While we can only guess how many of these cases would have required a guardian *ad litem* under the conditions outlined in this Bill, it raises some alarm bells about the capacity of the system. The latest estimate I have seen for the number of guardians *ad litem* in the State comes from a 2015 report, which stated that there were only 65 in the country. One would have to wonder about caseloads. We are deplorable at enacting legislation and not considering its impact on resources, or not pre-empting the requirements with training and so on. Does the Minister have an update on the number of guardians *ad litem* in the State? Does he have any estimate of the capacity that will be required? Unless that number has increased significantly, it is clear there will be a need for a recruitment drive and training processes if the legislation is to be meaningful from the get-go.

This Bill allows the Minister to set out the requirements to qualify as a guardian *ad litem*, which were not set out in previous legislation. Setting out this detail clearly will be very welcome, but I have some concerns about previous proposals that guardians *ad litem* must have a qualification in social work. While social work qualifications would be incredibly advantageous for this role, we only have so many social workers in the country. We already know about the caseloads in Tusla. Very often, the workload is just not manageable. Social workers become burned out but it also results in queues and that is not satisfactory for anyone. Assuming guardians *ad litem* will be required to have a number of years’ experience in the sector, I foresee a danger that we will lose badly needed front-line people in the child protection area, particularly social workers. There will be very tough cases and cases that are not so tough and they may well fall into the latter category. We need to ensure the preventative side of child protection is not weakened as a result of a recruitment drive for guardians *ad litem*.

It is not clear to me why there is no legal provision for the appointment of guardians *ad litem* in private family law cases. These cases often require written reports on the child’s view. Again, there seems to be very little data about exactly what is happening in practice and how well this system is working for children in that context. If we have come to the rightful conclusion that guardians *ad litem* are necessary in childcare cases from a children’s rights perspective, it seems a bit out of step to make a distinction when it comes to private family law cases. Was this looked at when the Bill was being developed? If so, I ask the Minister to outline the reasoning for not including it in the Bill.

Overall, setting up a national agency for guardians *ad litem* is incredibly welcome. While there are some guidelines for guardians currently, there is no oversight or monitoring so this agency is obviously very welcome and much needed. In light of the Kerry CAMHS case and countless others, we need to ensure services for children and vulnerable people have strong governance and oversight structures. This Bill is a part of a wider range of reforms we need in the family court system, where we need to ensure a truly child-centred system is put in place. I

welcome that we are dealing with this Bill. I remember speaking on something like this in 2016 or 2017. It seems to have taken a very long time to get to this point but it is welcome that we have got here. I ask the Minister to respond to the points I have made.

Deputy Jennifer Murnane O'Connor: I have spoken to guardians this week and they told me how delighted they are to see this legislation being brought back better in this Dáil term. As previous speakers said, this seems to have been going on for years and it is good that this legislation will soon be passed in this Dáil. I see the changes the Minister has made. I know he made them because he listened to stakeholders but, most important, he has listened to children on this - the children who never have a voice.

Our current guardian system has huge issues. One issue we have been aware of is that some guardians can earn much more than others depending on where they are. For example, depending on the District Court area, children can be represented in court by a guardian in 90% of cases but in another area it might only be in 10% of cases. This is unacceptable and for this reason, I support the proposal that within District Courts judges shall appoint a guardian unless two criteria are met. Hopefully, this will go some way towards addressing the significant differences in the use of guardians in District Courts in Ireland. It is important that there be a greater degree of consistency in the appointment of guardians across the State. Children cannot continue to be better represented in one area than another. We must have equality across the State.

While I am hugely supportive of giving children better representation in these cases, I have concerns and I believe there are opportunities to improve and strengthen the legislation. There is still an imbalance whereby parents and Tusla are parties to proceedings and represented by lawyers, while the child is not a party despite the proceedings being focused on the child's safety, welfare and development. It is unfortunate that the opportunity has not been taken to place the status of the child in these proceedings on a par with parents and Tusla. Section 35D provides legal advice and representation to guardians but this would not be needed if they were put on the same ground as parents and the State. Guardians should, on behalf of the child, have the same ability as the other stakeholders to inquire of the court, to challenge something important for the child's interest in the course of the proceedings and, where necessary, to make an application to the court. This is especially important considering the acceptance in the Bill of the need for guardians to make recommendations in the best interests of children in cases where the children are unable, for whatever reason, to express their views directly.

Given that many children going into care are very young, non-verbal or struggle to communicate, I would go further and suggest we need to ensure guardians have a wide range of expertise, especially as we now live in a changed Ireland where we must have sensitivity around cultures, traditions and languages, in cases where English is not the child's first language. There is a lot of noise in these cases and it is the judge's job to separate this out. A guardian having equal footing with the parent's representative and the State representative is in the best interest of the child. A judge should be able to request the appointment of a named guardian in specific circumstances where particular expertise is required, such as a translator or someone with cultural expertise or where a guardian is already involved with the siblings of a child. The Minister might take these matters into consideration for the next Stages of the Bill. As we move to having a more transparent and accountable society, it is welcome to see in this Bill that when information is sought by a guardian from the Child and Family Agency and the agency refuses to comply, the guardian *ad litem*, GAL, may now apply to the court for a decision. This adds an extra layer of support for a child. I am all for that. As previous speakers said, I really welcome this. Timing is important. I have spoken with the Minister about this and know he is

committed to it.

Deputy Chris Andrews: I welcome the opportunity to speak on this Bill. Reform is long overdue and has to be welcomed. The issue has been going on for a long time. An especially important element is the law covering the guardian *ad litem* system, which is long overdue for reform. In the last Dáil, we saw the Child Care (Amendment) Bill 2019, addressing guardians *ad litem*, which sought to address these inadequacies but fell with the dissolution of the Dáil in January 2020, which was unfortunate. With this Bill, we will see the much-needed reform of the existing *ad hoc* GAL arrangements for children who are the subject of public law childcare proceedings. The Bill will amend legislation to ensure that the GAL informs the court of the views of the child, where the child is capable of and willing to express his or her own views. The GAL makes recommendations to the court about what is in the child's best interests after considering the child's views. The Bill provides for mandatory appointment of GALs in all special care proceedings.

This Bill will amend section 26 and insert a new part into the 1991 Act. Overall, I welcome and support this Bill, but I would like to see aspects of it strengthened. I would like to see more to ensure the role of the GAL as an advocate and representative is fully recognised in the eyes of the court. I am concerned that access could be watered down by this Bill. At present, the GAL is entitled to the full Tusla file. These points aside, Sinn Féin will support the Bill and will table a number of amendments on Committee Stage to help to strengthen the Bill.

Deputy Bernard J. Durkan: This is particularly sensitive and important legislation. It is long overdue to be updated. It needs to be carefully weighted, as has been done, to take into account the views and protection of the child, who may have hidden special needs. A serious problem has arisen in the past where decisions have been made by people who claimed to have the best interests of the child at heart, although it was not necessarily so. We have to wait to see what happens with the operation of the legislation to ensure that this is to the fore.

Deputy Catherine Murphy mentioned some situations where a clash of interests may occur. The family, a family friend, a carer or a particular person may have views that clash with the interests of a child. Care needs to be taken to ensure that the situation is carefully examined to be certain that the person chosen by the child, particularly in the case of an older child, is the appropriate person. We have all dealt with situations in the past where people pretending to be the appropriate person put themselves forward and went into court to challenge the parent, in some cases, on the basis that they were the suitable person for the care of the child in a situation where the child was deemed to be vulnerable. That is not necessarily always the case. The interests of the child have to be borne in mind but they have to be tested carefully to ensure that the interests of the child are really being borne in mind and it is not being done for a variety of other reasons.

We have seen horrendous cases all over the country in recent years where appalling things have happened to children. There have been no means whereby an intervention could take place. My constituency colleague, Deputy Catherine Murphy, referred to the caseload of social workers. The caseload and experience of social workers has to be borne in mind. If there is an exceptionally heavy caseload and the social worker or social workers concerned are overwhelmed with work, they will not and cannot give it their best. It is important that the number of social workers and anybody else involved or referred to in the course of the application of the law is in a position to be able to devote sufficient time to deal with the situation, to fully examine it and come to a judgment.

We have all, in following up cases from time to time, found reason to ask why more was not done more quickly and why care was left to an individual, including in one or two cases where we, as laypersons, would not give the individual in question any control over anybody whatsoever. We have to be careful that the legislation which we are passing is sufficiently robust to be able to ensure that whatever is necessary in its application in the future is available to the courts, Judiciary and the person in charge, where there could, for example, be a conflict of opinion between separating couples. Things can and do go awfully wrong in those situations. The legislation is important to update. It needs to be monitored carefully in its application as time goes by. There is no way that we can ever walk away from any situation where we have passed the legislation and say that we have done all that can be done and that it will do the intended job. There will be times when it has to be revisited. That can only be done following strict monitoring of the legislation and how it deals with the situation it was intended to deal with.

This is a significant improvement. I hope it is sufficiently strong in its application to work in the interests of the vulnerable and of children of all ages. There have been some appalling cases in this jurisdiction and in the adjoining jurisdiction which are frightening when one thinks about the degree to which small children have been neglected and ultimately have ended up in court. We must put ourselves in the shoes of the child, who might be vulnerable by virtue of age or disposition. The child might feel alone or frightened, may not know what to expect, and may not know what is or is not normal. The child may not know who the perpetrators might be, who he or she should be defended from and who he or she should trust. The child does not have enough experience of that. We need to look carefully at the way the legislation is operated. Hopefully, it will do the intended job.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I thank Deputies for their contributions to the debate. I join everybody in recognising the importance of the GAL system as it currently stands, particularly the work of individual GALs in supporting all children at a vulnerable time in their lives. I have listened carefully to what speakers have said and will consider the issues that have been raised in detail. The purpose of this Bill is to reform the existing guardian *ad litem* system. It provides a statutory basis for a national GAL service that will provide high quality assistance to vulnerable children and the courts. Notwithstanding the excellent work we all acknowledge is being done by guardian *ad litem*, GAL, services right now, there is a clear consensus among stakeholders that reform is needed. The current system is costly, unregulated and provides no oversight of GALs. There are very disparate practices regarding the appointment of GALs throughout the State. Deputies Catherine Murphy and Murnane O’Connor referred to the problems we have with that with this postcode lottery. That is not acceptable and must be addressed. This is what we are seeking to do by bringing forward this legislation.

I want to address some of the issues that came up, in particular the issue of the appointments. Deputy Funchion, a number of her colleagues in Sinn Féin and Deputy Bacik raised this issue. This Bill provides for a presumption in favour of the appointment of a GAL in all childcare proceedings before the District Court, for the mandatory appointment of a GAL in special care proceedings, and in all proceedings under section 25 of the Mental Health Act. In those two second categories, those are situations where a child’s liberty is at risk. In those situations it would be an automatic appointment of a GAL. In all other situations before the High Court, there is a presumption of appointment. The reason we have gone for presumption of appointment and not mandatory appointment is to recognise that there are children, particularly older children, who are better equipped themselves to bring their views to the judge. That was

recognised not just by the Department but also by the special rapporteur on child protection in his 2020 report when he said there should be a strong presumption in favour of appointment but that there also needed to be mechanisms to recognise that some children were better equipped. Indeed, for some children to place the GAL as the mechanism for their views to get to the judge actually undermines their right to their best interest and the right to their voice. We have recognised that the voice of the child is especially important. My officials engaged with the special rapporteur around the language we have used on the points of presumption. The wording has changed from previous Bills but we will examine it. The Bill needs to be reviewed with regard to its operation, as Deputy Durkan has said. There is a three-year review period in there and I believe we can look at it. We have reached a good system here.

Deputy Funchion made the point about an appeal. There is no appeal mechanism, but in the way we have constructed this, in the vast majority of District Court cases, the presumption will be a presumption to appoint. It is not as though the judge can just say he or she does not feel like doing it today. The judge must put in writing why he or she is not appointing or not exercising the appointment. For example, if a child wanted a GAL and was not given one, the judge would have to address this in the written reasoning. It would be very difficult for a judge to abuse that mechanism or be casual in the exercise of it. I believe we have addressed this well, but we can discuss it further on Committee Stage.

With regard to the status of the GAL, the Bill provides the GALs with all the necessary powers to fulfil their role. The Bill explicitly confirms, for the first time, the discretion of the court to allow a GAL to exercise certain party-type rights where that is appropriate. The court may also direct GALs to carry out further duties as the court considers necessary in the interests of the child and in the interests of justice.

The question was asked about the status of a witness. The status of a witness is still referenced in section 35E(8). This is to ensure the GAL is part of the case at all times, to ensure the GAL can be called by other parties to give witness and give evidence by other parties, and to make sure the GAL is available to all the parties of the case so that the GAL's insight can be provided. We felt that the designation as a witness was the best way to address that particular point.

A number of Deputies asked about in the appointment of a specific GAL that might be requested by a child. We looked at that and believe it may be difficult to do if the requested GAL has a very high workload and questions arise as to how that might be shifted around and so on. I will talk to the officials again to see if there is anything we can do perhaps to give judges a steer in that particular area. Giving a choice such as "I like her more than him" is hard to do in legislation, but we will have another look at it to see if there is anything we can do in that regard. I recognise that where a relationship has been built by family, it is something we could seek to build on further.

I want to be very clear that there is no interference with access to Tusla files - nothing at all. Indeed, I would say we have strengthened that position by section 35G because where there is a request to access Tusla files and Tusla rejects anything, there is now an option for the GAL to go to court to seek to overturn that. This provision was not there before. It is a fair point to raise but I want to be very clear that we see no negative impact around access to those very important files.

Deputy Murphy raised some very valid points stemming from the *ad hoc* nature of the system at the moment, including how many GALs there are right now. We are actually not sure

because there is no register. I believe there are there some 70 GALs at the moment who are actively working. The whole idea behind setting up an executive office, where there are GALs who work directly for that office, is that we will know exactly how many. Furthermore, having panels of GALs will give us that additional flexibility in case we need additional GALs in certain areas. This will allow us much more control over numbers. There will probably have to be recruitments, and we have been very clear in the legislation to widen out the range of professions that can apply to be GALs. It is not just social workers or social care workers anymore. Psychologists and psychiatrists can all apply to be GALs also. This is important.

My final point relates to an issue raised by Deputies Bacik and Murphy as to why GALs are not used in private law situations. There are real issues around the voice of the child in private law family proceedings. Addressing this is part of the work the Minister for Justice, Deputy McEntee, is doing in her wider work on family court reforms. I had a very good meeting with a coalition of groups anchored by One Family. They were raising their concerns about this and about ensuring the family law court reforms were centred on the needs of families and the needs of children. This is one issue they raised and they made reference to an agency in the United Kingdom, the Children and Family Court Advisory and Support Service, CAFCASS, which is for private law cases, to support the voice of the child in those proceedings. Private law proceedings are a matter for the Department of Justice but the issue is being reviewed in terms of the wider family law court reform process. I will continue to engage with the Minister, Deputy McEntee, on this. I am aware the draft heads of that Bill have been published and that it is a priority for the Minister.

My Department is committed to working with experts and stakeholders to ensure the new GAL service is fit for purpose and is enabled to provide the best service to children in childcare proceedings. We believe the Bill does that. It ensures our legislation better reflects the first amendment to the Constitution and, most importantly, it will put the tenets of that amendment into practice in a very clear manner in childcare proceedings. I look forward to engaging further with Deputies on the next Stages of this Bill. I welcome the very strong support that has been shown by all parties for the legislation.

Question put and agreed to.

An Ceann Comhairle: I thank all Members. I am struck by how language changes. If Doris Day were listening to this, her concept of GALs would be quite different from what we have been hearing today.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Education, Further and Higher Education, Research, Innovation and Science has completed its consideration of the Higher Education Authority Bill 2022 and has made amendments thereto.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37A and the name of the Member in each

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case: (1) Deputy Louise O'Reilly - to discuss the need for additional refuge places for victims of domestic abuse in north County Dublin; (2) Deputy Gary Gannon - to discuss the urgent need to standardise fact-based relationships and sexuality education, RSE, in schools to include the inclusion of LGBTQ+ relationships; and (3) Deputy Dessie Ellis - to discuss ongoing issues regarding the provision of directly connected water to Traveller families in Finglas (details supplied).

The matters raised by the Deputies have been selected for discussion.

Saincheisteanna Tráthúla – Topical Issue Debate

Domestic Violence

An Ceann Comhairle: I welcome the Minister of State, Deputy Browne, to the House to deal with this Topical Issue matter.

Deputy Louise O'Reilly: I thank the Ceann Comhairle and I thank the Minister of State for being here to discuss this issue. I do not believe there is any dispute. It has been recognised and acknowledged, and the Government is taking action on the geographical lottery in the context of refuge spaces. I am fortunate enough to represent one of the constituencies with the fastest growing population and our need is very great. I recently visited the Aoibhneas Day Service in Swords, which does absolutely fantastic work. It is working away but it is really under a serious amount of pressure. The nearest refuge to us is in Coolock and, again, that is under pressure. There is, therefore, a very real need.

The reason I raise this issue today is on foot of a response I received from Fingal County Council in which it referred to my representation, which is fair enough, and advised me that the homeless service team is not aware of any vacant properties that may be renovated for a refuge. The need has, therefore, been established. The Tusla review has prioritised Balbriggan as being the place for nine permanent beds plus a multipurpose room. My issue, and the reason I want to put it on the Minister of State's radar, is that accommodation is going to be required given that Fingal County Council has not identified any property. That means that process is now going to be a somewhat protracted. In an ideal world, the council would have written back to me to say it has the property and I would be standing here saying the property is there and we want to move ahead really quickly. What I am hearing from Fingal County Council leads me to understand that this may add to the length.

What I am saying to the Minister of State and the Minister, Deputy McEntee, which I hope the Minister of State will convey, is that we really cannot forward any delays. We need the refuge space now. I am conscious there is a lead-in time where the need has already been identified. I welcome the fact that the Government and Tusla have identified the need. I know there is a commitment to move on this. My fear is that we are about to enter into a very long and protracted process. I want to put on the Minister of State's radar that this is a very serious issue that is placing an awful lot of pressure on services that are already extremely stretched. Women in my constituency have to leave when they are fleeing domestic and gender-based abuse. They have to leave their constituencies and local areas. We know that just adds to the trauma. In an ideal world, obviously, we would be talking about where exactly this is going to go and we are

not at that stage yet.

My concern is that Fingal County Council does not have an appropriate site at the moment. I would be grateful for an update on whether the Government is looking at HSE sites or looking to buy property. What stage are we at in terms of the provision of the services? We have happily or unhappily, I suppose, reached the stage where we recognise there is a very real need for this. The Government recognises it and we know it. Certainly, the women working in Aoibhneas will tell the Minister of State that if they had the spaces, unfortunately, they have people to fill those spaces who are in desperate need of that accommodation. We have recognition. We know that we need the spaces. We know the Government has committed to do this. I am looking for a timeline from the Minister of State and also assurances that if Fingal County Council cannot provide the properties, the Government will be in a position to look beyond that.

Minister of State at the Department of Justice (Deputy James Browne): I thank Deputy O'Reilly for raising this very important matter around the lack of domestic violence refuge accommodation provision in north County Dublin. It is the stated goal of my Department and this Government that everyone who needs a refuge space will get one. I know the Minister, Deputy McEntee, is deeply committed to working with partners in the sector and with Government colleagues to achieve this.

Tackling domestic, sexual and gender-based violence, DSGBV, in all its forms is a priority for this Government. We are focused on ensuring that people, particularly women and vulnerable people, feel safe and are safe in our communities. As the Deputy will know, the Minister, Deputy McEntee, is currently leading work on a new whole-of-government strategy to combat domestic, sexual and gender-based violence. This new plan will set an overall goal of zero tolerance in our society of domestic, sexual and gender-based violence. The Minister is currently working to finalise the strategy for submission to Government in light of submissions received in the final consultative phase, which ended last month. The Minister intends to bring both the finalised strategy and the accompanying action plan to Government in the coming weeks. It has also been agreed that the Department of Justice will assume responsibility for services for victims of domestic, sexual and gender-based violence, in addition to policy responsibility and overall cross-Government co-ordination of implementation. A detailed plan setting out how this will work is in preparation.

On the specific issue of refuge spaces, earlier this year, the Minister, Deputy O'Gorman, and the Minister for Justice published the review by Tusla, the Child and Family Agency, of accommodation for victims of domestic violence. The review highlights gaps in geographical coverage and inadequate provision of safe accommodation, including refuges, to meet population needs. It recommended an approach to address gaps highlighted in geographical coverage and inadequate provision of safe accommodation with immediate, medium- and long-term actions required. It also provides a list of priority areas where additional services would address the most immediate need. A minimum of between 50 and 60 new refuge places were identified by the review as a priority, while further analysis has identified ten locations nationwide where the delivery of 82 family refuge spaces would have the most impact if prioritised. These locations and refuge needs have been chosen on the basis of required proximity to a refuge as well as a need for refuge spaces per head of population in densely populated areas. These represent areas with the most significant underprovision and represent a starting point to increased refuge spaces comprehensively and in every county across the country. The initial areas identified include Fingal-north Dublin, specifically Balbriggan, where ten family places are suggested as a starting point for prioritisation. As the Deputy pointed out, this includes nine spaces plus a

multipurpose room. I understand from Tusla that there ongoing discussions and engagement with key stakeholders locally and Tusla has been available to assist as needed.

Deputy Louise O'Reilly: I thank the Minister of State for the response and update. I would be very grateful if he could take on board and convey to the Minister, Deputy McEntee, that we really need to start planning for this now. The need has been established. As the Minister of State said, my area specifically, that is, Balbriggan, represents an area in which there is a significant underprovision and this is the starting point for an increase in refuges. We have not been prioritised for nothing. We have been prioritised because there is a very significant need. I want to convey to the Minister of State and put on his radar the need for practical planning as well. The need is established. Tusla has established that and I know it is working with the stakeholders. I know that some work is ongoing. My concern is about when we come to a physical space and how that may delay things. It will be no harm for that work to start as well as the other work with Tusla.

When we talk to organisations like Aoibhneas, they will tell us. Aoibhneas goes above and beyond. The Minister of State will be familiar with its work in his own area. The staff really they stretch themselves, their services and the resources they have. The need is already there. I want to convey to the Minister of State the need for planning to start now for where this will be physically located. It would be different if we were having discussion about whether we needed it or whether the Minister of State was convinced the numbers were required. That discussion has been had, however. We need to move very swiftly now into the planning phase, which will involve finding a premises. It is the really practical issue of finding a premises in a town that has a high population and a fair amount of building work going on. The fact is that Fingal County Council does not have anything. My concern would be that maybe there is a belief that it might be able to come up with something. It said it cannot so the need would be to look elsewhere.

Deputy James Browne: I again thank Deputy O'Reilly bringing up this very important matter. As the Deputy rightly pointed out, the need has been identified, as has the prioritisation. We now need to get to the implementation and delivery side of this. I will certainly raise the Deputy's concerns with the Minister, Deputy McEntee, when I am talking to her about this situation.

In my own county of Wexford, a tender has now been agreed for 12 spaces for the Wexford Women's Refuge. The sense of confidence that has given to the voluntary group down there has been phenomenal. It has been welcomed by the Wexford Rape Crisis centre as well. Both of those organisations provide phenomenal support. I know not every constituency in every country has been lucky enough to have that support in place. It can be very challenging for voluntary groups and organisations to be able to get up and going with that type of service despite the real need and the will and determination. As I said, I have certainly heard the Deputy's concerns around delivering these refuge spaces for Balbriggan. They are absolutely needed. I will raise those concerns with the Minister, Deputy McEntee, about how to get those spaces delivered as quickly as possible. The real win here will be when these can be delivered and provided on the ground in those areas.

5 o'clock

It is traumatic enough when people, in most cases women, have to flee domestic violence, but if they then have to leave their area, perhaps to one they do not know and are not familiar

with, it will only add to that level of trauma. I will convey the Deputy's concerns to the Minister.

School Curriculum

Deputy Gary Gannon: I thank the Minister of State for taking this matter on behalf of the Minister for Education. This week we heard reports of a school that, in correspondence with the parents its students, stated its relationships and sexuality education, RSE, programme will not include contraception or LGBTQI+ relationships, or what it called "same sex friendships". I will quote from the letter that was sent from that school to the parents, although I do not want to personalise the issue. While this school made the newspapers in this instance, similar issues are happening in schools throughout the country. The letter states:

Teachers do not cover topics such as contraception and same sex friendships. Children who ask questions in class on content outside the designated curriculum are encouraged to discuss the issue with their parents.

I reiterate this is not an isolated problem. Schools are caught between the power of their patrons and the needs of their students.

We have a role as legislators and we are failing to support schools to prioritise the needs and rights of their students to access adequate, age-appropriate RSE, not to mention the right of staff members in schools to be able to teach without fear and without feeling at odds with the patron of their school because of their sexual orientation. The Irish National Teachers Organisation's, INTO, equality survey report of 2020 found that only 18% of respondents from the Republic of Ireland and 12% of respondents from the North were able to be out to their school communities in terms of whom they love and engage with over the weekends.

In 2017, the Council of Europe Commissioner for Human Rights published an issue paper on women's sexual and reproductive health and rights. It included recommendations for the provision of comprehensive sex education that was mainstream, mandatory, standardised and scientifically accurate. This is not happening in our country. Instead, poor sex education has become a rite of passage in Ireland, with seemingly little political will to change that or to vindicate the rights of our young people.

I expect the response of the Minister of State will highlight the work of the National Council for Curriculum and Assessment, NCCA, over recent years in respect of RSE, but that work will be redundant if we do not address the issue of school ethos. Every student in the country has a right to, and deserves, accurate and age-appropriate RSE, and every teacher has the right to be able to express himself or herself in the staff room in terms of instructions. We in the Social Democrats brought forward a Bill last year seeking to standardise relationships and sexuality education in our schools, in response to which the Minister for Education told us it would be brought back before the House after nine months for a Second Reading, although I am not confident that will be the case. While I fully appreciate it is not a matter for the Minister of State's Department, I will be interested to hear his response in that regard.

Deputy James Browne: I thank the Deputy for raising this issue and allowing me to address the matter. The Minister for Education regrets being unable to attend the debate because she is fulfilling a long-standing commitment to speak at the annual conference of the Joint

Managerial Body Secretariat of Secondary Schools.

Access to relationships and sexuality education is an important right for students. This is reflected in the programme for Government, which states the Government will develop inclusive and age-appropriate curriculums for RSE and social, personal and health education, SPHE, in primary and post-primary schools. Social, personal and health education is a mandatory curriculum subject in all primary schools and in the post-primary junior cycle, while RSE is required at all levels in schools, from primary through to the senior cycle. All schools are required to have an RSE policy that has been developed in consultation with the school community, including school management, parents, teachers and students, as appropriate. A school's programme for RSE is developed and taught in the context of the school's RSE policy. In addition, schools are required to teach all aspects of the RSE programme, including family planning, sexually transmitted infections and sexual orientation. The ethos of the school should never preclude learners from acquiring knowledge about these issues.

The NCCA was requested to conduct a review of RSE provision in our schools, focusing on a range of topics including healthy and positive sexual expression and relationships and LG-BTQ+ matters. The NCCA published a report on the review of relationships and sexual education in primary and post-primary schools in December 2019. This report resulted in the NCCA establishing two development groups, for primary and post-primary, to oversee the work of the developing and updated curriculum materials in this area and supporting the development of guidance materials for schools. The immediate focus of the NCCA's work has been on creating support materials for teachers as part of an interim guidance toolkit. This toolkit aims to support effective teaching and learning of SPHE and RSE and to deepen teachers' understanding and skills in addressing important and sensitive topics. The NCCA toolkit will be expanded in 2022 to include further age- and stage-appropriate guidance for teachers on how to address these topics within the SPHE classroom.

In tandem with this work, preparation for the broader redeveloping and updating of the SPHE curriculum has begun. Updated curriculums will be developed for primary, the junior cycle and the senior cycle. A draft revised junior cycle specification is due to be agreed at the NCCA council in early summer, with a public consultation to follow when schools return in September. The final revised specification is due to have been completed by the end of 2022 and rolled out in schools from September 2023. In redeveloping the SPHE curriculum, the NCCA will make explicit the importance of fostering young people's self-awareness and self-esteem and developing the foundational skills and dispositions needed for building caring and healthy relationships, including respectful communication, showing empathy and appreciating difference.

Deputy Gary Gannon: Before I comment on the Minister of State's response, which was in line with what I had expected, I might ask him a question in respect of his role in the Department of Justice. Where does he foresee the provision of RSE in the combating of gender-based violence? In the cross-departmental work being carried out by the Minister for Justice, the fourth pillar is education. Does the Minister of State foresee that being implemented through the RSE programme? I raised this issue yesterday with the Taoiseach, who replied that the key solutions related to the provision of continuing professional development, CPD, and the updating and modernisation of the curriculum, which I welcome, but there will be a massive oversight if we do not address the issue of ethos and the ability of patrons to dedicate what kind of RSE is taught within their school. That is where the issue lies. It is why there are programmes such as Flourish, why some teachers cannot express the manner in which they love and are fear-

ful in the staff room, and why events keep taking place in which it is highlighted schools are not providing the appropriate level of RSE.

The issue that happened in a school in Wicklow, which was reported in the media this week, is the exact same as the issue highlighted by the NCCA in its report on the review of RSE in schools from 2019. The report states:

[In primary schools] school ethos was seen to pose challenges in opening up discussion about different kinds of families and same-sex relationships, or in responding to questions that arise about contraception in the context of learning about conception. Principals expressed this as a disconnect between what they felt was expected of them based on their school ethos and addressing the reality of the classroom and the needs of their pupils.

Summarising the issue in the report, a primary school principal was quoted as stating:

Ethos is used as an excuse (not to teach certain topics/areas). We have a pastoral Christian ethos and teach within that framework.

This will continue to happen if we do not balance the rights of children to access fact-based, health-led and inclusive RSE against the power of school ethos.

As I mentioned, the Social Democrats brought forward a Bill in November 2021 that aimed to do just this. The Bill, developed with the Oireachtas Office of Parliamentary Legal Advisers will not affect ethos but balance it against the rights of the child in order that in the first teaching of RSE, it will be from a standardised curriculum that takes an “evidence-informed approach” based on UNESCO’s international technical guidance on sexuality education. The Bill was not opposed by the Government or the Minister but was delayed by nine months. It is essential she stick to her promise and allow that Bill to come back before the House.

Deputy James Browne: In respect of the Department of Justice, the Minister, Deputy McEntee, is leading the work on a new, whole-of-government approach to develop a strategy to combat domestic, sexual and gender-based violence. As the Deputy will be aware, that plan has set an overall goal of a zero-tolerance approach. The Minister is working to finalise the strategy for submission to the Government in light of the submissions received in this final consultative phase, which ended last month. She intends to bring both the finalised strategy and the accompanying action plan, which will set out her Department’s perspective, to the Government in the coming weeks.

In respect of the Minister for Education, I will certainly relay the Deputy’s concerns to her attention as soon as she returns. The work in redeveloping and updating the RSE and SPHE curriculums is being undertaken within the curriculum development structures of the NCCA, and there will be opportunities for public and stakeholder engagement in this process. As part of the review of RSE, an extensive consultation occurred, feedback was facilitated through an online survey, written submissions, round-table meetings and large events, and the adjustments that were made to the final report reflected a stronger focus on the issues stakeholders wished to see highlighted. These included gender discrimination, sexual violence and pornography. The report did not set out an exhaustive list of the topics that will be included in any future SPHE-RSE curriculum or details on how any specific topic might be taught or contextualised.

The Department of Education and the NCCA welcome further stakeholder engagement in

that process, particularly when the updated curriculum becomes available for public consultation in September. The Department of Education continues to work closely with the NCCA to determine the approach that would best give effect to the commitment in the programme for Government on this important issue. Should this work identify legislative changes as being needed, the Government is committed to making these changes, as set out in the programme for Government.

Traveller Accommodation

Deputy Dessie Ellis: The Traveller community faces many challenges and inequalities in employment, in education and in health in particular. Irish Travellers' level of access to health-care and life expectancy estimates are shocking, with figures suggesting that Irish Travellers die 11 to 15 years earlier than members of the general population. The statistics relating to their mental health are strikingly worse than the equivalent figures for the general population. It is an unfortunate reality that members of the Traveller community face discrimination every day at many levels of society. Their experience of interactions with Government, local government and the community at large is often negative and can make them feel both excluded and marginalised. It is a reality of Irish society that the Traveller community is often treated in a way that would not be tolerated anywhere else.

In 2010, the United Nations declared that access to clean water and sanitation is a basic human right. This was already a right for children under the UN Convention on the Rights of the Child. In 2016, the UN said that Ireland needed to make sure that sites where Traveller communities live have proper water and sanitation facilities, including toilets and showers. The UN and the WHO estimate that each person needs 20 l to 50 l a day for their basic needs. Those needs include water for drinking, cooking and cleaning.

A serious situation has been ongoing for more than a year at a Traveller site on the Ratoath Road in Finglas, which is in the Final County Council area. Up to 16 men, women and children are living on this site. Their ages range from two years to 78, and a woman living on the site is due to give birth shortly. The families have been living on this site for 40 years and, to date, they have no shower facilities or proper sanitation and, because the site has no direct access to an established water supply, they rely on people to carry buckets of water to each household. Imagine having to wash yourself, your children and your clothes using buckets of water. This is not something we should be seeing in the Ireland of the 21st century. Unfortunately, almost every individual at the site has tested positive for Covid. When coping with the virus, they had no access to proper sanitation or a normal water supply. Today, there are two people fighting cancer and another has a serious heart problem.

During the past year, the council has been delivering tanks of water to the site once or sometimes twice a week. This was supposed to be a temporary measure but, more than a year later, it is starting to look more like a permanent solution. I am thankful that, when I first raised these concerns, Fingal County Council responded but I have also been working to get it to put in place a more permanent water supply. I understand that certain issues and legal matters have been raised with regard to the ownership of the site but such concerns should be separated from the implementation of measures to provide basic human necessities. In an attempt to resolve this long-drawn-out issue, I have exhausted every avenue to find a solution for these families. This is why I ask the Minister of State and his Department to intervene as a matter of urgency

with a view to resolving this issue and bringing to an end the terrible situation these families find themselves in.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank Deputy Ellis for raising this very important matter. The Housing (Traveller Accommodation) Act 1998 provides that local authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller accommodation programmes in their areas in order to meet the identified accommodation need. The role of my Department is to ensure that there are adequate structures and supports in place to assist the authorities in providing such accommodation, including a national framework of policy, legislation and funding.

Traveller-specific projects and developments are focused on group housing schemes and halting sites. This includes meeting Traveller-specific housing needs through a range of mechanisms, including the provision of mobiles and caravans, the provision and refurbishment of halting sites, the provision of refurbishment and extension of group housing and the return to use of vacant group housing. The 2022 budget provision is €18 million, an increase of €2.5 million on 2021. The full capital provision of €15.5 million was expended in 2021 providing Traveller-specific accommodation, delivering new group housing and refurbishing existing halting sites and group housing, including acquisitions.

As a response to the Covid-19 pandemic, a range of measures are funded by the Traveller accommodation support unit of my Department under the terms set out in a 2020 circular which remains in place and which is being kept under review given that the Traveller community is still facing the challenges arising from the disease, as are we all. The range of measures introduced were designed to reduce the spread of Covid-19 and lessen the risk of infection, especially among vulnerable groups. Some members of the Traveller community, particularly those living on sites with limited facilities, may be particularly vulnerable and extra measures needed to be put in place to protect Travellers living in Traveller-specific accommodation in each local authority area.

My Department continues to support local authorities in delivery of the Traveller accommodation plans and ongoing Covid mitigation measures. My officials understand that the Fingal County Council is engaging families on the site in question and will continue to work with the families to meet their housing needs. Meeting the needs of all Traveller communities continues to be a priority for the local authorities and my Department, under my leadership.

In respect of this specific case, my officials have sought a response from Fingal County Council and are exploring options available to provide a solution in this instance. While there is no public water connection to this unofficial site, Fingal County Council is continuing to deliver drinking water to the unauthorised site regularly. Officials from Fingal County Council have been in ongoing engagement with families on this site. I have spoken with officials from the council and understand that they are happy to meet with Deputy Ellis at the site or, if he chooses, in their offices to discuss the matter and to brief him on the current position including the accommodation needs of the families in question, access to safe drinking water and ongoing legal and internal issues.

Deputy Dessie Ellis: I thank the Minister of State. The Gavin family lives on the site in question. There are 16 in the family. This has been going on for over a year. I have met with everyone in Fingal County Council, including the CEO. They know the situation. They are

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getting themselves bogged down in a certain legal issue. At this stage, I honestly do not care about that legal issue. This is a matter of health, proper sanitation and the delivery of a basic need, water. This has to be sorted out. The Minister of State has said that special funds were made available during the Covid pandemic. This is a classic example of where such funds should go. They should go to this family to sort out this water issue and get them connected to the mains system. The problems in respect of the legal rights and wrongs of who is on the site can be worked out then. If anything happens to any of these people, they have to take it on the chin. I ask the Minister of State and his Department to step in and get a resolution. I do not want to go to meeting after meeting. I have done that already. I am sick of being told that people will come back to me. I want an answer now. I want this dealt with. It is a terrible shame that there are people sick with cancer on this site. A woman there is pregnant and about to have a child. She is going to have to carry water up to clean herself and so on. These people have no showers. It is all well and good to deliver tanks of water. I do not even know what that is costing. I shudder to think how much it has cost Fingal County Council over the last year or so. This happened in the middle of the Covid pandemic and a lot of people on this site got Covid. I raised this issue at the time and asked that the funds the Minister of State was talking about be used for this purpose, but that was not done. I want answers. I want the Minister of State to get on to the county council and demand action.

Deputy Peter Burke: I thank Deputy Ellis for his comments. I was very clear in my answer in that the responsibility for Traveller accommodation lies solely with the local authority. That is why, when the Deputy raised this issue today, I immediately got on to the local authority. It is now aware that this great concern has been raised in this Parliament and I will follow up with it. I want to be very clear in terms of the work we have done in the past two years. For the first time in decades, each year for the past two years the Department has spent the budget. Second, we have increased funding for very vulnerable groups, including our Traveller community. We had 250 inspections nationwide throughout Covid to try to put remedial solutions and funding in place to keep the Traveller community, many of whom are very vulnerable, safe from the effects of Covid-19.

Issues such as the Carrickmines incident weigh very heavily on my shoulders in terms of this responsibility. That is why we need to work together to bring about solutions in cases like this. Especially when there are communities on sites that are unauthorised, it can be difficult to get solutions. We have to work together to do it and the will is there.

Issues such as trying to increase the funding for Traveller-specific bays has been granted and it is there now. The Traveller caravan loan scheme is approved. It is in place and being rolled out. Schemes such as these are so important in giving the Traveller community an alternative.

All I can say is that I will get back to the local authority. As I said, we want solutions. It is very easy to identify the issues, but we need concrete solutions. The Deputy spoke about a pregnant lady and people suffering from cancer. Those are the most vulnerable people in the community and they absolutely need to be front and centre in terms of supporting them. I assure the Deputy we will raise this again with the local authority.

Electricity Regulation (Amendment) (Prohibition of Winter Disconnections) Bill 2021: Second Stage [Private Members]

Deputy Darren O'Rourke: I move: "That the Bill be now read a Second Time."

Acting Chairman (Deputy Jennifer Murnane O'Connor): The Deputy has 15 minutes. Is that okay?

Deputy Darren O'Rourke: That is perfect. I will share with Deputies Kerrane and Cronin, with five minutes each.

Acting Chairman (Deputy Jennifer Murnane O'Connor): Five minutes each. Perfect.

Deputy Darren O'Rourke: We may not use it all.

I thank the House for the opportunity to speak on this Bill. I thank Deputies Cronin and Kerrane for co-sponsoring it with me.

The Electricity Regulation (Amendment) (Prohibition of Winter Disconnections) Bill 2021 aims to amend the Electricity Regulation Act 1999 to include explicit provision for the Minister to provide policy direction to the Commission for Regulation of Utilities, CRU, to introduce a moratorium on disconnections of gas and electricity supply to domestic customers for non-payment during the annual fuel allowance season or during other periods of time the Minister may deem appropriate. It is an important power that we seek to bestow on the Minister.

We know that the risk and reality of disconnection is something we need to address in a real way. We acknowledge there are powers there already under section 10A. We know the CRU has operated a voluntary code over the years at different times, including during Covid. However, if we track the disconnections in gas and electricity over the years, the most recent figures for 2019 show that there were more than 5,000 electricity disconnections and more than 2,400 gas disconnections, which were up on the previous year. Therefore, we know that more needs to be done to protect vulnerable customers, particularly during the difficult, cold winter months.

An additional power we seek to give the Minister is discretion to identify other periods the Minister may deem appropriate to initiate a ban on disconnections - for example, during the Covid period. We acknowledge that the voluntary scheme significantly reduced the number of disconnections during the Covid period. However, that is for a limited time. We are now living at a time of hyperinflation and a huge increases in cost of petrol and diesel and in the cost of living, putting families under huge pressure. Our proposal is that we would give people the protection, particularly during the winter months or at times otherwise deemed appropriate by the Minister, and to give people some breathing space by removing that threat of disconnection from over their head, however limited that space might be. We know from the figures that when there is not protection there, disconnections happen at a significant rate. This proposal gives people a bit of space to arrange their affairs, to enter into a payment plan, to get themselves back on track in terms of repaying the debt that is owed to the supplier or to engage with other agencies, as might be appropriate, whether the Money Advice & Budgeting Service, MABS, the Society of St. Vincent de Paul or other agencies to support them through the period. It provides a protection for vulnerable customers as well as a safety net and breathing space.

In my last minute, I will point to some of the commentary when section 10A, which is the provision that is there and we seek to amend, was introduced in 2006. The then Minister of State, John Browne, said that it was important that such power should be used sparingly and always in the public interest. That is exactly what we are talking about here. The Minister, Deputy Eamon Ryan, also contributed to the debate at that time. He said the regulated model had not worked because a regulator or bureaucrat based in the Department or the CRU could not take on the political responsibility to lead and that such a person could not take a decision on

something awkward, difficult or risky, and that was the role of politicians. The power we want to bestow on the Minister is to protect during the winter months and to identify those periods in which the Minister would be given the discretion to implement a ban on disconnections to protect customers.

Deputy Claire Kerrane: This is very important legislation. We have known for some time the struggle that some households face when it comes to energy costs. Of course, that situation is now worse than ever, given the cost of living crisis and the particular crisis that families and households face as electricity and gas prices continue to rise. As we all know, suppliers have been increasing prices further and have been doing so consistently for the past year. In particular, in the past number of weeks, we have seen increases announced by SSE Airtricity, Electric Ireland, Flogas, Bord Gáis and the list goes on.

This is an issue about which the Society of St. Vincent de Paul, in particular, has been raising the alarm for quite some time. It has repeatedly said that there is a need for stronger interventions. This Bill is one such intervention. It is important for the Minister to have the power to instruct the CRU to ban disconnections, particularly for that period of the fuel allowance season when people face real difficulties in relation to heating their homes. We have to also remember the impact on a household of being disconnected and not being able to turn on the lights or heating in the home. We have to remember the impact that must have on vulnerable households, older people, lone parents, carers and children in households and in families. These are children who are getting in the morning and going to school and perhaps coming home to a house that is cold or where there is literally no electricity. In 2022, it is something that should be absolutely avoided, and this is a Bill that would certainly play its part in doing that.

The Society of St. Vincent de Paul has been raising the difficulty households, in particular vulnerable households, are experiencing, most recently as costs continue to rise. A recent REDC poll on behalf of the Society of St. Vincent de Paul showed that the number of people reporting that they are finding it difficult to manage financially has doubled since the start of the pandemic in 2020, from 9% at that time to 18% in January of this year. That is, and should be, a huge matter of concern for all of us in this House. That REDC survey also found that almost 40% of people have cut back on essential heating and electricity; almost 40% of people are worried or quite worried about their ability to meet their household energy costs; and 66% of lone parents are worried about their ability to meet their household energy costs in the next six months. This is very recent data. These are real life stories and situations that people find themselves in.

For the past two years, MABS has been warning of the tsunami of debt that is coming. It warned about that on the back of Covid-19 when we were supposed to be emerging out of it but, of course, we did not foresee the energy crisis that was coming and continues to impact on so many households and families across the State. There is a particular worry there for people who rely on prepay meters. The data are fairly poor and we need to ensure that companies that are providing prepay meters are keeping an eye on the gaps in between when people can pay and when those meters are not functioning and people are going without. There is a need for far greater data in regard to all of this, but there is also a need for the Government to act. This is an important power that we can put on the Minister to give him or her the ability to ensure that during, for example, the fuel allowance season, there is a ban on disconnections to ensure that when we have very cold weather and people are struggling to heat their homes, they will at the very least know they are not going to be cut off. That is a very basic protection that can be offered to people during the fuel allowance season in particular. It is an important power

for the Minister. This is an important issue and it is not something that should be just left to the CRU. It should be the case that the Minister can instruct at times when it is necessary. We should know now, given the cost-of-living crisis we are in. If we ever needed to know how much people are struggling, we can see it today more than ever. This is one measure and one piece of legislation that can make a difference to families and households. I ask that it would be considered by the Government.

Deputy Réada Cronin: When we introduced this Bill, we could not have known that when it would reach this Stage, war would be raging in Europe and energy would be more political and precarious than ever before. At that time, my party had warned about the cost-of-living juggernaut heading our way, warnings which were duly ignored and now the results of that inaction are writ large for families and households across the State, including in my own constituency of Kildare North. In the past, people forced to live on social protection and the working poor felt most of the chill during the winter months, but now families where two people are working are worried about putting on the heat when they come home from work because either a heart attack bill has already landed in the hall or they are afraid there is one in the post. The Government has literally made the State a cold house for its people.

The hardship makes our Bill all the more relevant at this time. It is unconscionable that people's electricity would be cut off in the winter months. This Bill will give the Minister the power to prevent disconnection outright. It would have been a great help to my constituent in Celbridge who was dining and reading by candlelight for the past two years, not because he was an old romantic or an eco-warrior, but because his electricity had been disconnected. A man was living by candlelight in Celbridge in the 2020s. It is just unbelievable. When I contacted Electric Ireland for him, the people I spoke to were very kind. They were excellent. His power is back on, but kindness should never decide whether, in the depths of winter, a citizen of this State can switch on a light in a room or strike a match to light a candle. That is why our Bill gives the Minister the explicit power to direct the CRU on disconnection in the winter months, during the fuel allowance season, so that people can have the necessary security and dignity, not to mention the basic services of heat, light and the ability to cook a meal for themselves. This is not the sun, the moon and the stars. This is not pampering or luxury. It is the basics of living, which people are very worried about now. It is a proper and just worry that will worsen with the effects and uncertainties of Putin's war in Europe.

In 2019, almost 10% of people experienced energy poverty. I dread to think what the number of disconnections will be for this year. In 2019, there were more than 5,000 disconnections for electricity and almost 2,500 for gas. It will be interesting to see the figures for 2022, this historic year. Other countries look after their citizens in winter. Belgium, the Netherlands, France and Canada all have such schemes in place. There is no earthly reason we cannot do it as well, especially now when people are in the vice grip of rents going through the roof, are worried about putting fuel in their car to get to work and are seeing the weekly shop adding up all the time.

These are extraordinary times. We all know that it is currently the sowing season in Ukraine. We are worried about the availability of food all across the world, so things have changed. Our Bill is about the detail of our people in winter. How we treat people is crucial. Disconnecting them in the middle of winter is not just mean; it is alienating and humiliating. It is Dickensian. People are mortified when it happens to them. They are not just disconnected from power, they feel disconnected from society and it really shakes them. I met my constituent in Celbridge a few weeks ago when I was knocking on doors and he was a new man with his electricity back

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on. He felt part of society again. Being able to keep the light and heat on in the winter says to people who are struggling financially that they are still one of us, and still part of us. With the huge pressures facing people now - the effects of the war on energy and the soaring prices - there will be an awful lot of poor people and an awful lot of working poor who will be struggling to pay their bills. As we face into this new and unprecedented uncertainty, at least with this Bill we can give them one certainty, which is that the Government has their back. It is just one thing, but it can make or break a person. I am long enough in the House now to know how this works, but when I saw the Government amendment I just thought of all the people who would be broken and that it could be avoided if the amendment is withdrawn and the Bill is accepted.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I move amendment No. 1:

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

“Dáil Éireann resolves that, in light of the power to impose moratoria on disconnections of electricity and gas supplies to domestic customers already being in existence and that it has and will be exercised as necessary, the Electricity Regulation (Amendment) (Prohibition of Winter Disconnections) Bill 2021 be deemed to be read a second time this day twelve months to allow for the development and implementation of a package of measures to further strengthen protections for financially vulnerable energy customers and customers in debt as set out in the National Energy Security Framework and for that then to be taken into account in the consideration of this Bill.”.

I start by acknowledging the intention behind this Bill and the critical importance of protecting financially vulnerable customers from disconnection, particularly in light of the unprecedented rise in energy prices, which is of serious concern to the Government. I can appreciate Deputy O’Rourke’s concern, which is all of our concern, that the unprecedented rise in prices may lead to people finding themselves in a position where they cannot pay their electricity bills, and potentially face disconnection. This is a complex issue which requires a number of tools to tackle it, of which the moratorium on disconnections is one.

As Members are aware, the CRU already has the power to introduce moratoriums. This is set out in section 9 of the Electricity Regulation Act 1999. The capacity of the CRU to impose moratoriums on disconnections is one of its key powers as our independent energy regulator. The CRU already imposes annual winter moratoriums on disconnections from electricity and gas for domestic customers. The CRU also imposes moratoriums on disconnections, as required, in exceptional circumstances, for example, in response to the Covid-19 pandemic in 2020 and 2021.

Although this Bill seeks to make explicit provision for me as Minister to give policy directions to the CRU to introduce moratoriums, the CRU already has the power to introduce moratoriums, which it discharges as the independent energy regulator, as set out in European Union and Irish law. Furthermore, duplication of such function would have funding implications for my Department. Therefore, while I acknowledge the intention of this Bill, there is no gap in the legislation that is being addressed by it. Nevertheless, as I have highlighted, the current situation of rising energy costs is unprecedented and the volatility we are seeing in international energy markets is likely to continue for some time. In light of these extraordinary circumstances, it is critical that we review and improve the measures available to us to protect

financially vulnerable energy consumers.

The Government has already taken action, which I will outline in a moment, and further measures are contained in the recently published national energy security framework. It is in the context of this urgent work to implement the actions to support financially vulnerable consumers in the framework that the Government is proposing a timed amendment to this Bill to allow for further consideration of the matter. However, we must be clear that the power to impose moratoriums on disconnections is in place - it is used by the CRU and will continue to be used by the CRU. The power to introduce moratoriums on disconnections for electricity and gas is already vested in the CRU, under the EU legal framework and established in Irish law, in section 9 of the Electricity Regulation Act. The CRU imposes an annual winter moratorium each winter. ESB Networks and Gas Networks Ireland suspended disconnections between 9 December 2021 and 11 January 2022 on the direction of the CRU. Three separate moratoriums on disconnections were imposed during the Covid-19 pandemic, between March 2020 and June 2021. In light of the fact that the power to impose moratoriums already resides with the CRU, and is exercised by it, I must indicate that there would be a cost involved for my Department in resourcing the new function that this Bill would create. It would entail the establishment of a new section to gather market data, provide analysis of those data, impose moratoriums and undertake enforcement. The undertaking of such a function would be a significant resource overhead for which additional funding would have to be sought. The CRU also has a range of measures in place to protect customers in debt or at risk of debt, including the requirement on suppliers not to disconnect customers in debt who continue to engage with them. We are seeing an historically low level of disconnection at present. However, levels of debt are increasing and this is the critical issue we must work together to address.

On 13 April, the Government published the national energy security framework. The responses it sets out include a further €100 fuel allowance payment, bringing the total fuel allowance payment for 2021-22 to a total of €1,139. It also includes a new targeted €20 million scheme for the installation of photovoltaic panels for households that have a high reliance on electricity for medical reasons; a reduction in VAT from 13.5% to 9% on gas and electricity bills from the start of May until the end of October; and the supporting of customers who do not find it easy to switch supplier to access a competitive rate for their energy.

Furthermore, response No. 6 of the framework sets out a package of measures to be implemented by the CRU to enhance protections for financially vulnerable customers and customers in debt by the third quarter of this year, ahead of the next heating season. These protections will ensure more manageable payment and debt repayment plans. The time for repayment will be extended for customers. Protection for financial hardship prepayment meter customers will be enhanced, and more manageable debt repayment will be ensured. Customers who are in debt will be on a metering or payment plan that is suitable for them and suppliers will proactively identify customers in debt who should not be on prepayment meters and help them find other options.

The involvement of NGOs will be optimised by ensuring all suppliers nominate specific contacts to support customers in debt. Protection from disconnection will be improved for all domestic customers. Greater awareness and uptake of supplier procedures for dealing with customers in or at risk of energy debt will be promoted.

We are well aware that energy prices have been rising for almost two years. These latest measures build on the sustained effort of Government to support energy consumers in the face

of these rising prices. Budget 2022 introduced a number of supports for households, including increasing the weekly rate of the fuel allowance by €5 to €33, which meant that the most vulnerable received €914 before the additional payments I referred to.

In February, a suite of further policy measures, amounting to €505 million, was announced by the Ministers for Finance and Public Expenditure and Reform. It is designed to support households and mitigate the cost of living. The measures included the Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022, under which a once-off payment to domestic electricity accounts of €200, inclusive of VAT, is being made to every domestic electricity account. The scheme will have a total cost of €400 million. Following significant preparatory work, people are currently receiving this credit.

In March, the additional lump sum payment of €125 of the fuel allowance was paid to approximately 370,000 recipients. In terms of broader cost-of-living policy responses, as part of the February suite of measures, a reduction of €80 in the drug payment scheme was announced, as well as a 20% reduction in public transport fees from the end of April until the end of the year and a reduction in caps for school transport fees.

In addition to the wider package of energy efficiency supports available from the Sustainable Energy Authority of Ireland, changes have been made to the warmer homes scheme, which will see a significant increase in the number of free energy upgrades for those most at risk of energy poverty. That will change from 177 upgrades per month last year to 400 per month.

Moratoriums on disconnections are a critical tool to ensure the protection of the most vulnerable and prevent hardship. However, they must be part of a wider strategy in which we do as much as possible to help vulnerable citizens to avoid getting into this situation. I stress again that the power to impose moratoriums on disconnections is in place, is used by the CRU and will continue to be used. It is important that we consider this matter as part of the urgent work in train to strengthen supports for energy consumers ahead of next winter. However, it is a complex issue that spans a range of areas, from social protection to regulatory independence.

It is my strong view that the objective of the Bill is already being achieved. However, rather than opposing the Bill, the amendment seeks to allow time for the progressing of the measures set out in the national energy security framework that, along with the existing powers to impose moratoriums, will improve protections for financially vulnerable customers and customers in debt, while avoiding unintended consequences relating to accumulation of debt, encroachment on regulatory independence and duplication of functions across government and public bodies.

Deputy Darren O'Rourke: I thank my co-sponsors of the Bill for their contributions. We introduced the Bill on First Stage in March last year. We are in a different place now in some respects, in that the pandemic was raging at that time and war is now raging in Europe. However, from the perspective of vulnerable energy customers, we are very much in the same place and, if anything, in a far worse place.

I am very disappointed with the Minister of State's response. I will make a number of points in response to the arguments he made in defence of his position. He argues, through his amendment, that the power to impose moratoria on disconnection of electricity and gas already exists. We have acknowledged that, but there are two fundamental differences. The first is where the discretion lies and the second lies in the delivery of that power. Yes, the CRU can impose a moratorium when it sees fit to do so but we want a ban on disconnections every winter. What do

we mean by winter? We mean the fuel allowance season, which does not run from 9 December to 11 January - a little more than four weeks - so that people can cook their Christmas dinner without fear of the power turning off. The fuel allowance season runs from the end of September until the start of April. Anyone who has lived through an Irish winter knows for certain that the worst weather can occur at either end of that period, particularly in the months of February and March. I know this too, having contested a by-election in 2013 in March when the ground was covered in snow every day. People know that. I challenge the Minister of State on the idea that the CRU has this power and uses it every winter. That is not the same as what we are saying. It is entirely different. The discretion of the Minister to identify periods outside winter, within which it may be appropriate to introduce a ban on disconnections, is an additional power that would be useful for him to have.

I refer to the point raised about who exercises the power. I have been in the role of spokesperson for a couple of years. In that time, I have had the opportunity to raise questions with a range of Departments, specifically on climate, communications and transport. I have never seen, in any other Department, such lack of direct ministerial accountability for matters that are the reserve of the Minister. In many cases, responsibility is deflected. Energy security is a fundamental responsibility of the Minister. If I ask questions in the House about energy security, they will be diverted to the CRU, and I will be told the CRU is accountable not to the Minister but to the Oireachtas joint committee. I am a member of that committee and I can guarantee that I speak for every member. I am not satisfied with the level of accountability of the CRU to the committee. From having sat on committees, as we all have, and it has also been reported on the national airwaves, the Minister knows about the accountability of civil servants and others to committees. That is not the case with the CRU. I mean no disrespect to the individual members of the CRU. They have their jobs to do but there are lines of responsibility. We are elected as public representatives or representatives of the people. We elect our Government, which elects our Ministers. That is the line of authority and the line of accountability back to the people. It is not to leave discretion with the CRU or another group. That is an abdication of responsibility by the Minister and is something that would be changed in the legislation, if it was adopted. I will go back to the words of the Minister, Deputy Ryan, in 2006, when he spoke about departmental officials and members of the regulatory body. He stated:

Such a person cannot take decisions or say something awkward, difficult or risky. In our democratic system, only politicians have the power to do that.

It is a point the Minister has made, in fairness, in recent days and weeks regarding the responsibility of politicians. Accountability should lie with the Minister. That is a strength of our Bill, it is a weakness of the current position and it is a weakness in the Minister of State's argument, as far as I see it.

Those are the technical policy arguments regarding this matter, but the mean-spirited and offensive piece in the position of the Government and the Minister of State is that they are kicking the can down the road and will not act on this for 12 months. We will have another winter where the Government will be satisfied with a moratorium on disconnections for maybe four weeks. That is not good enough, by my account. We will oppose the Government's position and are likely to have a vote on it at some stage, but I ask the Minister of State to review his position on what we are saying to him. If he is saying that the provisions of our legislation are already catered for, we are firmly saying that is not the case. It is not the case in respect of where the responsibility lies and what winter means in Ireland.

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The Minister of State needs to go back to the drawing board on this issue. He needs to get on to the Minister to provide those protections for people over these winter months. As we said, this is about providing breathing space for people over the winter months, among everything else, because they are already under pressure. I am sure the Minister of State is very familiar, as is the Minister, with the type of winter that is ahead of us. This winter, we know that fuel prices, electricity prices and gas prices have not yet fully reflected the impact or the full extent of the war in Ukraine. The Government is factoring in increases in the region of a further 50% to 70%. When we meet providers, they talk about a tsunami of indebtedness. That has the potential to be a tsunami of disconnections. This Government needs to provide protection for those customers over the winter months to provide that space for them. A handful of weeks over the Christmas period will not suffice.

Amendment put.

Acting Chairman (Deputy Bernard J. Durkan): In accordance with Standing Order 80(2), the division is postponed until the weekly division time on Wednesday, 4 May 2022.

Cuireadh an Dáil ar athló ar 5.54 p.m. go dtí 2 p.m., Dé Céadaoin, an 4 Bealtaine 2022.

The Dáil adjourned at 5.54 p.m. until 2 p.m. on Wednesday, 4 May 2022.