



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 11 Bealtaine 2022

Wednesday, 11 May 2022

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

Paidir.

Prayer.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37A and the name of the Member in each case: (1) Deputy Christopher O’Sullivan - to discuss the need for repair works on the old Keelbeg pier in Union Hall; (2) Deputy Brian Stanley - to ask the Minister for Health to discuss the future of the mental health facility, Erkina House, in Rathdowney, County Laois; (3) Deputy Holly Cairns - to discuss the need to discuss traffic calming and safety infrastructure in Drimoleague, County Cork, with the Minister for Transport as research by local campaigners has established pronounced risks to the safety of residents, especially schoolchildren and people with disabilities, that need immediate intervention; (4) Deputy Cathal Crowe - to ask the Minister for Housing, Local Government and Heritage and the Minister for Public Expenditure and Reform if they will accede to the request made by Clare County Council for funding to be made available to make the transfer of Shannon Heritage sites in County Clare to the local authority viable and successful; (5) Deputy Gino Kenny - to discuss Kishogue train station; (6) Deputy Aodhán Ó Ríordáin - to discuss the need for the establishment of a multid denominational co-educational second level school for the district of Killester, Raheny and Clontarf; (7) Deputy Martin Kenny - to discuss diabetes care and availability of appliances under the long-term illness scheme; (8) Deputy Pat Buckley - to discuss respite services in community mental health settings in east Cork; (9) Deputy Chris Andrews - to ask the Minister for Justice to comment on the recent announcement of the cancellation of training courses for An Garda Síochána’s armed support unit for the Dublin region as, given the reports that the Dublin region armed support unit is operating well below full operational level and the increase in gangland violence, this is a cause of grave concern in Dublin communities, and to ask her to make a statement on the matter; (10) Deputy Maurice Quinlivan - to ask the Minister for Transport to detail why the Limerick northern distributor road was removed from the Limerick-Shannon metropolitan area strategy draft and the national development plan and if he will make a statement on the matter; (11) Deputy Brendan Griffin - to discuss the need for increased funding for local improvement scheme roads nationwide; (12) Deputy Pearse Doherty - to discuss the need for the Minister for Agriculture, Food and the Marine to oversee an urgent resolution of the dispute at Killybegs

between the Sea-Fisheries Protection Authority and the local fishing industry; and (13) Deputy Kieran O'Donnell - to ask the Minister for Health for an update on the expert team deployed to tackle crisis levels of overcrowding at University Hospital Limerick.

The matters raised by Deputies Christopher O'Sullivan, Cairns, Griffin and Ó Ríordáin have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Harbours and Piers

Deputy Christopher O'Sullivan: I note the presence of the Minister of State at the Department of Finance, Deputy Fleming. I am sure he will pass my sentiments and contribution on to the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and that the Minister will be notified of what I have to say.

I raise the issue of Keelbeg pier in Union Hall. I will put the matter in context. We had very welcome news a number of weeks ago with regard to €33 million from the Brexit adjustment fund being provided to local authorities to carry out works on smaller piers and harbours in their charge. Many of us in this House have been saying for quite a while that it is incredibly important that we invest in those small piers and harbours and open up access to our coastline for activities such as inshore fishing, marine leisure, whale watching, kayaking, sailing and rowing. There is great potential in that regard so this type of funding is very welcome. Cork County Council did well in that 14 of 15 projects were awarded funding. This will allow for much-needed works at places like Courtmacsherry where there is to be dredging under a pontoon to allow it to be realigned. There are also to be works at Turk Head, Laheratanvally, Cunnamore, Glengarriff, Ardgroon and Kinsale, where an entire pontoon, known as the fisherman's pontoon, is being replaced. This is all very welcome.

Funnily enough, the one project of the 15 proposed that did not succeed was that at Keelbeg pier in Union Hall. Even more funnily, it is, in many ways, a blessing that funding was not granted for the works at this pier. I will explain why. It was Cork County Council's intention to cut off access and to use that funding to install a barrier on what we call the "old pier" in Keelbeg, the eastern pier. There is a commercial pier at Keelbeg, which is a fantastic new facility used for fishing activity by a significant fishing fleet, and there is also the old pier. Public access to the commercial pier is completely cut off. The only part of the harbour to which the public still have access is this old pier, the eastern pier. It was the intention of Cork County Council, if it had been successful in getting funding, to cut off that access. This pier is very important for some smaller inshore fishermen who use it. It is also important for some leisure activities. The rowing club uses the pier, as does the sailing club and sailing school. The school is located at a pier in Glandore but uses this pier at Keelbeg to launch its boats. This infrastructure is absolutely vital. Where Cork County Council is coming from in this regard is that the end of this pier, the outer half, is in disrepair. Some of the pier has been chipped off and it is in quite poor condition.

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I ask the Minister of State and the Minister, Deputy McConalogue, to look at any new application Cork County Council makes for funding to repair the pier and to install infrastructure such as rails, ladders and cleats for tying off boats. A foreshore licence would not be required, which I understand is a difficulty with this scheme. I ask that the Department liaise with Cork County Council and encourage an application for funding to repair that pier rather than to install a barrier to cut off much-needed access for users of the pier.

Minister of State at the Department of Finance (Deputy Sean Fleming): I thank Deputy Christopher O’Sullivan for raising this issue. I am representing the Minister for Agriculture, Food and the Marine, Deputy McConalogue. He has asked me to respond on his behalf. I will speak directly with the Minister during the course of the day to reinforce the points the Deputy makes.

Responsibility for the development and maintenance of local authority-owned piers, harbours and slipways rests with each local authority in the first instance. Keelbeg Harbour is owned by Cork County Council. I am also mindful that the primary governance role for local authorities rests with the Minister for Housing, Local Government and Heritage and that any issues concerning the administration or functions of local authorities should be addressed to him. There are two Ministers involved in this because the local authority is the owner of the project.

I am aware there are concerns from harbour users concerning the future of Keelbeg Harbour. Earlier this year, the Minister announced the Brexit adjustment local authority marine infrastructure, BALAMI, scheme 2022-23. This scheme was designed having regard to the recommendations of the seafood sector task force tasked with assessing how we could help the seafood sector adjust to the impact of Brexit. The report of the seafood task force proposed an €80 million, five-year initiative for the development of publicly-owned marine infrastructure, of which the earlier years would focus on small-scale, shovel-ready local authority projects to be funded under the Brexit adjustment reserve. The resulting infrastructure development is intended to provide a longer term platform for the development of new and diversified economic activity in these coastal communities. An integrated application at a local level was envisaged by the task force to help the seafood sector pivot towards locally-led development and marine tourism initiatives.

At the Irish Skipper Expo 2022, held in March, the Minister announced the Brexit blue economy enterprise development scheme which has a €25 million budget for the years 2022 and 2023. The scheme is also funded under the EU Brexit adjustment reserve and is in keeping with the task force’s recommendations. I hope the Deputy and the House will appreciate the Minister is fully committed to seeing through the task force report insofar as he can. Our seafood sector in Cork and elsewhere needs this to be delivered.

On 25 April, the Minister announced the allocation of almost €32 million in funding to 110 projects under the BALAMI scheme, including €4.8 million for projects under Cork County Council’s remit. As the Deputy said, 14 of the 15 applications were approved as part of that €4.8 million. I understand the council had made an application for funding for certain works at Keelbeg, Union Hall, which was not approved at this time. It was not clear from the application presented that the works, which appeared to be fundamentally security control measures, met the central objectives of the scheme regarding economic diversification opportunities. If the council wishes to revisit this matter, it may do so as not all the funding for the scheme has been allocated at this time and there will be a further call for projects.

The Minister would very much would like to see each of the 110 projects approved thus far under the scheme delivered quickly so the construction stimulus the seafood sector task force identified can be felt on the ground as soon as possible. That said, I appreciate there is a need for constructive engagement with harbour users where potential change and disruption are concerned. I stress that in administering this funding scheme the Department does not and cannot get involved in the operational matters of a local authority. This includes the scope, design and prioritisation of projects.

Safety of all marine users is of paramount importance and I am conscious improvements in safety can affect the existing use or layout of public facilities. I am advised it has been reported that the council has safety concerns about the old pier at Keelbeg and plans to restrict access, a matter to which the Deputy referred.

Deputy Christopher O’Sullivan: I thank the Minister of State. The first 30 seconds of the last minute of his contribution were very encouraging, in that he said the tenure and focus of the funding was for diversification of use of the pier. What is more encouraging is the reason the application was not successful is it was for security works, as the Minister of State said. That tells me that if Cork County Council reapplies, it must do so for something entirely different, not just barriers but actual repair works.

I am aware there will be further calls for funding in June and later in the year, which is very encouraging. However, I wish to point out a trend here. I am not sure it is true of all local authorities but certainly with Cork County Council there is a trend towards limiting access to piers and harbours. We spoke about Keelbeg pier in Union Hall where it proposed to install a barrier. There are similar plans for Glandore, which lies over a kilometre across the water from Union Hall. There would not be a barrier but the plans are very much about restricting access to this wonderful facility. The Glandore facility has a yacht club and rowing club, is used by kayakers and has various other uses. Again, however, the county council is taking this risk-averse approach rather than doing what it should do, namely, opening up access to piers and harbours and encouraging people to come down and use the water. It should be putting facilities in place so people can do that. The trend, however, is to move in the opposite direction and cut off access, which is worrying.

To make a final point on the Brexit adjustment funding for local authorities, there must be flexibility as regards the scope of that. The scope specifies shovel-ready projects. There are many projects on the coast of County Cork that may require foreshore licences, for example, at Garinish Island and Bere Island. These projects should be considered, at least as regards applications for foreshore licences, and the scope should not be as tight as it currently is.

Deputy Sean Fleming: I thank the Deputy for that further information. I hope Cork County Council will take the opportunity to engage with local stakeholders in an appropriate way regarding proposed works or changes to the use of marine public infrastructure.

Returning to the scheme, I spoke about the seafood sector task force. This is a special once-off emergency instrument under the Brexit adjustment scheme. The purpose of the scheme is to provide support to counter the adverse economic, social, territorial and, where appropriate, environmental consequences of the withdrawal of the UK from the EU. Ireland is the biggest beneficiary of this fund. The BALAMI scheme is designed to support job creation and protection by distributing these funds to enhance, upgrade, modernise and develop Ireland’s publicly-owned coastal and marine infrastructure and thereby support downstream opportunities. As

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was mentioned, 14 projects have already been approved. There is still funding available. Cork County Council will have to engage with local communities and the Department in any new application. I detect from reading this note that the issue must be with recreational activities, which the Deputy mentioned, including the various clubs involved in marine sports, sailing and whale-watching activities. All of those are important but the funding must be linked to the Brexit issue. That is the point. The scheme is funded from the Brexit fund.

The Deputy mentioned Glandore pier. I have been following social media in the last day or two and have seen protests on these matters. It is important that the council consult the local community and have a Brexit-impact aspect to the application before resubmitting it to the Department. There is still funding available.

Traffic Management

Deputy Holly Cairns: Drimoleague is a vibrant village in west Cork with a very active community. However, the speed and scale of traffic going through the village is a major safety concern. Its location on one of the main roads in west Cork means it has considerable through traffic. Residents are especially concerned about the safety of children, older residents and people with disabilities, as well as the overall quality of life. Unfortunately, this issue is found in villages across Cork South-West, from Belgooly to Kealkill. I have raised the matter with the Minister for Transport before. There is a pressing need for measures to change driver behaviour in villages and towns.

I am raising Drimoleague specifically because local campaigners are highlighting the need for immediate interventions to prevent injury or death. They are taking a proactive approach with the development of well-researched plans for improving the safety and appearance of the area. Their report has identified issues around speeding, poor footpath quality, lack of accessibility features and inadequate road conditions. A survey of 50 households in and around the village revealed the scale of the issues involved. Almost three quarters of people were aware of incidents involving vulnerable people that resulted in an injury or potential injury as a result of speeding traffic or poor conditions on the roads and footpaths.

Based on this work and thorough discussion, these campaigners are proposing traffic calming measures in line with the Department of Transport's traffic management guidelines to prevent injuries or worse. The plan includes additional zebra crossings, especially for schoolchildren, an enforced 30 km/h speed limit, a roundabout at a dangerous junction and a complete overhaul of the road markings, which are essentially non-existent in most of the village. It is a very strong and clear proposal that highlights the immediate needs and passion of the community. It is a pity the Minister for Transport, Deputy Eamon Ryan, is not here as I would like to have given him a copy of it, although it should not be necessary. There is a strong desire in the community to work with the council and the Department to resolve these issues.

This group has also placed a strong emphasis on accessibility. Its survey identified a portion of the local population with a disability or access needs, including older people, wheelchair users and people with visual impairments. Poor quality footpaths and road surfaces impact on their capacity to leave the house, socialise and participate in the community. Better quality infrastructure will help improve active transport measures. For example, the school is on one side of the village but most of the newer housing is on the other side of it. Students want to be able to walk to school but they need safe infrastructure to be able to do that.

Last year, as part of a consultation I did with primary schools in my area for the county development plan, the main priority identified by the young people was the capacity to travel safely to school, either walking or cycling. More broadly, these safety concerns and poor infrastructure are impacting on quality of life in the village. When it affects children being allowed out or people with reduced mobility going to the post office, it starts to threaten the economic viability of local services, including the pharmacy and shops.

This is a case where a clear need has been identified by a local community and it has developed the required solutions. It has a plan and a passion to improve Drimoleague. It is also eager to work with Cork County Council and the Department to implement this plan. What assurances can the Minister of State give the people of Drimoleague that the Department of Transport will work with them and the council on these issues? What will the Department do to ensure it is fulfilling its obligations? The approach whereby communities have to go above and beyond to get the bare minimum has to stop.

Deputy Sean Fleming: I thank Deputy Cairns for the opportunity to address this matter in the House. I am speaking on behalf of the Minister for Transport, Deputy Eamon Ryan, and the Minister of State, Deputy Naughton, who is also in the Department of Transport.

It is important to note the Government is funding active travel at an unprecedented scale. It has allocated €460 million per annum to support infrastructure that makes walking and cycling safer and more attractive for journeys to work and school and for all types of journeys all over the country. Much of this work will lead, as a by-product, to the calming of motorised traffic. Narrowing roads, installing cycle tracks, whether fully or partially segregated, contra-flow cycling routes and one-way systems for vehicular traffic can all play a part in slowing down traffic, thus making it safer for those walking, wheeling and cycling in our cities, towns and villages. As part of that funding, we are also specifically supporting the safe routes to schools programme, which was opened to all schools to apply to for funding. Unfortunately, it seems no application was made by the school in Drimoleague for this funding support. There is a special scheme for schools regarding safe routes to schools and it appears the school did not submit an application to the Department under that scheme.

Funding is generally not the issue it was in previous years given the level of funding we are making available. Through the National Transport Authority, funding of more than €20 million was allocated to Cork County Council earlier this year. This shows the commitment of the Government to supporting active travel in County Cork. I understand from the National Transport Authority that an application was made by Cork County Council to support works in Drimoleague but given the sheer volume of applications for funding made by Cork County Council, it was determined the work would be progressed in the future rather than in the first phase of projects in this calendar year. An exceptionally high number of applications were received from Cork and these need to be assessed with a view to having a clear line of projects in place for the coming year. I further understand a number of projects completed in Drimoleague in recent times were funded through various schemes, including CLÁR and the National Transport Authority.

Active travel funding is not the only funding available to address the issues identified in Drimoleague. There is also the safety improvement scheme. It must be remembered the improvement and maintenance of regional and local roads are the statutory responsibility of each local authority in accordance with the provisions of the Roads Act 1993. Works on these roads are funded from local authorities' own resources supplemented by State road grants. The initial

selection and prioritisation of works to be funded are also a matter for the local authority.

Local authorities can apply under the Department's regional and local road grant programme for funding for safety works. Applications for funding of lower cost improvement works under the Department's safety improvement scheme are invited in order of priority on an annual basis for consideration for funding in the subsequent year. In submitting projects for consideration, local authorities are required to set out the collision history of the works site and outline how the proposed project would reduce accidents or address a hazard. Individual projects costing in excess of €200,000 are outside the scope of this scheme and fall to be considered under the specific improvement grant scheme. To date, I understand no application under the safety improvement grant scheme has been received from Cork County Council for works in Drimoleague.

Essentially, I have announced four or five, or perhaps five or six, different streams of funding available across Departments. Under some of those headings, applications have not been submitted to date. There is an opportunity, especially for the school, to submit an application to the local authority, but no application has been received by the Department at this stage.

Deputy Holly Cairns: I thank the Minister of State for his reply. I am raising this matter because of the urgency involved. As I said, dedicated locals in Drimoleague have highlighted the issues and now the council and the Department of Transport need to act to prevent injuries or fatalities and improve the quality of life in the village.

I thank the Minister of State for recommending the safety improvement scheme. I know Cork County Council has applied for other funding streams but we will ask the school to submit an application under that scheme. However, the larger problem is the manner in which important safety issues like this are resolved. Communities are directed towards particular schemes all the time rather than being assured of very basic infrastructure. Good quality footpaths and roads should be the minimum communities can expect. Residents and businesses pay their taxes, including property tax, specifically for these services. Too often, communities essentially need to compete for funding and apply to all these different schemes. The Minister of State mentioned six such schemes. When funding is awarded under a scheme every Deputy and Senator tries to claim credit for securing it.

Last year, I raised the issue of vehicles speeding through Kealkill village, which has no road markings or crossings for schoolchildren. It is only thanks to a particular scheme that those problems will now be addressed. Relying on communities to lobby for funding from these schemes is not a sustainable way to ensure road safety or equal opportunities for villages to access funding. These are bare minimum and basic safety measures.

The role of the Department of Transport is key here, as it sets the standards. There must also be more effective enforcement processes. Ultimately, people pay their property tax and expect the bare minimum. The Minister of State referred to funding that Drimoleague has secured. That was for a tiny extension of a footpath, which is not something we should have great fanfare about. The community deserves so much more than that, as do all communities.

Deputy Sean Fleming: I thank the Deputy for her contribution to this discussion. Safety is at the heart of what we seek to achieve with our investment in transport. It behoves all road users to concentrate, consider all other road users, slow down and be observant. In the wider context of road safety, this is set out in the Government's fifth road safety strategy, the imple-

mentation of which the Road Safety Authority has overall responsibility. On 15 December 2021, the Government and the Road Safety Authority launched Ireland's road safety strategy for 2021 to 2030, along with the associated action plan for the first phase running from 2021 to 2024. The programme for Government makes a commitment to introduce an ambitious road safety strategy targeting the vision zero principle. We will introduce a road safety strategy focused on reducing death and injuries of vulnerable road users, pedestrians and cyclists.

The conversation I have had with the Deputy this morning was instructive. Most counties have found there is such a variety of schemes in place that dealing with them is a full-time job for a number of people in local authorities. We are only speaking about roads, for which there are six schemes. That same can apply to housing and playgrounds. I often think there needs to be more joining-up with respect to these schemes. A council could apply for funding under four schemes but there may be another scheme under which it did not submit an application. I would ask the local authorities to make sure any time anything is put in under any particular aspect that those concerned are made aware of the full range of schemes that could contribute to what is required and to submit applications under all of them. As we will all be aware, some schemes are allocated good funding while with respect to other schemes funding is not applied for under them. Due to the number of schemes in place, there is a need for good co-ordination in applying for funds under these schemes.

Road Projects

Deputy Brendan Griffin: I am grateful this Topical Issue matter was selected. I thank the Minister of State for being present to take it. The matter relates to local improvement scheme, LIS, roads around the country. We know there are thousands of them all over Ireland that are awaiting funding. These are non-council roads and laneways that require improvement works. There are hundreds of them in my constituency in County Kerry. The Minister of State will be familiar with hundreds more in the Laois-Offaly constituency. They are all over the country. These are roads that communities cannot improve themselves because of the cost. The contribution from the State, through the LIS, via the local authorities, is very important in meeting the contribution of local residents to get the roads done. When the last 1 km or 2 km up to a house is almost impassable, it makes a significant difference to the quality of life of residents when it is surfaced to a proper standard. It is not just for people who drive but also for people who cycle, walk, use wheelchairs, push prams and buggies and in all sorts of different circumstances. Sometimes that is forgotten, as we often just think about roads in the context of motorised vehicles when they are about much more than that.

I welcome the progress in recent years, in particular since 2016, when the process was kick-started by my colleague, the then Minister, Deputy Ring. At the time, the existing list was eaten into and serious progress was made to clear it. Local authorities made a new call a couple of years ago and there is a significant list again for which more funding is needed. Last year, €10.5 million was provided initially by the State for local improvement schemes throughout the country. The money was distributed to local authorities. My understanding is the allocation was based on the area of the counties applying. A further €10.5 million was subsequently provided, bringing the total to €21 million, as a result of the reprofiling of capital within the Department of Rural and Community Development. The funding was again distributed to local authorities based on their request for funding. A certain percentage of the funding was provided. However, it is only a drop in the ocean in terms of the number of roads that can be addressed compared

with the number that are awaiting funding.

My understanding is the budget is €11 million this year, which is an increase on the €10.5 million that was allocated last year, but it will only go so far. My county got just under €700,000, which is very welcome, but it only covers a very small percentage of the roads awaiting funding. I ask that we examine whether further capital funding in the Department of Rural and Community Development can be reprofiled and provided for local improvement scheme roads. When funding is provided, we know it is used by the local authorities. Very often, these roads lead to important amenities in communities such as lakes, mountains and trails, which are vital in terms of well-being and people being able to enjoy the outdoor amenities in communities. It is not simply the case that they go to people's homes. I ask that more funding would be provided, at least a further €11 million and, if possible, a lot more.

We used to have the bóithre áise scheme in the Gaeltacht areas. Now, more than ever, the funding for local improvement schemes is important to try to address the deficiencies in non-council roads in those Gaeltacht areas also.

Deputy Sean Fleming: I thank Deputy Griffin for raising the matter. The Minister for Rural and Community Development, Deputy Humphreys, has asked me to respond on her behalf.

The local improvement scheme is a programme for improvement works on small private or non-public roads in rural areas that are not under the normal maintenance of the local authorities. The scheme is funded by the Department of Rural and Community Development and is administered through the local authorities. I acknowledge the major step-up in funding when Deputy Ring was Minister in the Department, and a lot of funding was provided. Many of the long application lists in local authorities were substantially tackled as a result of the additional funding during those years. The focus of the scheme is to support the continued improvement of rural roads and laneways that are not normally maintained by local authorities but which represent a vital piece of infrastructure for rural residents.

The LIS was relaunched in its own right in 2017. Between 2017 and 2021, the Department allocated €80 million to local authorities for improvement works on these roads. It is acknowledged how important the scheme is for people in rural areas and for farm families in particular. There is no other source of funding for these roads, which provide vital access to agricultural lands and rural homes. The scheme is also used to fund non-public roads leading to important community amenities such as graveyards, beaches, piers, mountain access points or other tourism and heritage sites.

The Department of Rural and Community Development provides an allocation of funding each year to the local authorities for works on these roads. The selection of roads to be funded under the scheme is then a matter for each local authority based on the priority or condition of particular roads in their county. The local authority may rely on existing lists of eligible roads or advertise for new applicant roads. The practice varies from county to county in that regard. Some local authorities have been successful in clearing the backlog and they have opened up the scheme to new applications to be considered for next year, whereas others have a long list that may have existed for a decade in some cases, and they are working down through the list. Applications are a matter for individual local authorities depending on their existing waiting lists.

Individual applicants contribute towards the cost of the road projects. As Deputy Griffin is

aware, this can vary from 10% to 15% depending on how many beneficiaries are on the particular road. This contribution is currently capped at €1,200. However, the majority of beneficiary contributions were well below this figure. As part of Our Rural Future, the Government has committed to increasing the level of investment in the repair of non-public roads through the local improvement scheme.

Given the value of the scheme for people living in rural areas, the Minister, Deputy Humphreys, was pleased to be in a position to increase the allocation for the scheme this year. Funding for the scheme in 2021 increased by 5% to €10.5 million and the Minister has secured a further €500,000 to bring the allocation to €11 million for 2022. I can also confirm to the Deputy that the Minister has recently written again to the Minister for Transport, Deputy Ryan, to explore whether funding can be made available from the Department of Transport to support the scheme. It is believed a cross-Government approach might reap dividends in dealing with the backlog of applications on hand, and the Minister, Deputy Humphreys, together with her officials, will continue to keep all options under review. She highlighted that there is a contribution cap of €1,200, that the contribution of most people is below that figure and that the amount of contribution is quite small. We all know from our own experience that sometimes the contribution can be by way of work-in-kind in the local community, such as clearing ditches or banks or some such work. It does not always have to be cash. Local authorities have methods of dealing with the issue in terms of work in lieu of a cash contribution.

Deputy Brendan Griffin: Mar a dúirt mé, bhí scéim na mbóithre áise ann roimhe do na ceantair Ghaeltachta agus bhí sé sin an-tábhachtach do mhuintir na Gaeltachta chun na bóithre sin a chothabháil. Anois tá na bóithre sin ag dul in olcas mar níl go leor airgead ann faoin LIS. Tá sé níos tábhachtaí anois níos mó airgid a thabhairt chun gach bóthar, sna Gaeltachtaí agus taobh amuigh de na Gaeltachtaí, a chothabháil agus a fheabhsú.

I wish to take up a point in the final paragraph of the response on the cross-Government approach. This is something I suggested previously. I am pleased the Minister, Deputy Humphreys, has progressed it. There is an obligation on the Department of Transport to chip in. It is a large Department with a massive capital budget and there is great scope for it to make a contribution, which would be small in the overall context of the Department of Transport's budget. It would make a significant difference to the local improvement scheme. This is ultimately a transport issue. It is about people getting from A to B by whatever mode of transport they can possibly use, yet the Department is abdicating its responsibility to contribute to the upkeep of the roads. The roads may not be council roads, but they are used by everybody. It is a cop-out for the Department of Transport not to contribute to them. I again call on the Department of Transport to step up to the plate and contribute to the LIS because it makes a difference to everybody. The Department of Transport cannot simply give it to the Department of Rural and Community Development and say it is not its business. That is not in any way the approach the Department of Transport should take on this issue. I call for an increased budget, extra capital from the Department of Rural and Community Development and for the Department of Transport also to give extra capital to try finally to clear the list.

Deputy Sean Fleming: I concur with the point made by the Deputy. As he said, the Minister, Deputy Humphreys, has been in direct contact with her ministerial colleague, Deputy Ryan, about the Department of Transport coming on board with this scheme. The Deputy specifically mentioned the Gaeltacht scheme and I know his views will be taken into account fully by the Minister. It does not affect me in County Laois and I am not personally familiar with the scheme. I presume it works along similar lines in the Gaeltacht areas. As we have said, the

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fact there was no specific fund for this contributed to the backlog over a number of years. In 2017, allocations were made and €80 million has been given for 3,000 roads being improved to benefit 13,000 rural landowners and residents in that period.

The issue of reprofiling unused capital funding is a very good suggestion for both Departments. All of us from rural areas know the value of this for people going to lakes, mountains or bogs or into forests, although they may not live in that area. It is important funding would be increased in that respect. When a council has done work on a road, maybe once over ten years, and comes back again, eventually people think of public roads not yet taken in charge by a local authority. Local authorities may be slow to take charge of some roads in these areas, having completed the work. It is a matter that will have to be addressed by local authorities. I will convey the Deputy's views directly to both Ministers today.

School Patronage

Deputy Aodhán Ó Ríordáin: I very much appreciate the Minister's attendance and it demonstrates her commitment to this debate. The school development area in my constituency is known as Killester Raheny Clontarf. People familiar with north Dublin know the borders as the Malahide Road, the coast and the Oscar Traynor and Kilbarrack roads. Within the area there are approximately seven second level schools, all of which have religious ethos, four of which are all-girls schools and one of which is an all-boys school. There are two that are mixed, with one having a Church of Ireland ethos and the other having a Catholic ethos.

Parents in my constituency are saying there is not a school for them if the children want to attend an Educate Together school, for example, or if they want to choose a non-denominational or multi-denominational school for their children. They do not have one. On the border, on the Malahide Road, there are two other second level schools in Ardscoil Rís and Chanel College, Coolock, which are also all-boys schools. The Minister knows the Department has not given sanction to any new single-gender school since 1998 and it is not the Department's policy to do so. The Department has indicated to the campaign group that the group should engage with each of these schools to see if they are willing, able or at a point in their development of changing their ethos. That is unlikely to happen and it puts the onus back on volunteers to engage with schools, who have enough on their plates without having such a major conversation in the short term.

To be honest, I have had this conversation with the Minister's predecessor about another part of my constituency. The initial response from the Department was that the demographics did not justify a new school, but that is where we ended up and it is why there is a second level Educate Together school now in the northern fringe area, as sanctioned by the Department. Will the Department sanction and recognise a new second level Educate Together school in this area? The area's demographics have changed and there are a large number of new young families in the area. My office has never had the number of requests for school places at second level as it has had in recent months. It is now a major issue locally for families trying to access second level places.

Seven schools are listed in the area and many of them are difficult to get into in the first instance. One of them has a wider remit or mandate in that it is of Church of Ireland ethos and it accepts children from right across the north side of the city. Living within the catchment area does not necessarily give access to that school and it has a wider remit. We are therefore

reduced to six schools, with four being all-girls schools and one being an all-boys school.

We must allow a continuum of education with a multi-denominational ethos and parents in the area are very anxious to move to a position where such a choice can be available to them. They should not be forced to send their children to a second level school under an ethos with which they are not comfortable. All these schools correctly say they do everything possible to facilitate children of all backgrounds, but what is best for the children I speak to is a new school with a multi-denominational ethos. It would afford them the choice of having a continuum of education in the manner that best fits their own belief system.

Minister for Education (Deputy Norma Foley): I thank the Deputy for raising this matter, which gives me the opportunity to set out for the House the position of second level schools in Killester, Raheny and Clontarf. To plan for school provision and analyse the relevant demographic data, the Department of Education divides the country into 314 school planning areas, as the Deputy knows, and uses a geographical information system, using data from a range of sources, including child benefit and school enrolment data, to identify where the pressure for school places across the country will arise and where additional school accommodation is needed at primary and post-primary level.

Where data indicate clearly that additional provision is required at post-primary level, the delivery of such additional provision is dependent on the particular circumstances of each case and may be provided through either one, or a combination of, the following options. They are utilising existing unused capacity within a school or schools, extending the capacity of a school or schools or provision of a new school or schools in the area in question. A patronage process is run after it has been decided, based on demographic analysis, that a new school is required. This patronage process is open to all patron bodies and prospective patrons. The online patronage process system, OPPS, has been developed by my Department to provide objective information to parents that will allow them to make an informed choice about their preferred model of patronage as well as language of instruction, whether Irish or English, of new schools.

Parental preferences, as well as other considerations, such as the extent of diversity of provision in an area, including Irish-medium provision, are key to the decision-making process and to whether at post-primary level a school would take the form of an Irish-medium Gaelcholáiste or whether, if English-medium, the school would include an Irish-medium unit or aonad. Most new post-primary schools must have a student enrolment capacity of between 600 and 1,000 students. A lower threshold of 400 students may apply to Gaelcholáisti, having regard to the alternative of establishing an aonad within a school.

As the Deputy states, there are currently seven post-primary schools serving the Killester Raheny Clontarf school planning area. The Department's most recent projections do not indicate significant increases in school place requirements at post-primary level in this area to the extent that a new school would be required in the short term. Nevertheless, I want to be clear in saying that my Department will continue to work to ensure there is sufficient capacity in the area to meet school place demand and will keep the requirements in the area, as with all other school planning areas, under significant review, as we do on an ongoing basis. Additionally, my Department will continue to liaise with Dublin City Council in respect of its review of the Dublin city development plan with a view to identifying any potential long-term school accommodation requirements.

Deputy Aodhán Ó Riordáin: I thank the Minister and I appreciate her reply. Again, every

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area is different. She has said there are seven post-primary schools serving the Killester Raheny Clontarf area, but as I said, four are all-girls schools and one is of a Church of Ireland ethos and has a remit wider than the immediate area for the entirety of north Dublin. It is a particular case.

I am encouraged by the Minister's suggestion of an ongoing review. With the campaign group I will look to get as much data and information as possible in engaging with the Department. As I stated, I had a discussion in the Seanad at the time with the Minister's predecessor about the necessity for a multi-denominational school around the northern fringe.

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At that time, I received a similar answer to this, which was quite negative. However, the school is now up and running. I expect the same thing to happen in this instance. I suggest to the Minister that she reconsider this request in light of the changing demographic of the area, the young families that have come into it and the fact that for those not interested in a Catholic second-level education there is no option. There are seven schools listed. Six of them are Catholic schools and the remaining one is non-Catholic but it has a wider remit across the entirety of north Dublin such that a student is not entitled to enrolment in that school on the basis that he or she lives in the immediate catchment area.

I will continue to raise this with the Minister. The campaign group and I will be compiling data to engage with the Department. This is a growing area with young families whose children are going to need second level placements. A relatively new denominational primary school is moving into Killester in September and a number of Educate Together primary schools have also opened in the area in the past number of years. It is unfair to allow children to attend a multi-denominational primary school only for them to be told in sixth class that they have no opportunity to continue in multi-denominational education up to leaving certificate level, that they have to move into a denominational situation. That is unfair to those children and their families.

An Leas-Cheann Comhairle: We are over time. I ask the Minister to conclude as briefly as possible.

Deputy Norma Foley: I appreciate we are over time. I thank the Deputy. I would like to clarify that the demographics at post-primary level in the Raheny-Clontarf-Killester school planning area are expected to peak in 2028, with a gradual decline out to 2040. The 2020 enrolment is 3,789 across seven schools, with an expected peak in enrolment at 4,087 in 2028. It is important to note that the patronage process is run after it has been decided that a new school is warranted or required. The patronage process is open to all patron bodies and prospective patrons. Parental preferences for each patron and in regard to the language of instruction at the school from parents of children who reside in the relevant school planning area, together with the extensive diversity currently available in the area, are key to the decision-making process.

An online patronage process system has been developed by the Department to provide objective information to all parents, which allows them to make an informed choice about their preferred model of patronage for their child's education. The patronage process for new schools is overseen by an external independent advisory group, namely, the new schools establishment group.

I appreciate the points made by the Deputy in terms of those with whom he is working. As I said in my earlier response, I am happy to keep this under review. We do that constantly across

all of our school planning areas. We work with the information as it comes on stream, either through the local authorities in terms of development plans or whatever the case might be. We are very proactive in this space. I am happy to confirm again that we keep everything under review.

Living Wage Bill 2022: Second Stage [Private Members]

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

I am delighted to introduce the Labour Party Living Wage Bill 2022. I propose to share time with my colleague, Deputy Nash. For many years, the Labour Party has campaigned for the introduction of a living wage in Ireland. To do so effectively requires a legislative framework and for that reason we have introduced this Bill. It could not be more timely as the cost of living crisis squeezes every household, individual and family throughout the country. We are conscious that inflation is at a 22 year high. We know that a radical package of measures is needed now to tackle that cost of living crisis and to ensure that households will be supported in attempting to meet rising costs. We in the Labour Party believe that Ireland needs a pay rise. It is as part of that campaign we are introducing this Bill.

We know that later this week the Consumer Price Index rate will be published by the Central Statistics Office, CSO, but it will not tell us anything we do not already know. We are hearing it daily from our constituents. I am hearing it from my constituents in Dublin Bay South. We know that inflation is at a record 22 year high and that the essentials on which every household relies are rising in price. We have seen basic groceries like milk, bread and pasta, heating and energy costs and fuel and gas prices increase in recent weeks and months. Rents in our capital city and across Ireland are at historic highs, with a real shortage of rental accommodation, as we all know. That is putting the cost of a secure home outside the reach of many individuals and couples.

Expensive childcare and medical bills, along with education and transport costs, are also squeezing everyone. Everyone is feeling the pinch. We have to see what can be done to address this. The Government has implemented some welcome measures. We welcomed the measures on public transport which took effect earlier this week but we in the Labour Party believe they do not go far enough. While there are welcome initiatives that can and should be taken to address the cost of services such as transport and childcare, on which we have put forward some radical proposals, we also need to see support measures in place to ensure people’s incomes are increased. Every day, we are hearing from those whose incomes are no longer enough to meet the rising costs they face. They may be decent pay by relative standards, but that pay is no longer enough to meet the cost of living. We are also hearing from those who are low paid in Ireland. One in five of the Irish workforce is on low pay. We have a low-pay economy. That has always been an issue, but all the more so with the rising cost of living and with rising inflation.

The most effective way to address falling incomes is to ensure that Ireland gets a pay rise. We need to see an increase in real terms in the take home pay that people are left with at the end of the week or the month. That is why we are introducing this Bill. This Bill would go some way to addressing the issue of low pay. In particular, it would transform the minimum structure into a living wage structure. That would have a significant effect, in the first instance on those 130,000 workers who are currently on the minimum wage. The key difference between the

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current minimum wage of €10.50 per hour and what we are proposing is that a living wage is a mechanism to take into account the cost of living. It is a better way to ensure that people's incomes are sustained and supported through periods of rising inflation and rising prices. This is acknowledged by the Government in that the programme for Government includes a commitment to progress the national minimum wage into a living wage over the lifetime of the Government. Our concern is that we have not seen action in that regard to date. Almost two years into this Government's term, the lack of progress is costing those who need that pay rise now.

I am aware that the Tánaiste has said that he intends to bring proposals to Government by the summer. I am conscious that as recently as January of this year the Tánaiste received a report from the Low Pay Commission, based on academic research, into the introduction of a living wage and that that report has made recommendations, but we have not seen that report. It has not yet been published and so we are not clear as to how Government intends to make for any progress on the transformative strategy that is needed to change the minimum wage into a living wage. I would welcome a response from the Minister of State on that issue. In addition, we hope that the Government will see fit to support this Bill. With this Bill, we are seeking to ensure that the pressure is kept on and that the issue of a living wage is highlighted so that those on low pay are not left behind.

Let us see what would be done if this Bill were to be introduced. When the minimum wage was first introduced over 20 years ago it was set at two-thirds of median average income. Had it been maintained at that rate, it would now be approximately €12.90 per hour or equivalent to the 2021 living wage rate. That is significantly above the current rate of the minimum wage which, as we know, is set at €10.50 per hour. We are conscious that with inflation the living wage will need to increase by somewhere in the region of 7% this year, which would take it to €13.80 per hour by the end of the year. Instead, as I said, this year 130,000 workers are left with the current minimum wage of €10.50 per hour, leaving an hourly wage gap of over €2 between the legal minimum and what is estimated as necessary to sustain a decent standard of living. The most recent increase of 30 cent to the minimum wage in January was inadequate. It has been already swallowed up by rising inflation. As an interim measure, we have called for the minimum wage to be increased immediately by €1 per hour and for a mechanism or pathway to be put in place to increase that over time to a living wage. That is exactly what this Bill seeks to do. It would increase the minimum wage to a living wage and transform the system around the criteria and determination of pay rates and in doing so it would also have a transformative effect on the lives and incomes of those currently on the lowest of pay.

Clearly, we cannot just stop there. We need to see stronger rights for collective bargaining. Again, we in the Labour Party have consistently called for this. We know that in those countries where there are higher rates of unionisation and higher rates of collective pay bargaining, there are better mechanisms to achieve decent and sustainable pay rates. We believe the State must use its purchasing power more effectively by rewarding and recognising those companies and employers that engage in collective bargaining and pay fair rates, and we are all aware of those employers. There are very decent employers that are doing so. Indeed, many employers currently have to pay increased wages to recruit where there are skills shortages and recruitment crises in sectors such as hospitality, home care and childcare.

I thank the living wage technical group for its work and research over many years, which has contributed to building the case for a living wage. I thank those campaigners and trade union members and activists who joined me and my Labour Party colleagues yesterday at the launch of the Bill. The technical group has given us a definition of the living wage and we are

building on that in the Bill.

Turning to the detail of the Bill, to which my party colleagues will speak further, its purpose is to amend the National Minimum Wage Act so as to transform the minimum wage into this living wage mechanism. Section 2 will transform the Low Pay Commission, established by my party colleague Deputy Nash when in government, into a living wage commission. While we recognise the Low Pay Commission has done excellent work and carried out important research, it is constrained through legislation from acting further on a living wage framework without direction from the Oireachtas. This is the enabling legislation, therefore, to transform the Low Pay Commission into a living wage commission.

Section 3 will assign new duties to the commission to allow it to make recommendations to transform that minimum hourly rate concept into one of a living wage, while section 4 sets out the new functions of the commission and, crucially, how the living wage will be determined. We are calling in this Bill for the minimum wage to be transformed into a living wage over a period of three years and, once that has been achieved, to enable an annual calculation to be carried out to maintain the appropriate rate of a living income. Critically, the living wage must not be less than two thirds of the median level of earnings of employees in the State, according to the figures most recently published by the CSO. The commission will have a set of criteria available to it, as set out in the Bill, as to how the living wage will be determined.

Before I conclude, I pay tribute to the work of the Irish Congress of Trade Unions and, in particular, its recent report published for May Day, which emphasised the need both for a decent social wage in Ireland and for the Government to bring forward a package of measures to ensure employees' take-home pay will be effectively increased, through both tackling the cost of basic public services such as healthcare, which are free in many other European countries, and ensuring incomes will be increased through both a system of collective bargaining and increases to the minimum wage. This combination of measures will give Ireland an effective pay rise and households and individuals throughout the country a much-needed break. As I said when I launched the Labour Party's Ireland Needs a Pay Rise campaign, a package of measures is needed. The Bill is one important part of that package, but we have also called on the Government to reduce the cost of childcare radically, extend free GP care to all children under 18, introduce free public transport and freeze rents for three years. Again, this package of measures, taken together, will ensure individuals, households and families throughout Ireland will get the pay rise that is so badly needed to address this crisis in the cost of living.

Deputy Ged Nash: I am proud to support and second the Bill, which is anchored in the very best traditions of the Labour Party. We fundamentally believe work must always pay. That is an absolute, fundamental principle for us and for the wider labour movement. It is timely that we now reflect on pay policy nationally, and when we do, we should do so in an informed and evidence-based way. For many, the market decides what they are paid; for others, it is a collective endeavour negotiated between the employer and trade unions through employment level agreements, collective agreements, or sectoral employment orders or employment regulation orders. For more than 130,000 of the lowest paid workers, the statutory Low Pay Commission has, since 2015, recommended in an evidence-based way the rate of the national minimum wage for the following year, adoption of which, of course, is a matter for Government agreement.

Prior to the National Minimum Wage (Low Pay Commission) Act 2015, nobody would have said the way in which the national minimum wage was set was perfect - far from it. The first

minimum wage rate was set and introduced in 2000, under the terms of the National Minimum Wage Act 2000. The legislation made the setting of the rate a matter for the Minister of the day, with a genuflection in the direction of the social partners. Given the experience in 2010, we can say with hindsight that giving all that power to the Minister of the day was a bad idea. It turned out to be a very bad idea for low-paid workers, in light of what happened in 2010. As soon as the crash came, Fianna Fáil, the Minister of State's party, slashed the national minimum wage with the stroke of a pen, from €8.65 to €7.65 an hour. This was the most callous of cuts, made with the connivance of ideologues in the IMF. I say "ideologues" because that is exactly what they were. The economic orthodoxy in vogue at the time claimed that by cutting pay, we would create jobs. This was always arrant nonsense and that was proven to be the case with evidence put forward to challenge the narrative. The lowest paid workers in this country were sent home with a pay cut they could ill afford.

With respect, this will be to the eternal shame of the Minister of State's party. That cut did not create a single job, prevent a single worker from losing his or her job or create a single hour of additional employment. All it did was lead to penury and more pain for the lowest paid workers. Who will ever forget the passionate and forensic demolition of that tawdry and senseless cut by the then Deputy Michael D. Higgins, in the very last contribution he made in the House as a Labour Party Deputy before he went on to be elected and to represent us with great pride as our President? With that speech ringing in our ears when we were elected to government in 2011, we almost immediately set about restoring the rate to €8.65 an hour. One reason we established the Low Pay Commission in the first instance was to provide a bulwark against ill-informed, ideologically motivated cuts to the floor of pay, beneath which no worker should be allowed to fall.

I am proud, along with my Labour Party colleagues, to have established the Low Pay Commission, probably the single most important institutional reform on the statutory landscape to protect and advance the interests of lower paid workers. One of the most significant but underappreciated functions of the commission relates to the remit we gave it regarding research into low pay. Resistance to increasing statutory minimum rates of pay among some has been as ill informed as it has been vociferous and aggressive. A dearth of such evidence was available in an Irish context to challenge the narrative in play in late 2010 and early 2011. The argument was that if we were to increase the national minimum wage each year, the sky would fall in and it would be the end of the market economy as we knew it. Businesses would close and thousands of jobs would be lost, but nothing of the sort happened when we increased the minimum wage twice. As it happened, research the Low Pay Commission commissioned from the Economic and Social Research Institute, ESRI, confirmed what we had said all along, namely, that predictable incremental increases to the national minimum wage will not close businesses or cost jobs but, in fact, can boost the economy and productivity and help with staff retention, and we know how difficult an issue staff retention is these days.

The Low Pay Commission has changed the conversation and changed the debate. It has armed us with the evidence we need to challenge the bogus arguments we have been exposed to for years. It has significantly delivered minimum wage increases every year since 2016. The largest annual increase in that period remains the one we signed into law in 2015, which came into effect in 2016, namely, an increase of 50 cent an hour. If it were not for the statutory function of the Low Pay Commission to make an annual recommendation on the rate of the minimum wage based on a framework embedded in legislation, it is safe to assume we simply would not have seen annual increases the likes of which we have seen since the establishment

of the commission.

The question is how we can move to a living wage that meets the needs of working people. The programme for Government, agreed between three parties, states that within the lifetime of this Administration, we will see the delivery of a living wage. I am sceptical, and I am not making a narrow political point, because of the form of the previous Government. I am sceptical because, between 2016 and 2020, that Government missed the national minimum wage targets it had set out in the programme for Government agreed in 2016. Indeed, the Government has yet to tell us how a living wage will be achieved in this country. Since 2016, we have told the last two Governments how this should be achieved. As Deputy Bacik outlined, the Bill sets out that the Low Pay Commission must be given a target in law to achieve a living wage.

This House will be familiar with putting targets into law, especially over recent years. We have legally binding climate targets. We can give the Low Pay Commission a target of reaching a living wage of two thirds of the median hourly income over a three-year period. If we can have targets for climate and carbon emissions, why can we not have targets to put an end to low pay? In real terms, the living wage is €12.90 an hour. That is the rate agreed by the living wage technical group last year as the rate of the living wage for this year. That is about two thirds of median hourly income. The gap between the national minimum wage and the living wage is €2.40 an hour for every hour someone works. Therefore, a full-time worker on a real living wage earns just under €100 a week more than someone on the same hours who merely subsists on the national minimum wage. That is intolerable. There is no argument for it. It is unacceptable. The gap between the national minimum wage and the living wage is rising each year and becoming even more problematic as low-paid workers who spend every cent that they earn on the bills and basics see the value of their hard-earned euro diminish by the week in the context of the cost-of-living crisis which we are experiencing now and is likely to continue for the next couple of years.

The case for a living wage is more acute than it was before. We need a roadmap for a direction of travel, anchored in primary legislation, to provide some certainty to workers and employers on how the living wage that we want, and that the Government says it is committed to, is to be achieved. That is what this Bill is fundamentally about. It is about making the historic quest for a living wage that allows everyone who works to have a decent standard of living a reality.

Poverty hurts. It stays with you all of your life. We in this House clap ourselves on the back collectively. We tell ourselves what a great job we do in this country as our welfare system lifts hundreds of thousands of the working poor out of absolute poverty but we rarely ask ourselves why we must spend so much on income supports such as the working family payment each year. We do so because we, this House and this Government, allow bad employers to pay poverty wages. It is an absolute scandal that taxpayers spend hundreds of millions of euro every year topping up the meagre subsistence wages paid by hospitality bosses, for example, who have made careers out of extorting more cash from the State. They are at it again without any reference whatsoever to the pay, terms and conditions of their employees - the very people who make their businesses a success. A successful society would not be comfortable and should not be comfortable with having one in five of its workers on low pay. We need a living wage now. We need to make this a reality now and stop the talk. We need action. We need to put in legislation a target for a living wage attached to the Low Pay Commission to achieve such a living wage in law in this country over the next three years. This will make sure we end in-work poverty and we achieve the aspiration that work should always pay.

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Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank the Labour Party for putting this important Bill before the House and giving us an opportunity to discuss it. The Government will not oppose the Bill. I will not get political like the previous speaker and take the opportunity to remind his party of its record in government between 2011 and 2016.

Deputy Ged Nash: Thanks for signing the agreement.

Deputy Robert Troy: We remember the pledges it made in 2011. The Deputy and the Labour Party leader have rightly acknowledged that there is a commitment in the programme for Government to progress to a living wage in the lifetime of this Government. This Bill is broadly in line with that objective. The Government agrees with the principle underpinning the Bill that an annual living wage paid to a single adult person living alone and in full-time employment should afford that person a standard of living that meets the physical, psychological and social needs of recipients at a minimum but socially acceptable level.

In January 2021, the Tánaiste and Minister for Enterprise, Trade and Employment asked the Low Pay Commission, LPC, to examine the programme for Government commitment to progress to a living wage. He asked the commission to make recommendations to him on how best Ireland can achieve this commitment. To aid this work, the LPC commissioned a team of researchers from Maynooth University to conduct supporting research on a living wage. This research was to consider the policy, social and economic implications of a move to a living wage and the process by which Ireland could progress towards it. It was also to examine international evidence of living wages, involving different calculation methods, consider the policy implications and outline the options for moving to a living wage in Ireland. The LPC received the final research report in January 2022. As part of its deliberations, the commission then met with a number of stakeholders and representative groups. The LPC submitted its living wage report to the Tánaiste at the end of March and not the end of January, as Deputy Bacik suggested. The LPC report is being reviewed and it is planned to publish it along with the supporting research report in the very near future. By honouring the programme for Government commitment, Ireland will be among the early movers in adopting a national mandatory living wage.

There are various methods available for calculating a living wage, most notably the basket of goods and services approach, whereby each year there is a decision on the amount needed to cover these items and achieve an agreed standard of living. Alternatively, a fixed threshold approach can be used, whereby the living wage would be set as a percentage of the median wage. While this Bill calls for a fixed threshold approach to be used, other groups in civil society favour the basket of goods and services approach. The LPC, aided by the research report, will have considered the merits of both approaches and that detail will be available when the LPC report is published.

On a timeline for the introduction of a living wage, it is worth noting that the UK low pay commission has charted a five-year path towards achieving a living wage set as a proportion of the median wage by 2024. A similar approach could also be followed in Ireland as it is important to give employers enough time to plan, prepare and adjust to any such changes in the rate of minimum pay. It is important that everything that this Government does in relation to low pay is done on a phased basis so that increased costs for employers can be managed.

The Government has spoken about how the pandemic has caused many of us to reconsider and re-evaluate what an essential worker is. We now understand that it is a much broader group

of workers than some people would have originally described, many of whom are on low pay and in the private sector. The Government has been clear in its belief that the legacy of the pandemic must be a fairer society with better pay, terms and conditions for all workers, particularly those on low pay. In considering the progression to a living wage, however, we need to make sure the changes that are made are done in a way that does not affect adversely employment or inflation. We need to make sure we proceed in a way that does not cause jobs to be lost, in terms of the numbers of people employed, or see employees having their hours cut or being forced into precarious employment. To do so would be counterproductive. We need to recognise that many businesses are feeling the effects of the pandemic and are also starting to feel the pressure of rising costs.

The Government is aware that recent increases in the cost of living have resulted in a greater focus on low pay. Rising energy prices have been one factor driving the increase in the cost of living since mid-2021. In February 2022, the Government announced a package of policy measures worth €500 million designed to support households, including an energy credit of €200 and a fuel allowance lump-sum payment of €125. Russia's invasion of Ukraine has led to further energy price increases and brought unprecedented volatility to international energy markets. This is feeding through the retail price increases to all households and businesses. The Government has put in place targeted measures to reduce the burden of these cost pressures for businesses and households. Given the volatility of fuel prices, it is important that measures are sustainable and targeted. With a broader view towards income and living standards for low pay over the longer term, what this Government has done and is doing to address the issues should be acknowledged. Central to this has been the increase in the national minimum wage. Since its establishment in 2015, the Low Pay Commission has been responsible for making annual recommendations to Government on the appropriate rate of national minimum wage. The national minimum wage seeks to balance between a fair and sustainable rate for low-paid workers and one that will not have significant negative consequences for employers and competitiveness. The Low Pay Commission is made up of an equal number of employer representatives, employee representatives and independent members, which helps to provide a balanced view when determining an appropriate rate for the national minimum wage.

The establishing legislation requires the Low Pay Commission to give consideration to a range of issues when arriving at recommendations for the appropriate national minimum wage rate. As already mentioned, these include the impact on competitiveness, the likely effect that any proposed recommendation will have on future levels of employment and also the impact any proposed recommendation will subsequently have on the cost of living. As the national minimum wage is legally enforceable, it provides protection for workers.

When considering the increases in the national minimum wage during a period of inflation, the Government must be conscious of the need to avoid second round effects. Pumping more money into the economy could lead to further inflation. The Low Pay Commission is legislatively required to provide recommendations to the Minister by the third week in July. The recommended increase in the minimum wage is then normally declared as part of the budget in October, coming into force the following January.

The Low Pay Commission has made six recommendations on the national minimum wage since it was established and the Government has accepted each of these recommendations. The national minimum wage has increased from €8.65 per hour to €10.50 per hour between 2016 and 2022 in line with the recommendations from the Low Pay Commission. The Government is supportive of the Low Pay Commission and the work it has carried out since its foundation

and respects its independence.

Ireland has a well-established system to set the minimum wage based around the Low Pay Commission. This system works well. Since its establishment, the Low Pay Commission has delivered six consecutive annual increases in the minimum wage. The next recommendation on the national minimum wage is due to be received in July of this year. In tandem, the Government will be considering the recommendations of the Low Pay Commission with regard to the programme for Government commitment to progress to a living wage over the lifetime of this Government. The Government does not oppose this Bill and we will engage in detail in the subsequent Stages of the Bill.

Acting Chairman (Deputy Alan Dillon): I thank the Minister of State. Deputy Ó Ríordáin is sharing with Deputy Sherlock. They have five minutes each.

Deputy Aodhán Ó Ríordáin: I thank the Minister of State for his response. We appreciate that he is not opposing the Bill but again, our interest is in what that actually means. Many pieces of legislation are brought forward in these Houses that the Government says it will not oppose. It cannot be a passive act, however, and it must work with Opposition to bring this to fruition. I am glad to see that Mr. David Joyce has joined us here today to witness the debate. I want to pay tribute to the party leader, Deputy Bacik, and to my colleague, Deputy Nash, for bringing forward this legislation.

We constantly impress upon the Minister of State, and we will keep repeating, that an epidemic of low pay exists in Ireland. When we use language such as “living wage”, the whole point of a living wage is that somebody can live. It is spirit crushing to work a long week and not to have enough money to live. There is a big difference in a person’s mentality and spirit between being broke and being poor. Broke means it is an inconvenience for a period of time. There is something that a person possibly cannot buy but he or she knows there is an expectation that it will not last that long. Being poor is very different, however. It is spirit crushing. If a child begins to feel it from his or her parent, parents or person in the household who is bringing back that low pay, then that sense of being poor sucks itself into the marrow of the child’s bones and lasts a lifetime. He or she cannot and does not shake it and then passes it on to his or her own children. That is what we are talking about when we use phrases like “living wage”. It is about the ability to live without that spirit-crushing sense of poverty or being poor.

Some 23% of Irish workers are in low pay. I did not believe it until a number of years ago when my colleague, Deputy Nash, told me this figure, and that when it comes to low pay in Ireland, we are the third highest in the OECD in terms of the proportion of Irish workers who are in low pay. Some 40% of workers aged under 30 are also in insecure work. However, let us get back to low pay for a second and its impact on a family. Not only that but there are also things in Irish society that people are expected to pay for that they are not expected to pay for in other European countries such as GP care, schoolbooks and other basic provisions the State would normally provide. In Ireland, therefore, it has an even bigger effect.

I heard recently at the Committee on Enterprise, Trade and Employment about the suggestion of bringing forward legislation on sick pay. It was remarkable to me to hear all the Government Members’ response and, indeed, those from members of the Opposition about the position of the employer. We appreciate that but we must again set our mindset to change everything we do to ensure that child does not feel that sense of being poor the rest of his or her life and passes it on to the next generation. That is the game here. It is having an entitlement to pay that lifts a

person up to have an ability to live. Testimonies have been sent in from around the country on how low pay affects young people.

As my colleague, Deputy Nash, already said, the Government's decision to continue the low rate of VAT until February 2023 is absolutely welcome for the hospitality industry. People working in the industry are three times more likely to be on the minimum wage, however. Where is the deal? Where is the demand from the Government to this industry that is paying its workers so poorly that as a result of getting this VAT cut, they must pay their workers a decent wage that allows them to live? Again, we impress on the Minister of State that the language is so important here. We are not just dealing with minimums; we are dealing with the capacity to live. We are also dealing with that child who cannot feel the weight of the sense of being poor.

Deputy Sean Sherlock: I welcome the publication of this Bill in the name of Deputy Bacik. I congratulate my colleagues for bringing forward this Bill and those who worked on it within our team on the Labour benches. It is worth reiterating what the Bill sets out to do. I welcome the fact that the Minister of State said the Government is not opposing it at Second Stage.

In Ireland, approximately 380,000 workers earn less than the officially accepted threshold of low pay, which is two thirds of median income. This is one of the highest proportions of workers on low pay, approximately one fifth, in the European Union or OECD. Women are more likely than men to be in a low paid job.

In June 2000, when the first national minimum wage rate was declared, it was set at a level slightly higher than two thirds of the median average income. Following the recommendations of the national minimum wage commission published in April 1998, the initial rate was €4.40, which was approximately 73% of the median hourly earnings of €6. Following the initial rate, however, the national minimum wage, or NMW as we call it, has failed to keep up with rises in median average incomes, falling to closer to 40% of median earnings.

As the Minister of State said, the programme for Government has committed to progress from the current national minimum wage to a living wage. It is important for us to explain for people who are listening to and watching these debates that there is a significant difference between the minimum wage and a living wage.

That has been well articulated by our colleagues. We want progress on this. We are now two years into this Government. The Low Pay Commission has furnished its report to the Minister and we would like greater urgency with regard to its publication. Whatever recommendations are in that report would give life to that living wage that we are all advocating for. Unlike the national minimum wage, which is not based on the cost of living, a living wage can be defined as the rate of pay that would enable full-time employed adults across the State to afford a minimum socially acceptable standard of living. It provides for needs, not wants. It is evidence-based and grounded in social consensus. That is the purpose of this Bill. It is worth articulating the views of those who are under severe pressure at the moment, that is, low-paid workers throughout Irish society, people like Linda, a young working parent in Cork, who contacted us to say:

A pay increase would mean that I would be able to afford the necessary maintenance my house is in desperate need of. At the moment with childcare being so expensive I don't know if I can keep my job. My husband's job is a low pay job and I don't know what to do.

It feels like I'm damned if I do and damned if I don't.

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It is precisely people like Linda we are speaking for here. They are now in a position where they do not even know if they can maintain themselves in full-time employment. There is a cost to them in keeping their jobs. That is the irony and tragedy of the situation. It may, ironically, be more beneficial for somebody like Linda to move to a situation where the family is entirely dependent on the Department of Social Protection. It is for those people that we speak. I think the Minister of State is sympathetic to that, to be fair to him. He has said he is not going to oppose the Bill. This is an issue on which all of us in this House can unite. If we can all work together to bring about this living wage and have a meaningful impact for people like Linda and thousands of others like her, we will have done a good day's work.

Deputy Louise O'Reilly: I apologise to the Deputies who have brought this Bill forward as I cannot stay for the debate. We are debating the TRIPS waiver at the Joint Committee on Enterprise, Trade and Employment and I do not want to miss that. My inability to bilocate is hampering me once again.

I thank the Deputies for bringing this legislation forward. It is very clear we will not tackle poverty unless we tackle low wages. I welcome my colleague David Joyce to the Gallery. I am reminded of the words of my former colleague, who is now the General Secretary of ICTU, when she said that as a society there must be a threshold of decency below which we will not go. The living wage represents that threshold of decency. I am not going to pretend this has always been Labour Party policy. In 2015, when the Low Pay Commission was being brought in, Sinn Féin argued to include a reference to the living wage as part of that and on three separate occasions, when amendments were brought to that effect, they were not accepted by the Labour Party. That is regrettable. I am proud to be here as a member of a party that has consistently championed the living wage. This week I received back substantial legislation from the Office of the Parliamentary Legal Advisor, OPLA, which contains some of the elements of this Bill, although it is a broader piece of work. At every opportunity, including in 2015, we sought to amend the Low Pay Commission proposals to include a reference to the living wage. That was done on First Stage, Committee Stage and Report Stage. I will not quote all of what was said at the time but the response from the Minister of State at the time was this:

[The Sinn Féin amendment] seeks to have the Low Pay Commission, in addition to its obligation to issue an annual recommendation on the national minimum hourly rate of pay, be required to make an annual recommendation to the Minister on a living wage. I have spoken in the past, both here and elsewhere, about my support for the concept... However, we need to differentiate between the application of a national statutory minimum wage and the living wage movement, which is a societal movement that would see employers volunteer to pay...what is agreed to be a living wage.

It is very clear that the Labour Party has been on a bit of a journey, which is brilliant, and now recognises that a voluntary system is not going to work. This needs to be legislated for and, as is the case with all legislation of this type, there is always a clause within it allowing an employer who genuinely cannot pay to go to the Labour Court and demonstrate and prove that. That is important.

I note the Minister of State is not opposing the Bill but to echo what has been said previously, not opposing something is not the same as supporting it. I would like to see support from the Government on occasion for legislation coming from the Opposition. The Minister of State says he does not oppose the Bill but he could support it, which would be a much more positive way of framing it. I am very proud to be the party of the living wage. In 2015, we sought to

amend what the Labour Party was doing. In 2019 we brought a motion on the living wage. We raised it again in 2020, 2021 and 2022. As I said, my legislation on the matter will be moved very shortly. In the meantime, while we wait for a progressive Government that will actually make a difference to the lives of workers and families, I encourage any person watching this debate to join their trade union. They should find out what union is appropriate to their workplace, join that trade union and bargain at the level of their workplace for a living wage because it represents a threshold of decency below which we should not allow ourselves to go. All over the State, trade unions are bargaining and winning pay rises at the level of the workplace and they are doing so through collective action. They are doing it despite a failure to legislate for collective bargaining - we can discuss that another day - and they are winning.

The Government says the living wage is a grand idea but it is not really going to do much about it. In the absence of a progressive Government that is going to push for it, I encourage people to join their union, get active in their union, make sure their voice is heard at work and make sure they get a fair day's pay for a good day's work. I commend the Members for bringing forward this Bill and welcome the debate on it. It would be much more welcome if we could, just for once, debate legislation the Government does not oppose and hear a Minister say he or she will actually support it.

Deputy Pat Buckley: I too welcome the opportunity to speak on this Bill and acknowledge the fact that the Labour Party has put it forward. This issue is not something new. A recent article titled "Sinn Féin TD says 'living wage' is needed to address cost of living crisis" stated:

Speaking in the Dáil on a Sinn Féin proposal to introduce a 'living wage' of €12.90, local TD Brian Stanley said there was a "crisis in the cost of living" with rents and other prices soaring while wages remained static...

This debate goes back to 2015. We are now in 2022 and we are still talking about it. The Minister of State mentioned the minimum wage but as others have said, a living wage is what is needed. We are all aware of the issue in our own constituencies where people simply cannot afford to live. I was struck that in this Bill, a living wage is defined as an annual wage that "in the opinion of the Commission, if paid to a single adult person living alone and in full-time employment, would afford the person a standard of living that meets the physical, psychological and social needs". That is the key to this Bill, that commonsense approach. I saw something on social media during the week that showed how workers are being pitted against each other. A person driving a machine on a building site said he was working for X amount a week building houses and yet he would not be able to afford them. That is the reality of what is happening in the country at the moment because people do not have a living wage to survive.

In his opening statement, the Minister of State mentioned that he would not be opposing this Bill and other Deputies stated that, although they would not oppose it, they would not support it either. That worries me. Matters have not moved quickly since 2015, but I hope that this Bill progresses with the support of everyone in the House. Please God, we will set down a standard and be able to look back some day and say that the House did the right thing for once.

Deputy Johnny Guirke: A living wage makes possible a minimum acceptable standard of living. Work should provide an adequate income to enable individuals to afford a socially acceptable standard of living - a living wage that provides for needs, not wants. A living wage would help to provide employees with sufficient income to achieve a minimum standard of living. In other words, it would be an income floor or the bottom line.

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Employees below the living wage are forced to do without essentials to make ends meet. In a cost-of-living crisis where the cost of rent, fuel, healthcare, childcare and food has gone through the roof and people have to choose between paying rent, heating their homes and putting food on the table, people need a living wage now more than ever to try to stay out of poverty and avoid being pushed into the hands of moneylenders that charge extortionate rates.

Low-paid workers are wondering whether they will ever be able to build or own their own homes or be offered local authority housing. Only a couple of days ago, figures were released to my colleague, Deputy Ó Broin, on local authority affordable or advance purchase housing for the years 2022 to 2026. In my constituency of Meath West, there are more than 4,000 people on the social housing list, yet the Government can only commit to building 30 affordable homes there per year. In the Minister of State's county of Westmeath, where 2,000 people are on the social housing waiting list, the Government will commit to building 15 homes per year. Is that acceptable to him? What kind of ambition is this from a Government that claims it will solve the housing crisis? What hope is there for people on low wages of owning their own homes? The Government tells the Dáil every week that the situation is getting better, but better for whom?

In 2007, the minimum wage was €8.30 per hour. In 2022, it is €10.50, yet the cost of living has trebled in most cases. The change in the minimum wage does not reflect the current market. It is time we looked after those who need it most. Families are struggling to live with the rising cost of heating oil, electricity, gas, diesel and insurance. People who work for a living should be able to earn a living.

Deputy Dessie Ellis: Ba mhaith liom fáilte a chur roimh an mBille seo ó Pháirtí an Lucht Oibre.

When we discuss a living wage, we are by extension talking about the conditions of many workers across the State. Hundreds of thousands of workers are on low pay and just about keeping their heads above the poverty line. Families face a daily struggle to make ends meet and many are living from week to week. Some families are a pay packet away from homelessness as they struggle to pay their rents or utility bills, transport to work, food, clothing or exorbitant childcare costs.

Low pay has consequences for the economy, in that people's spending power is severely reduced. There is also reduced tax revenues and an increase in demands for welfare support.

People should not have to compromise and decide between putting food on their tables, heating their houses and accessing healthcare. A living wage will give a worker more disposable income, which could be spent in local businesses to the benefit of the local economy. More importantly, a living wage allows a worker to afford basic essentials like healthcare, food, clothing, housing, education, energy and so on. A living wage allows a worker to have an income that can provide him or her with a minimum acceptable standard of living.

Ireland has a larger number of low-paid workers than countries of similar economic status across the OECD. We are in the midst of a cost-of-living crisis and inflation, which is still rising, is at the highest level it has been for nearly 20 years. A living wage in this economic climate would significantly address income inequality and poverty levels and fuel economic growth.

In this economy, many people are not being paid enough to live. They face significant pres-

sure each and every day. While a minimum wage has been placed on a statutory footing, there is no compulsion on any employer to pay workers at a rate that would constitute a living wage. Low-paid workers make a considerable contribution to the economy, but without a living wage, they cannot participate fully in society. This has to change, even if that requires legislation. No worker should be left behind and everyone should be entitled to, and be paid, a living wage.

Deputy Johnny Mythen: I commend the Labour Party on introducing this Bill, which is aptly timed and welcome. Workers, in particular low- and middle-income families, are under extreme financial strain. The consumer price index, CPI, is hovering at 6.9%, with the likelihood of it peaking at between 7% and 8.2% mid-summer. The latest European Commission figures show Ireland as having the fourth dearest energy costs in Europe. That is before any added Government VAT or other taxes. On top of all of this, energy companies surreptitiously increased their electricity, gas and oil prices, increasing the average family's annual electricity and gas bills by €800. Add to this the carbon tax, the property tax and the cost of home heating oil and you will have very little left in your pocket if you are on a low income of €350 per week or an average take-home pay of €750 per week. In fact, you will have no disposable income whatsoever. This is why we need the Government to support the Living Wage Bill. It will change the Low Pay Commission into the living wage commission and give the new commission a remit to make recommendations on a living wage within the parameters of a three-year cycle.

We must come to the consensus that a worker should have the right to a minimum hourly rate of pay that allows him or her to make a sustainable and qualitatively decent living regardless of where he or she works. Under the programme for Government, the Government has committed to progressing the minimum wage into a living wage. The Government is halfway through its term but has still made little or no progress. Now is the time to put its words into action. We in Sinn Féin have always, and will always, stand by the working people of Ireland.

I thank the Labour Party for introducing this Bill and look forward to the Government's committed support for a living wage, as outlined in the programme for Government.

Deputy Paul Donnelly: I welcome this Labour Party Bill, which would give a much-needed break to workers and families. Thousands of young people are still leaving in their droves because of poor opportunities, low wages and a lack of access to housing and childcare. This is creating a future with a skills crisis and families left devastated at home.

We have one of the highest rates of low-paid workers in the developed world, with 20% of our workers in low-paid jobs and 50% of women earning €20,000 or less per year. A living wage provides just what it says, namely, fair pay for fair work and the means for people to pay their bills, educate their children and own their homes. These are simple matters that should be afforded to every citizen.

We must also pay attention to the needs of SMEs and social enterprises. Some 70% of people employed in the private sector work for SMEs. How can we help them? Opening up procurement, maximising the potential of e-commerce and abolishing upward-only rents are just some of the ways that the Government could, and should, make it easier to do business in Ireland.

Regarding social enterprise, the community services programme, CSP, is a matter that I have often raised in the Chamber and at committees. We need to consider a system wherein the

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State funds wage increases on social enterprise projects, raising them to the point of a living wage as opposed to the minimum wage. Unfortunately, while many projects would love to pay their workers a living wage, they cannot because the payment from Pobal and the Government is too low.

With the ever-increasing cost of living, it is imperative that the Government increase the minimum wage by at least €1 and move towards a living wage for all workers. Merely stating that it will not oppose this Bill is not the same as supporting a living wage.

Deputy Ruairí Ó Murchú: We are here to discuss the living wage. Specifically, we are talking about ensuring that people have sufficient money to meet their absolute needs. We are not talking about their wants, but about their needs and about the basic level of income required to live normally in our society. It should be a given that we provide this as a society. Otherwise, we will be providing people with insufficient money to live their lives.

11 o'clock

We all know about the situation we are in with the cost-of-living crisis. We know that some of the latter-day sins of this State involve some of the costs that are heaped on people, and that is specific to housing. We have all had people come into our constituency offices and we all know people who are suffering because they have to pay inordinate rents. We know people who are struggling to get on the housing lists and we know the income thresholds need to be looked at. These thresholds are constantly being reviewed but we never see an end result. There is a problem with how assessments are made, with local authorities being forced to take account of earnings for the entire year. This can throw up certain anomalies which can prevent people, on a technicality, from getting onto a housing list. It has even cost people who have been on the housing list for years the chance to avail of a house. In some cases, people apply and are added to the housing list but then go back to receiving the HAP, having not secured a house for which they have waited many years.

I raised the HAP with the Taoiseach and the Minister for Housing, Local Government and Heritage a number of times last week. I mentioned that people cannot enter into a payment plan now, which may be necessary if someone becomes sick. I also raised the specific case of someone who worked in healthcare being unable to get a payment plan. This person had legacy arrears of around €1,600 and was asked to pay them straight away. That is criminal. Where will people get that sort of money? In some cases, people will enter into payment plans and even if they are broken, they will clear the arrears. Everybody is a winner there. The only alternative is to ask people to borrow from moneylenders or to put them into homelessness. That still leaves local authorities on the hook for delivering but puts people through unbelievable hardship and difficulty.

Large numbers of elected representatives are busy dealing with a new disaster the Government needs to address. We know about the issue with rentals. Even people who are earning money are struggling to get mortgages. We have all heard the abysmal figures on the Government's offering in the area of affordable housing. The local authority in County Louth will deliver 226 houses between 2022 and 2026. This will not cut it. We need far more innovation, imagination and creativity, while also dealing with the crisis caused by the war in Ukraine. It is not beyond us to deal with these issues. A living wage is one of the solutions we can provide. We need to look at the mitigations that are necessary in the area of home heating oil, fuel and the energy crisis. I raised the specific issue of Carlinn Hall in Dundalk a number of times and I

expect it to be dealt with very quickly.

Deputy Catherine Murphy: I welcome this Bill from the Labour Party on a living wage, which the Social Democrats are happy to support. The introduction of a living wage is essential and there are no reasonable grounds for opposing its introduction. Robert Thornton, a member of the living wage technical group, described it as follows:

The living wage rate is based on the rationale that full-time employment will at least provide for a socially acceptable minimum standard of living for a single person without dependents. It represents the minimum required to meet physical, social, and psychological needs, and enable a life with dignity. Having an income below this standard of living means doing without goods and services which are essential for taking part in the norms of everyday life in Ireland.

Low pay is not a recent problem. It has been an issue for decades. It is a feature, unfortunately, of the Irish economy. Ireland has the third highest rate of low-paid workers in the EU, making up 23% of the workforce. We should be ashamed of that disgraceful statistic. The prevalence of low pay has fuelled the rate of in-work poverty, where households in which someone is in employment are still dependent on welfare to meet their needs. I do not know how many times I have heard the likes of the Tánaiste say the best way to address poverty is to get people into work. That is conditional on being paid a living wage. There has to be a line added to that point that the best way to lift people out of poverty is to get them into work.

It is not only bad for the individual to struggle constantly but it is also bad for the economy and society. We are all impacted by this. Low pay results in a lower tax take and means a higher need for supports such as the HAP, medical cards and so on. Low pay has a wider impact and it is in all our interests that we get to grips with the problem. Countries with greater levels of equality perform higher in areas such as life expectancy, as well as physical and mental health. *The Spirit Level* is a good book which addresses that issue right across the spectrum.

The introduction of a living wage was committed to in the programme for Government. It is essential that the Minister provide a concrete plan on how we will get to a living wage. The Tánaiste stated recently that his preferred option for calculating the living wage would be to set it as a percentage of the median wage, as that process would be simpler. That approach may be simpler and the outcome may be higher than the minimum wage but it is not a living wage. That is an important point. A living wage, by definition, is about meeting the minimum essential standard of living and that cannot be quantified as a percentage of the median wage. When introduced, the living wage needs to be kept under constant review. Linking it to inflation will also be vital.

Inflation is set to reach around 8% this year. We can all see that money just does not stretch as far as it did even months ago. The rising cost of living puts pressure on everyone, particularly those defined as low-paid workers. A large number of people are finding it more difficult to put food on the table and heat their homes at the same time. An increasing number of households can no longer afford to do both. Every facet of daily life has been impacted. Before the recent rise in inflation, the cost of living in Ireland was 36% above the EU average. The cost of housing here is the highest in Europe, the cost of goods and services is the second highest in Europe and our fuel costs are the fourth highest in Europe. Many people in this country are simply not paid enough to live. There are people who worry every day about having nothing in reserve. If there is any little blip, they will not have enough for the bus fare. They worry about

having to take a day off work sick as there is nothing in reserve. That impacts hugely on their quality of life.

A living wage reduces the number of people reliant on Government supports, improves quality of life and results in improved health and well-being. Much is made of the impact of a living wage on labour costs for employers, but those costs are offset by a wide range of benefits. A living wage results in greater staff retention and productivity, lower rates of turnover and absenteeism, a better reputation as an employer and an overall increase in motivation and morale in the workplace. Sectors with chronic low pay have a high rate of staff turnover, which does not benefit anyone. Workers are left in unstable working conditions where they do not earn enough to live in any kind of dignity and employers lose valuable institutional knowledge and spend time on frequent recruitment drives. To find an example of this we only need to look at ourselves. There is a very high rate of turnover among secretarial assistants in the Oireachtas. The starting salary is €24,423 and new recruits are obliged to start on the lowest band, regardless of education or experience. That salary is below the living wage and it sits uncomfortably with many of us in this House.

Countries that have done better in regard to a living wage have in place a system of free collective bargaining. We do not take free collective bargaining seriously in this country and we are an outlier among European jurisdictions in that regard. In recent years, we have increasingly seen more precarious types of employment develop and, in the main, it is young people who are most at risk. We need to change our value system in that regard or we will have a race to the bottom.

There is a myriad of reasons to introduce a living wage, but most importantly, it is the right thing to do. A living wage contributes to building a society where we live and treat each other with respect and equality.

Deputy Gino Kenny: I welcome this Bill, which is very topical in the context of workers trying to weather the current storm of inflation. It is up to the Government to determine whether it will legislate for a living wage, but the trade union movement also has a huge part to play in representing the one in five workers who find themselves in low-paid employment. Most of that employment is in hospitality, retail and food production. Some companies in those sectors are extremely profitable while paying their workers what can only be described as an unliveable wage.

An important issue in the debate about pay is the phenomenon, which is not new, of the working poor. People, mainly women, are working in full-time jobs but are struggling. Indeed, they are struggling so much that they find it hard to exist. It is quite incredible that people who are going out to work for 39 hours per week are finding the basics unaffordable. The cost-of-living crisis is having an enormous impact on workers' standard of living. Their spending power now is nothing like it was even two or three years ago. The price rise spiral is pushing people into poverty who were never in poverty before, and that will have a negative social impact.

I urge the Minister of State to think of the benefits of a living wage. The first and most obvious benefit is that workers on a living wage would have at least €100 more than they would have if they were on the minimum wage. Obviously, that means they have more money in their pocket, which they will spend in the economy. People on a living wage, who are earning more than they would earn on a minimum wage, will be more productive and happier, and that will trickle down into their family and social life. All of the evidence across the industrialised world

shows that clearly.

We cannot talk about low pay in isolation or without referring to the wealthy in this country who are doing incredibly well. Ireland ranks as the 14th richest in the world in terms of its GDP. The wealthy, the elite and the super-rich are doing extremely well while workers are struggling, but there is only so much inequality any society can take. There are pressure points and fault lines and it is imperative this Government introduces a living wage as soon as possible.

Deputy Paul Murphy: Ireland is not just a rip-off Republic, it is also a Republic of low pay. More than 370,000 workers in this country are regarded as low paid. Sometimes the Government likes to repeat the Thatcherite mantra that work is the way out of poverty, but for one in five of those in work it certainly is not because they are still living below the poverty line in what is the fifth richest country in the world *per capita*. A majority of hospitality workers are low paid, while one third of workers in retail, food production, administration and entertainment are officially low paid. These are the essential workers for whom the Government clapped during the pandemic. These are the workers stocking the shelves and keeping shops open and running the pubs and restaurants that were missed so much when they were closed. These are also the workers in arts and entertainment who have had such a difficult few years but all they have to return to now is low pay. These workers deserve a raise.

It is time to outlaw poverty pay by raising the minimum wage to a living wage for all. We need to fight for a minimum wage of €15 an hour so that no worker is left in poverty. We must also get rid of the various loopholes and exemptions that bosses make use of to get around paying the minimum wage. It is outrageous that young workers in this country can be paid as little as €7.35 per hour. There are 10,000 young workers in this country earning less than the minimum wage legally as bosses push a race to the bottom that is bad for all workers. The Government allows this because it seems to think young people are just working to earn some extra pocket money for the weekend when many are trying desperately to cover bills, move out on their own or contribute to their family. They should not be discriminated against on the basis of their age and they should not be paid a poverty wage. That is why I brought forward the National Minimum Wage (Equal Pay for Young Workers) Bill to end that discrimination once and for all.

Finally, this is obviously one side of the cost-of-living crisis, with bills going up and wages remaining stagnant. We need a revolt in this country to demand action on the cost of living, including fighting for pay increases. We need to build a movement of ordinary people. We need to get out on the streets to tackle the profiteering of energy companies, the low pay and the poverty rates of social welfare payments. I am putting the Government on notice that a cost-of-living coalition is being built to bring people out onto the streets, starting next Thursday at lunchtime outside the Dáil and building to a major national demonstration on 18 June.

Deputy Mick Barry: “The pay could be better ... the pay is not the best ... the pay may be lower than you expect”. Even positive comments posted in April and May on *glassdoor.ie* by Starbucks and ex-Starbucks workers criticised the low pay. Starbucks pays a bit above the minimum wage but significantly less than the living wage. It has 70 coffee shops in the Republic of Ireland, which is more per head of population than in any other country in Europe. All of the shops are licensed out to Entertainment Enterprises, the same company that runs TGI Friday. This company had an annual turnover in this State last year of €22.5 million, which represents a lot of cups of coffee. Internationally, it made profits of \$15.8 billion in 2020 alone.

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For those workers who left the comments on *glassdoor.ie*, there is some hope if they look to what is happening in the USA. Last December workers at Starbucks in Buffalo, New York, voted to join the Starbucks workers' union. Votes to organise a union were won in ten of the next 11 coffee house ballots and plans are under way to organise all 170,000 Starbucks workers in the USA. A feature of this campaign is that it has been led by the young workers in the coffee shops themselves rather than by paid union officials. I would love to see Starbucks workers organise here to tackle low pay. I would also love to see a campaign for a national minimum wage of €15 per hour, vitally necessary now for young workers in particular given the deadly combination of low pay and sky-high rents. I would love to see this not just for Starbucks but for other low-paid workers too. Amazon workers, for instance, have recently organised in the USA also. Any young worker interested in help or advice on these issues can feel free to contact my offices at any time.

Deputy Peter Fitzpatrick: A new living wage rate has been set at €12.90 per hour. This is the basic amount found to be necessary to cover workers' needs. This is €2.40 above the minimum wage of €10.50 per hour. This higher rate is due to hikes in rent, transport and energy costs. Rents are increasing daily and it is nearly impossible to find a rental property in some areas. In my own town of Dundalk, a three-bedroom house now costs a minimum of €1,600 per month. In the last 12 months alone, the cost of transport has rocketed. This time last year one could buy diesel for €1.05 per litre but now it costs over €2. Energy costs are going through the roof. People are spending hundreds, if not thousands, extra per year on energy.

According to Dr. Micheál Collins, UCD lecturer and member of the Living Wage Technical Group, a full-time worker on the minimum wage would be €105 per week short of what is needed to meet the costs of a basic but decent standard of living. A living wage would enable a worker to save €10 per week, have a holiday in Ireland for three days a year, have a social outing at least once a month, have a decent diet and buy one newspaper per week. I do not think that is too much to ask for. It has also been estimated that one in five people are on the minimum wage. People must earn a living and many go without a lot of things, which is totally and utterly wrong.

Last year, I was here when the Minister for Enterprise, Trade and Employment asked the Low Pay Commission to examine and make recommendations on the best supports that would establish a living wage in Ireland. He has received the report and is expected to bring it to Government before the summer recess. I think he should do that sooner rather than later.

Let us consider that, on an almost daily basis, the price of food, clothing, healthcare, household goods, education, transport and energy has increased. Basically, the price of everything has increased. We all must either pay a mortgage or rent and pay our bills for such things as credit cards, utilities, insurance and phones. The cost of living in Ireland increased by 4.2% during the pandemic and inflation now runs at 5.5%, which is the highest rate since 2001. The rising costs of living puts pressure on everybody, particularly the low paid. The Minister of State and I know from living in our constituencies and being close to the ground that some families must choose between putting on their heating or eating.

The living wage rate is currently voluntary so it is not compulsory for employers to pay their workers a living wage. Some companies pay a living wage such as Ikea, Aldi, Lidl and SSE Airtricity. I commend the companies that are willing to pay their employees a minimum wage. The difference between the minimum wage and a cost-of-living wage is a massive 18.6%. I am a former employer and I know that if one pays a decent wage one easily gets that back.

The former Nobel Prize winner, Professor David Card, has demonstrated that there is no evidence to support claims that a rise in the minimum wage would cost jobs. The benefits of paying a living wage will help everybody. For example, last week I spoke about people who receive the housing assistance payment, HAP. A lot of the people who do not get a minimum wage will end up seeking social welfare.

In conclusion, I plead with the Minister of State to ask the Tánaiste to come back in here and give us the information that the commission gave.

Deputy Peadar Tóibín: As of December 2021, Social Justice Ireland recorded that there were 661,000 people in this State who are trapped in poverty and more than 210,000 of these people are children. It is scandal in our time that we have hundreds of thousands of children being born into poverty and living their youth in poverty. What that means for each one of those children is that they will have radically reduced opportunities and health in their lives. Most likely they will have a reduced life expectancy as a result. One of the forming documents of this State is the Proclamation of the Irish Republic, which very clearly states that we, as a country, must “cherish all the children of the nation equally”. The figures show that this State is absolutely failing those individuals.

Right now, there is a confluence of crises between Covid, the climate crisis and the Ukrainian crisis. Lost in all of that is a whole generation of Irish people who are suffering radically from poverty. One of the major causes of that poverty is income inequality and the figures are incredible. Over 133,000 people are trapped in poverty while working.

It is morally wrong to ask anybody to work 40 hours a week, to do their best and to give their labour and energy to an employer for 40 hours a week, and then to give them a wage that does not allow them to pay for the key needs of their lives. It is absolutely wrong that a person works full-time yet gets a wage that does not cover the cost of housing, health, education and food. In truth, it smacks as a form of slavery in our time that we ask people to work such a length of time yet force them into poverty and debt. It is not happening by accident. It is happening because of the economic system that has been built in this country.

A recent study by the Economic and Social Research Institute, which examined the distribution of income in the State, found that 36% of households reported an income of less than €15,000 a year. So a third of the households in this State have an income of less than €15,000. The outcome of this can be seen as 9,800 people are homeless currently, which is a 23% increase on the figure for 2021. Last year 115 homeless people in Dublin died on the streets. When we ask how many people died on the streets of the other towns and cities, the Government gives a shrug because it does not know as it does not collect those figures. We do not even record the number of people who are dying on the streets due to homelessness in the other towns and other cities. Yet, parallel to this experience we have a concentration of wealth into fewer and fewer hands at the upper end of the income spectrum. So the rich are definitely getting richer while the poor suffer such levels of poverty. It is due to a lack of proper payment and wages for people and due to a taxation system that allows for wealth to migrate continuously to the most wealthy.

My final point is that the Government is leading the way in this. The differentials in salary in the Civil Service is an example of all that is wrong. The wages that Robert Watt and Paul Reid get are multiples of what those at the lower end of the Civil Service experience. The Government itself is leading the way to wealth inequality where it is the employer.

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Acting Chairman (Deputy Alan Dillon): Next we have, for the Rural Independent Group, Deputy Michael Collins.

Deputy Michael Collins: I am glad to get a chance to speak on the Living Wage Bill.

I am delighted to see the Labour Party worry so much about workers, the same party that hurt so many workers and women's pensions while in government. The Irish economy is at risk of being dragged into a "wage-price spiral" if workers begin demanding higher wages to match the current cost-of-living increases, according to a new warning from the Government funded Economic and Social Research Institute.

There is the already high cost of doing business in Ireland, the added risk of inflation, energy prices and the crippling levels of bureaucracy and red tape that emanate from the Government on an almost daily basis. An almost voiceless small business sector faces a gigantic crisis once the business support schemes are withdrawn in December 2022. The impact of all this will place enormous pressure on hundreds if not thousands of small businesses all across the country but especially in rural Ireland. It is important also to note that 92% of all small and medium-sized businesses in Ireland are characterised as micro businesses as they employ fewer than ten people and they represent the lifeblood of rural and regional Ireland. In fact, without them in rural areas there would be little to no employment available.

The Government's proposals to introduce well-intentioned initiatives on sick pay, pensions and a living wage, which is also the objective of this Bill, may well completely miss the point. I say that because these measures are arguably a very poor substitute for the more crucial policy goal of providing affordable levels of the most important cost of all, namely, accommodation. Many families now spend 40% or more of their disposable income on rent or a mortgage.

Deputy Michael Healy-Rae: The Living Wage Bill is very important. It would be a great Bill if we saw anybody proposing it who was not so hypocritical. A person speaking to this Bill obviously has to look at who is proposing it. One must remember what this same party did when it was in power and had a say. We know what they did to older people. We know the way that they hit and hurt people who were bereaved by doing away with and supporting the abolition of the death grant. We know and saw what they did to women's pensions in particular. We saw the total disregard they had for vulnerable and poorer people. We were very proud in County Kerry of the great Labour Party in the past because we had good people in it and supporting it. The reason that they have completely abandoned that party now is due to the hypocritical Bills like this it is bringing forward, forgetting what the party did to hurt the people that they talk about protecting now.

I accept there is an awful problem in Ireland at present. That problem is being worsened by people in the Labour Party supporting additional taxes upon taxes and penalties on people who are vulnerable and finding it very hard to manage mom's purse. They are completely forgetting it, but I will not let them forget what they did when they had power and when they were Ministers. When they had a say, they did nothing for the people of Ireland and definitely nothing for rural areas.

Deputy Mattie McGrath: I add my voice to this debate today. The Bill is well meaning and it is lovely when they are in opposition, but when Labour Party Members had a chance in government, what did they do? They attacked the very weakest with what they did with the women's pension and the death grant. They were supposed to be representing the working

people but they did nothing. That being said, we have a new poor, the working poor, and it is very difficult for them. None of the legislation we are passing here is poverty proofed. It is impacting greatly on those on lower incomes.

The policies of this Government and the previous Government, but especially this one, are putting punitive penalties on top of ordinary people who cannot afford them. The Government seems to be blindfolded and aghast. It is getting support from many of the so-called left-wing parties. I am talking about carbon tax and many other areas. They are blindly doing this for the sake of the Minister, Deputy Ryan. They want us to believe climate change. We are not denying it.

The people cannot live. They have a choice between eating or heating their houses. They cannot drive a car; they do not even have a car. We must think of the small business people who also deserve a chance to be supported and not to be strangled with legislation. There is no impact analysis whatsoever of the likely impact on small self-employed people who want to give jobs to people. They want to look after their employees, and the vast majority of them do.

Deputy Richard O'Donoghue: Inflation has now reached 6.9% and it is predicted to go to 8.5%. If Labour Party Members understood business, they would understand that a wage rise now would increase inflation, putting people further into poverty. We need to reduce the cost of living to stop inflation. How do we reduce the cost of living? We reduce electricity costs and fuel costs. SMEs at the moment find it hard enough to keep going with the escalating prices. Who are the only winners up at the moment with inflation? It is the Government. Who are now trying to get the Government to earn more money? When wages increase, the tax also increases. Who gets the tax? It is the Government. What does it do? It wants to put businesses, which are already struggling with the highest insurance and other running costs in Europe, out of business.

The Labour Party Members should have been concentrating today on reducing inflation by reducing the taxes the Government is taking. We have already said it is taking €57 for every €100 of fuel sold. They want to raise wages so that the Government can take more in tax from people who are already struggling. That is because they do not understand business. Businesses employ people allowing them to put food on the table for their families. The Government needs to reduce VAT and other tax rates to make sure people in this country can live and we are not driving up inflation. However, we should be driving down the taxes the Government is taking from every person in this country.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk on this very important matter today. It is gas to see Labour Party Members try to make amends after the harm they did when they were in government and were in power. I know better than anyone else that people's wages do not go far enough now because of the cost of everything, including the cost of travelling to work. In Kerry, people need to travel to work. There are no buses or public transport from places like Gneeveguilla, Lauragh or Cahersiveen. In the hinterlands of those great places there is no public transport. However, those people are paying carbon tax to reduce bus fares in this city.

I support the thrust of the Bill, but employers are also in the mix. Nobody here is helping employers - putting every regulation in the world on them and putting every increase in their way by the way of carbon tax, which the Labour Party and all Government parties have supported in every motion in this Dáil Chamber. The Government and Opposition combined are

hurting the working man and they are consistently doing that by hurting employers as well.

Deputy Joan Collins: When the national minimum wage was introduced more than 20 years ago at a rate of €5.58 per hour, it was seen as a step forward in tackling the issue of low pay in the Irish economy. The intention was to set a floor, with workers being able to secure wages above the low basic rate. However, the minimum wage, rather than acting as a floor, has become the norm in certain sectors of the economy, particularly in hospitality and retail. Rather than reducing low pay, it has in fact consolidated low pay which now affects one in four workers and especially affects women. This situation is not unique to the economy here. It is the consequence of an international drive by capitalists to reduce wages, reduce job security and reduce unionisation and workers' rights in the workplace.

I support the Bill but we need to be quite clear that legislation on its own will not solve the problem. It must be seen as a means to an end by a revitalised labour movement. Low pay is often accompanied by precarious work contracts and abusive practices by certain employers, a lack of respect for employees and denial of basic rights, even when they are enshrined in law. Employers not being obliged to negotiate with a union is a denial of the very basic right of workers to engage with their employer, not as individuals but on a collective basis. We also need legislation to allow unions access to their members in the workplace. At present, I am preparing a Bill to make employers give all relevant information to a union where members are having their union dues deducted by an employer. Some employers are refusing information as part of a union-busting strategy.

While supporting the Bill, I believe much more is needed. Those parties that describe themselves as being on the left should come together with the trade union movement to fight for progressive pro-worker legislation and, just as important, to launch a national campaign to reverse the slide in union membership in the private sector, to fight for what I consider to be a living wage of €15 an hour, and to appeal in particular to young workers, women workers and anyone else affected by low pay, precarious contracts and workplace abuse to join a union, get organised and fight for the respect they deserve as a key force in the economy and delivering public services. The pandemic demonstrated that workers who are often overlooked and undervalued are key to a healthy and successful society.

Deputy Thomas Pringle: I am grateful for the opportunity to contribute to this debate. As I have long been calling for review of the national hourly rate for employees, I am glad to see this Bill before the House today. We need to ensure the minimum wage in this country represents a living income, and at the very least the minimum wage should be brought in line with the living wage. We need to ensure adequate income and enable people to afford an acceptable standard of living.

The cost-of-living crisis has affected everyone in the country, but among those most affected are workers on the minimum wage. With the continual rise in prices, it is becoming increasingly difficult to get by on a living wage, never mind the minimum wage, which is much lower. We cannot expect people to continue to pay significantly more for everything while getting paid exactly the same wage. If workers' wages are not increased to reflect the cost-of-living increases, they are effectively taking a pay cut. I hope employers will reflect on this fact.

I also call on the Houses of the Oireachtas to reflect on this as our secretarial assistants continue to fight for their pay claim. Oireachtas staff are essential to the democratic process in this country and it is shameful they are forced continually to ask for a decent wage.

In my home town of Killybegs in Donegal, we are just at the beginning of our busy summer season when many tourists throughout the county and throughout the world come to visit our seaside town and the breathtaking Slieve League cliffs nearby. It is a season that would not be possible without the many tourism and hospitality workers who are mostly on minimum wage incomes. The raising of the minimum wage would have a huge effect on towns along the Wild Atlantic Way, like Killybegs, where minimum wage workers are so heavily relied on. Ensuring those employed in rural Ireland are paid well is an important way to ensure people stay in rural areas, which would then contribute to rejuvenating town centres as well. We often forget that the enjoyment we get from the tourism and hospitality sector would not be possible without the many workers who hold this industry up. They do incredible work and contribute hugely to our tourism industry. They deserve to be recognised and compensated for this. Unfortunately, many employers do not recognise the value of a workforce in making their business sustainable and allowing it to grow in future. They think their business, just by the sake of them having it, should be enough whereas it is the workers who actually make a business work.

Inflation is surging to a 22-year high and the cost of housing, fuel and basic services is rising. How can we expect people on the minimum wage to keep up with these continuous rises? People are not asking for much; they are just asking to get by.

Overall, I support this Bill. It is a necessary first step to ensuring people are paid fairly. However, it does not go far enough. In the Bill, the Labour Party proposes to increase the minimum wage from €10.50 to €12.90 over three years. Due to the cost-of-living crisis we currently face, urgency is required. The minimum wage should be increased to €12.90 immediately and then we should look at raising it to €15 over the next three years. That would more adequately reflect the high cost of living in Ireland today. It would benefit employers to pay the minimum wage as well because many of their customers in rural Ireland are on the minimum wage too. If employers pay a higher minimum wage and their customers are getting extra money, there is more money for everybody to spend in the economy and that is important as well.

People in this country should not be struggling to get by. Our own staff should not be fighting for a living wage. It is time we started treating the people with the dignity and respect they deserve. We can start by ensuring everyone is paid a decent wage that would allow them the opportunity to live a decent life.

Deputy Alan Dillon: I welcome the opportunity to contribute to the debate and acknowledge the work of the Labour Party in bringing forward this Bill. The timing of this discussion could not be more appropriate in the midst of a cost-of-living crisis and rising inflation. I welcome also the Government's commitment to move from a minimum wage policy to a higher living wage that is designed to take into account the proper cost of living. This Bill is broadly in line with these objectives.

The Low Pay Commission, which was set up by a Fine Gael-led Government in 2015, was asked by the Tánaiste last year to commission a team of researchers from Maynooth University to conduct a technical review of the living wage. We in Fine Gael are serious about tackling low pay. In March the Tánaiste received the report of the Low Pay Commission and, along with officials from the Department of Enterprise, Trade and Employment, is currently examining the report on how to move forward towards a living wage. The next steps involve the publication of the commission's report and the accompanying research report. I heard that consultation on the implementation of the commission's recommendations is currently under way. That is a hugely important step forward.

In introducing the living wage, it is widely accepted that the impact on small and local businesses must be considered. As a result, a phased approach to reaching the hourly rate is the most likely one, in line with best practices. The living wage might sound like an additional challenge for employers but there are widely accepted benefits to adopting a policy like this. Better wages mean more money for employees to spend in their community which stimulates the economy and makes it easier for businesses to thrive. Better wages also mean greater employee satisfaction, improved job retention and staff who are more dedicated to being part of a team. Employers can also expect increased productivity. I therefore welcome this policy on the living wage.

Deputy Fergus O'Dowd: Like Deputy Dillon, I fully support the principle of the legislation that we progress to a living wage over the lifetime of this Government. That is at the very heart of Government policy. It is clear that all Members of the House feel the exponential increase in the cost of energy, the increase in the cost of living and the pressure on families in our dealings with the public in our constituencies every week. The Government is very much aware and conscious of that. In this debate, Opposition Deputies have commented that the minimum wage is less than the living wage. Notwithstanding that, it has been increased eight times since Fine Gael came into office. That is a significant and important number of increases. It is never enough and is not enough now but it was increased to €10.50 in January. If the living wage is €12.90 now, then the Government is committed to delivering whatever that living wage is determined to be by the end of the time of the programme for Government.

Deputies also spoke as if there was no intervention from the State on subsidising petrol and diesel. The Government has spent significant money, and rightly so, on subsidising the cost of fuel. It has given a payment to homes towards the cost of electricity, which I am aware was a once-off, and has also reduced the cost of drugs. Indeed, this week the cost of public transport has been significantly reduced. I think it was reduced by 20%. There is, therefore, significant concern, awareness and action from the Government. With the decibels from some of the groups on the Opposition side, the louder they are the less sense they make. The reality is that this Government is committed to the living wage and to subsidising families, especially poorer families and those who have relied on fuel allowance.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English): I begin by thanking the Deputies for contributing to this Private Members' Bill on a living wage. I have been present for some of the debate and was following online before that. I thank Deputies for their contributions. The Bill the Labour Party has brought forward is timely in light of where we are with our own plans under the programme for Government. The Government, like many people in the House, believes a legacy of the pandemic must be better pay, terms and conditions for everyone but particularly those on low pay. As such, I recognise the Labour Party is now aligning with the Government in our commitment to progress a living wage over the lifetime of this Government. I am glad the Labour Party has joined us on this and that others contributed in a similar way in their speeches earlier.

The Minister of State, Deputy Troy, earlier detailed the well-functioning system we have in Ireland that has secured six consecutive increases in the minimum wage over the last six years and the second-highest national minimum wage in the EU. He also addressed the make-up of the Low Pay Commission and detailed how it is a fair and balanced body made up of an equal number of representatives with employee interests, employer interests, and independent voices as well. Therefore, its recommendations on how Ireland can best progress to a living wage should be fair and satisfactory to all sides involved.

Over the past hour we have heard much about how wages for those on low pay are insufficient. We have also heard how there needs to be greater increases in the national minimum wage to cover the cost of living. We have heard too of the pressure on businesses due to their increased costs over the last couple of years. Considering the standard way of measuring increases in the cost of living is by looking at the consumer price index measure of inflation, it is important to note that since the establishment of the Low Pay Commission in 2015, the national minimum wage has increased from €8.65 per hour to €10.50 in 2022. This equates to a 21.4% increase, and rightly so. It is something we all agree with. I recognise the Labour Party's involvement in that over those years as well. During the same time period, consumer prices have only increased by 7% in the six years to December 2021. Therefore, the national minimum wage has increased substantially in real terms over recent years, up to the end of last year. We are conscious of what has happened since then with costs and inflation as well. We are not content to settle for those earlier gains and will continue to work for better pay, terms and conditions and certainly to recognise the increases over the last couple of months but also where we are moving to over the last couple of years as well.

Rising energy prices have been one of a number of factors driving a rise in inflation since mid-2021. In February, the Government announced a €505 million suite of policy measures designed to support households, involving an energy credit of €200, including VAT, and a fuel allowance lump sum payment of €125. That was to go some way to try to deal with the pressures on the family budget over the last couple of months. While Members across the House are right to say that the increase in inflation in the last six months has reduced the impact of the increase in the minimum wage introduced this year, rising energy prices have been one of a number of factors driving a rise in inflation since mid-2021. In more recent times, Russia's invasion of Ukraine has sparked further energy price increases and brought unprecedented volatility to international energy markets. That is feeding through to retail price increases for all households and businesses. Once again, given that Ireland is a price taker on international energy markets, the Government has no statutory function in the monitoring or setting of these prices but we try to react with help and supports. The Government will keep the energy situation under close and active review and will continue to examine what measures are possible to manage the impact of rising energy prices for households and businesses and react accordingly. We will continue working with the European Commission to examine what else we can do to help to soften the blow to businesses and consumers, to keep costs down and to help people to manage their own budgets.

The Government is responding to this crisis and will continue to do so. However, given the extent to which these effects are being driven by developments outside of our control, it will not be possible to respond to every unfavourable price movement on global markets quickly enough to ease the pressure on people. It should also be borne in mind that some recent inflationary pressures are partly the result of temporary factors related to the pandemic and that these are expected to fade over time. If, as anticipated, inflation in future years is lower than it has been in recent months, tying the minimum wage to inflation would result in that wage moving to a lower development path rather than a higher one. We have to be careful about that.

Another point to note is that since the establishment of the Low Pay Commission in 2015, not only has the minimum wage increased at a much greater rate than inflation, but the share of workers on the minimum wage has also fallen consistently. The share of workers who are on the minimum wage or less as a percentage of the total labour market has reduced from 9.3% in the fourth quarter of 2016 to less than 7% in the fourth quarter of 2020. However, the Govern-

ment acknowledges that there are far too many workers on low pay in Ireland and has been clear that this is something it intends to address as part of a wider series of reforms. Figures used today stated that 20% of people are on low wages. We accept those figures. Not all of these people are on the minimum wage, but they are on wages too low to allow them to pay all of their bills. We all want to work to improve that situation. The Low Pay Commission will continue to look into all areas of low pay including effects on employment and the impact of youth rates in addition to the ongoing work of examining a universal basic income.

The Government is committed to protecting low-paid workers, many of whom have continued to work in sectors providing important services throughout the pandemic. It is estimated that at least 135,000 people saw an increase in their wages due to the last increase in the minimum wage in January, with many others on slightly higher levels of pay also getting a knock-on increase. Ireland has one of the highest minimum wages in the EU. Recently released data from EUROSTAT show that, as of 1 January 2022, 21 of 27 EU member states have national minimum wages. In terms of gross monthly rates, Ireland has the second highest national minimum wage of these 21 member states. When adjusted for purchasing power standards, which is important, Ireland ranks in sixth place. We would like to do a little better than that if we can.

The living wage report is now under review. It has not yet been published but the Tánaiste has it and will bring it to the Cabinet shortly. We must await the recommendations of that report and examine how they align with the points raised in this Bill. However, as the Minister of State, Deputy Troy, has noted, this Bill is broadly in line with the objectives of the Government, which include a commitment to progress to a living wage over the lifetime of this Government's programme. We will therefore be able to continue to support it at the next Stage.

Deputy Brendan Howlin: I am very proud to speak on this important legislation and to support it. I commend my colleague Deputy Nash, in particular, on his ongoing commitment to increasing the wages of those paid the least in our society and on his amazing work in government in the worst of times in establishing the Low Pay Commission and in bringing about increases of 20% in the minimum wage, something which has not been replicated since.

Ireland has a well-developed social support system and a highly progressive income tax system which is recognised as one of the most progressive in the OECD. We also have a reasonably well-developed social protection system that supports families whose household income is recognised as inadequate to meet their needs and to maintain basic acceptable standards of living. Those are policies and political decisions that the Labour Party has not only always supported, but which it has championed over the years. However, all of us in this House must address a much more fundamental question. Why is that level of social support required? The answer is straightforward, direct and simple. Too many Irish workers in full-time employment do not earn a wage sufficient to sustain an acceptable standard of living. That is a stark reality, a reality that is masked to some extent by the tax and social welfare policies that have been put in place. At its core, this is truly a basic question for the House and the Government to address. Is it acceptable to have an economic model where full-time work does not automatically mean a decent standard of living? That is the question. It is acceptable for all of us to preside over an economic model in which people working full-time, 39 or 40 hours a week, do not earn enough to sustain a decent standard of living? Is it acceptable to have a model under which it is okay for employers to pay a wage that does not allow workers to enjoy a standard of living we now regard as basic? That is the model we have built and the model I believe we must change.

The Bill before us sets out how to change that model. It sets a pay floor for decent wages.

What is provided for in this Bill? It is not earth-shattering, as other Deputies have rightly said. We accept that. Simply put, it would put into law that persons working full-time jobs must be paid above a minimum acceptable income threshold. The Bill amends the National Minimum Wage Act 2000 to provide for a living wage to be the national minimum wage payable. It would mean that the minimum wage would, under law, be determined by the Low Pay Commission and that it would be a wage that, “if paid to a single adult person living alone and in full-time employment, would afford the person a standard of living that meets the physical, psychological and social needs of recipients at a minimum but socially acceptable level”. That is not too much to ask. Right now, that rate is determined to be €12.90 an hour. As others have rightly said, that rate does not, of course, reflect the ongoing inflationary pressures that are real right now to every individual and household. The rate of pay would, as I have said, be earth-shattering, but it would be truly transformative for the tens of thousands of workers now earning nothing like a living wage. In crafting the Labour Party’s submission to the Low Pay Commission consultation, which he submitted in March, Deputy Nash set out a path to achieve that. This is a basic and fundamentally important issue and it really is time to address it.

Deputy Alan Kelly: Ultimately, this is about decency. It is about giving people who are working full-time a wage upon which they can live. It is very simple. I was very interested in the Minister of State’s closing remarks in which he said that the Government will not oppose the Bill, which is very welcome although it no longer really means much in this House. When the Minister of State and I first came in, that actually meant something, but there are now so many Bills sent off to never-never land that it does not really matter. I was more interested in how he concluded. He said that the report is with the Tánaiste, that it is being considered and that it will be published soon. I am paraphrasing the Minister of State but he said that this Bill was not a million miles away from the Government’s thinking. I hope that is true because it is desperately needed given the current inflationary pressures. Furthermore and on top of that, it is needed quickly. Based on the Minister of State’s honest summation at the end, I ask not only that the report be published and brought to the Cabinet, but also that it be acted on. If the Government is going to bring forward legislation similar to ours, we will not be precious about it. We will engage constructively on the basis of our beliefs, our legislation and what we have done. We will work with all of the partners involved, which, as the Minister of State knows, we always do, to move that forward and put it in place as quickly as possible and within a respectable timeframe. We support wage rises across the economy in line with inflation because profit margins are being protected while living standards simply are not. I will mention three other things. There must be negotiated pay rises for workers across society.

12 o’clock

Those who say that should not happen are not living in the real world or are not being fair. Profits cannot just be protected while wages suffer. We must also change our laws to protect workers organising in the workplace to allow them to make the case to their employers for such pay rises and for better terms and conditions. We have a long way to go with that process, and this is something that is core to our party.

Regarding our submission to the Low Pay Commission, it is immoral how we, collectively, treat young people in the context of the wages we pay them. I am passionate about this. It is wrong to be paying 70%, 80% or 90% of the minimum wage to young people working in various service industries, especially in the hospitality sector. We must change this situation. Exploitation is going on out there and some people have been treated very badly. My colleagues and I know of many such cases. Perhaps this issue must be approached by looking at the mini-

imum number of hours these young people can work versus the rate of pay. In a context where two people are working side by side, with a difference of a couple of years in their ages, it is no longer the case that these wages are pocket money. There should not be such a differential between how one person is paid because he or she is aged 17 or 18 and how someone else aged 21 or 22 is paid.

Returning to this legislation, we believe in a living wage, defined as meaning an annual wage that, in the opinion of the commission, if paid to a single adult person living alone and in full-time employment would afford him or her a standard of living that meets his or her physical, psychological and social needs. This Bill would transform the Low Pay Commission, which was introduced by my colleague Deputy Nash, into a living wage commission and provide the organisation with a timeline of three years to increase the minimum wage to a real living wage. This would be a living wage taking into account all costs, including those for groceries, rent, heating and all other forms of living expenses. It would be evidence-based and grounded in social consensus.

In principle, the living wage we are proposing - which I hope our colleagues will support, based on their comments so far - would be an income floor to ensure that people could live. Central to this Bill is the provision that the living wage must not be less than two thirds of annual median earnings, based on CSO statistics. I began by saying this is about decency. We cannot just say the way we are paying people is acceptable, given the inflationary pressures being experienced. We cannot camouflage everything just with social welfare and taxation. We must bring in the living wage. We will work with the Government, but time is of the essence.

Question put and agreed to.

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: We are a little behind schedule, so I ask for full co-operation, on every side, regarding the time limits. I call Deputy McDonald.

Deputy Mary Lou McDonald: Yesterday, I raised with the Taoiseach the real and serious concerns held by many regarding the ownership of the new national maternity hospital. The Taoiseach dismissed these concerns again and doubled down on his characterisation of this issue as a “red herring”. However, last night in a letter to the Oireachtas Joint Committee on Health, two HSE board members, Professor Deirdre Madden and Dr. Sarah McLoughlin, restated their strong opposition to the ownership deal. In the letter, they describe the ownership deal as “unsatisfactory” and state:

While the shares have since been transferred from the [...] Sisters of Charity to a new company, St Vincent's Holding CLG, we believe that in the interest of the public trust and confidence in this new project, there should be absolute clarity on the separation of Church and State.

They go on to observe that the necessary public trust and confidence “would be better achieved if the State owned the land on which the hospital [will be] built”. Now that comes from two eminently qualified professionals who were centrally involved in planning for the

new maternity hospital. Their concerns, it must be said, mirror those held by many of us on the Opposition benches and, indeed, by many Deputies on the Government benches, as well as by people right across society.

I put it to the Taoiseach that the best way to allay fears and to resolve this problem is for the Government to secure full public ownership of the land and for us to have a clear transaction in which the St. Vincent's Healthcare Group, SVHG, transfers the land directly to the State. That after all, was the initial promise or undertaking from the Sisters of Charity. This would provide absolute, airtight clarity. It would ensure the best protection of the State's interest in what will be a very expensive project. Additionally, it would ensure it is the State's health authorities that set the range of and the clinical governance for services provided at the hospital.

I think this is just a matter of common sense, but the Taoiseach has pushed back against this common sense in claiming that the current labyrinthine arrangements amount to public ownership. They do not. Repeating the refrain of a "tenner a year" does not change that reality. There is no doubt in my mind that the St. Vincent's Healthcare Group has to move. It must step up to find a resolution to this issue, but this Government must also step up. Through inaction, the Government will be acquiescing to and colluding in a deal and an arrangement that does not fully protect the public interest.

Tá bunús maith leis an inní maidir leis an ospidéal máithreachais nua. Léiríonn na saincheisteanna tromchúiseacha a léirigh an tOllamh Madden agus an Dr. McLoughlin go bhfuil an inní chéanna ar dhaoine ar fud na tíre. Is é an bealach is fearr chun an fhadhb seo a réiteach ná don Rialtas úinéireacht Stáit ar an talamh a aimsiú. We all want to see this hospital built and built quickly. It can and must represent a huge step forward for the modern, progressive healthcare that women in Ireland deserve. Therefore, I put this proposition to the Taoiseach again in the hope, more than the expectation, that I will get a clear answer. Will he, the Tánaiste and the Minister for Health get around the table with representatives of the SVHG and convince them to transfer that land directly to the State?

The Taoiseach: Ar dtús báire, tá na geallúintí dleathacha ann ionas go mbeidh gach seirbhís atá dleathach sa tír seo faoi láthair agus sa toadhcháil ar fáil san ospidéal nua. Níl aon amhras faoi sin agus tá comhairle dhleathach faighte agam féin agus ag an Rialtas gur sin an scéal. Is turas fada a bhí ann go dtí an lá seo. Caithfidh mé é sin a rá. The 300-year lease at €10 a year is effective ownership. I have received legal advice to that effect. It is ownership. Deputy McDonald may disagree, and it is her entitlement to disagree. I have read the letter from Professor Madden and Dr. McLoughlin. They make the point that at the time of the HSE board's decision on 14 March 2022, the transfer of shares in SVHG from the Religious Sisters of Charity had not occurred "and we held concerns regarding realisation of that transfer". They go on to state:

While the shares have since been transferred from the [Religious Sisters of Charity] to a new company, St. Vincent's Holding CLG, we believe that in the interest of the public trust and confidence in this new project, there should be absolute clarity on the separation of Church and State.

Now there is absolute clarity on the separation of church and State, and that is contained in the constitution of the new hospital, which has reserved powers. Those make it very clear that there can be no "religious ethos or any ethnic" or other consideration in the deliberations of the hospital. That is clear in the reserved powers in the constitution of the hospital. The Minister's golden share gives him or her the power to enforce and to oblige the directors to follow through

on those reserved powers and implement them. Additionally, the operating licence given by the HSE to the new hospital board also puts that obligation in place.

What I do not get, and what no one has answered to date, and I asked this last week as well, is how there is differentiation in the context of a 300-year lease at €10 a year and ownership. I have the conditions here, so let us not pretend it is €850,000; it is not. If you read any of the conditions on the lease, they are normal conditions that would apply to everybody. The tenant with prime responsibility for the funding of public hospitals remains the tenant under the lease. That is not an imposition. There is no change to the permitted use without the consent. That is not an imposition.

Deputy Paul Murphy: Read the definition-----

The Taoiseach: I am not talking to you, Deputy. It is going to be built as a hospital. I have read it all. There are no impositions in this. It is basically saying “Go and build a maternity hospital”. Let us for the sake of clarity accept that. Let us not try to cloud in terms of the conditions of this. None of these are an imposition on the maternity hospital. In fact, it is a co-location. The question I want to put to the Deputy is that nobody has explained to me how the difference between a 300-year lease at €10 per year and outright freehold ownership materially affects the governance or the clinical, operational or financial independence of the hospital. Nobody has actually explained the how of that to me. People might not be happy. They might want freehold versus leasehold but there is no clear indication, following the articulation of that view, as to how that materially impacts, in real terms, on the operational, clinical or financial independence of the new maternity hospital. Yesterday, I quoted a letter from the ten directors of midwifery services and assistant directors. The Minister has also received correspondence from a very significant number of midwives - all the directors of midwifery in all of Ireland’s maternity hospitals - and they are unanimous in their support for the move of the national maternity hospital from its current inner-city location to a new purpose-built world-class facility on the campus of St. Vincent’s University Hospital, Elm Park.

Deputy Mary Lou McDonald: As the Taoiseach knows, for a very long time, midwives, clinicians and all concerned - and women of course - have been very much in favour of a new maternity hospital and proper investment in maternity services. That should not surprise any of us. The Taoiseach said there is an unanswered question. Let me put this to him. He says that €10 a year for 299 or 300 years is effective public ownership. The question is this. That being the case, why is it that there has not simply been a clean transaction and a transfer of this land to the State? That is actually the question. If the Taoiseach is saying that it is public ownership in all but name, why is it not full public ownership? That is the first question. The second question is this. Given that the State is the key anchor of the voluntary hospitals, including St. Vincent’s University Hospital, which receives substantial State money, the Government has a very powerful hand to play. Why is it that the Taoiseach is resisting my very reasonable request-----

An Leas-Cheann Comhairle: Time is up, Deputy.

Deputy Mary Lou McDonald: -----that he, the Tánaiste and the Minister for Health lead from the front and resolve this issue?

An Leas-Cheann Comhairle: I thank the Deputy and call the Taoiseach.

Deputy Mary Lou McDonald: Why not make public ownership in all but name actual, legally certain public ownership of this land? That is actually the question.

(Interruptions).

The Taoiseach: I have led from the front on this. I have asked the Minister for Health over the last year to get this issue resolved once and for all because it has been going on since 2013. The previous Minister for Health, Deputy Harris, brought in Kieran Mulvey, for example, to bring all the parties together. Let us not pretend there has not been detailed, exhaustive engagement between all parties to this over the past nine years. We have led on this and I am determined that we get something done and get the hospital built for the benefit of women and newborns.

In relation to the Deputy's question, there is an argument in terms of the integration of a massive tertiary hospital that is currently on the site. This is going to be a campus, including the existing tertiary hospital and the maternity hospital. It needs to work. I can understand where the St. Vincent's Healthcare Group is coming from on that point. I might not agree with it but I can understand. I do not see a big mystery or conspiracy there. I genuinely do not.

Deputy Mary Lou McDonald: I am not arguing there is a conspiracy; I am arguing for public ownership.

The Taoiseach: Some are. What is the issue then if the Deputy is not arguing there is a conspiracy?

An Leas-Cheann Comhairle: I thank the Taoiseach.

The Taoiseach: At some stage, we have to take people at good faith in regard to this.

An Leas-Cheann Comhairle: Táimid ag bogadh ar aghaidh go dtí an chéad cheist eile.

The Taoiseach: Otherwise, we will never get movement on it.

Deputy Mary Lou McDonald: It should be a public hospital.

Deputy Catherine Murphy: An Bord Pleanála is in the midst of the biggest crisis in its history. Its independence, professionalism and integrity are all in question. Allegations concerning serious conflicts of interest on the part of the deputy chair of the board, Paul Hyde, were first published in *The Ditch* on 13 April. On Friday, Mr. Hyde admitted overseeing a planning appeal from his sister-in-law, claiming it was inadvertent. He stepped aside on Monday pending investigations. Yesterday, the Taoiseach told the Dáil that Mr. Hyde no longer has access to documentation or the electronic system since he stepped aside. Are we to understand that he retained that access up until then? It does not exactly scream "best practice". Best practice is not a phrase regularly associated with An Bord Pleanála these days. In 2020, it spent a whopping €8 million, which is a quarter of its €31 million annual budget, on legal fees. This is perhaps unsurprising given that the High Court is the only forum to appeal strategic housing development, SHD, decisions which bypass local planning authorities and go straight to An Bord Pleanála.

How is An Bord Pleanála faring in these cases? It does not appear to be faring very well. Of the 40 SHD judicial reviews decided so far, An Bord Pleanála has successfully defended just three. Any planning authority spending 25% of its budget defending its decisions in court and losing a majority of them has a serious credibility issue. Legal fees may be soaring but housing supply is not. Of the approximately 70,000 SHD units permitted to date, commencement notices have been submitted on just 13,000. The planning system may be fast-tracked but the per-

missions, once granted, are not. Is it any wonder when there is no real penalty for not doing so?

Meanwhile, 82% of all new residential schemes either applied for or granted in Dublin city in 2020 were build to rent. This is a disaster for Dublin, which is a conclusion that everyone in Dublin City Council seems to agree on, both councillors and officials. Somehow, the Taoiseach does not. He thinks any supply is good supply, even very low-quality, unaffordable build-to-rent development which is cannibalising residential supply in Dublin. What is the Government's answer to sluggish build to supply? It is to gift developers €144,000 per apartment without asking for anything to be taken off the sale price. I could not believe this when I read it. I just did not think it was real.

Who made the decision to leave Mr. Hyde *in situ* for two weeks despite the Minister ordering a senior counsel to investigate those allegations and An Bord Pleanála ordering a mammoth audit of its work? When can we expect to see the terms of reference for the Remy Farrell investigation? Will they be extended to other board members and will the investigation look at the members' interests?

The Taoiseach: There are a number of questions there. I take it is the Bord Pleanála issue because I could deal at length with the housing issue. As I said yesterday, and I thank Deputy Murphy for raising the issue, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, is aware of the allegations that have been made. He understands those allegations are currently being denied by the board member concerned. A senior counsel has been appointed by the Minister to provide a report in consideration of this and those terms of reference and timelines are currently being finalised.

As I said yesterday, separate from the allegations that have been made, the Minister has also been made aware of correspondence between the deputy chairperson of An Bord Pleanála, Mr. Paul Hyde, and the board's secretary, which was brought to his Department's attention by the chairperson of An Bord Pleanála. This concerned a conflict of interest disclosed by Mr. Hyde on 3 May 2022 in relation to a May 2021 board decision. Mr. Hyde states in his correspondence that he only became aware of this conflict of interest on 28 April 2022. The Minister then requested a report from the chairperson of An Bord Pleanála when he became aware of this matter on 6 May 2022. The chairperson responded to the Minister on 9 May 2022 that Mr. Hyde has agreed to absent himself from his duties as deputy chairperson for the time being, on a strictly without prejudice basis, pending completion of the chairperson's analysis of the matters raised. I then said that in this context Mr. Hyde will not be in attendance at the offices of An Bord Pleanála, have access to the electronic systems or documentation of An Bord Pleanála, and his case files have been reassigned to ensure the efficient discharge of the functions of the board. The Office of the Planning Regulator, OPR, has independently written to the chairperson of An Bord Pleanála requesting him to outline the systems and procedures that An Bord Pleanála has in place to ensure effective compliance with statutory duties provided for in the planning Acts regarding the declaration of interests and any other information he considers relevant. I understand An Bord Pleanála has responded to this request, and the Planning Regulator is considering the response.

An Bord Pleanála is independent in its performance of its functions under the planning Act. Pending the outcome of these considerations, it is important that we allow for the completion of the reports to make more informed comments in the aftermath. Needless to say, all board members are required to make a declaration of certain interests under section 147 at least once a year, and the register of interests is available for public inspection. Under section 148, where

a member of the board has a pecuniary or other beneficial interest in, or that is material to, any appeal, contribution, question, determination or dispute that falls to be decided or determined by the board under any enactment, he or she shall disclose to the board the nature of his or her interest and shall take no part in the discussion, consideration or decision-making in regard to the matter. There have been amendments to the legislation. To ensure the improvement of legal capacity within An Bord Pleanála, additional resources have been provided by the Minister. We are not satisfied with the level of litigation in the first instance, nor are we satisfied with its outcomes.

Deputy Catherine Murphy: This is a very serious matter concerning An Bord Pleanála, not least because it ceased to be the planning appeals board regarding SHDs. It became the decision-maker on housing applications of 100 units or more, bypassing local authority development plans, in respect of which there is a statutory function and one in which the public is engaged. There is a serious loss of confidence in An Bord Pleanála. Confidence in its integrity and professionalism has been completely undermined. Will the terms of reference be wide enough to include other personnel if anything is identified? Will members' interests be reviewed in the context of the terms of reference? When will we see them? What is the timeline for dealing with the matter? It was not An Bord Pleanála that sought to deliver on the SHDs; the function was given to it. Therefore, there is a responsibility on the Government to ensure the integrity of An Bord Pleanála is not undermined. There has been a really serious undermining of our planning system.

The Taoiseach: The Minister has acted quickly and promptly on this and has appointed a senior counsel to provide a report on the specific issue. The terms of reference are currently being finalised. I assure the Deputy there will not be any undue delay in respect of that because the independence of An Bord Pleanála, as defined in the Planning and Development Act, is important in itself. Also, it has to be beyond any perception of potential inappropriate behaviour or a failure to disclose. I am not making any judgments on this. I want to stress that because what I am saying is without prejudice to the production of the report itself. We have to be fair with regard to that aspect.

From my understanding, the senior counsel will be focusing on this, but I will revert to the Deputy on it. As soon as the terms of reference are finalised, they will be published. Thereafter, there will be a report. I am sure the Minister will continue to give this serious consideration.

Deputy Michael Lowry: Despite billions of euro being pumped into the health services, our system still fails to meet the needs of service users. There is not just one reason for this. A myriad of issues combine to paint a picture of endless waiting lists, patients on trolleys, the inability to retain and recruit professional qualified staff, front-line staff burnout, under-resourced carers and mental health services, ambulances idling outside accident and emergency units and overburdened general practitioners.

While there is a consensus that Covid wreaked havoc on our health services, it cannot be denied that the system was in disarray prior to the pandemic. The health system has been inefficient for years. Covid is the latest reason being used to mask that reality. Close scrutiny would reveal that billions of euro invested in health services long before Covid have not yielded the results intended. The national picture shows outpatient waiting lists with in excess of 600,000 adults and children. A further 75,000 are on inpatient day-case waiting lists.

A week ago, I raised with the Taoiseach the fact that Limerick regional hospital recorded the

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highest number of triaged patients waiting on trolleys since records began. An expert group has been assigned to investigate the situation in Limerick. An independent expert group should be appointed to assist health services nationally. Every aspect of this dysfunctional service should be dissected and explored. The implementation of Sláintecare is limping forward.

In my constituency, Tipperary, we face the same issues and frustrations faced in every other constituency in the country. Every single day, my office receives calls from people pleading for medical care for themselves, their families and, increasingly, their children. An example of the neglect is the fact that people in south Tipperary suffering from Parkinson's disease are desperate for neurological services. There is no neurologist, nor are there Parkinson's nurse specialists. Ireland has just 30 neurologists, fewer per head of population than Mongolia. We rank 33rd in the world in the provision of neurologists. South Tipperary lies at the bottom, with no neurologist at all.

The HSE's model-of-care documentation states we need 140 neurological nurse specialists. We have 42 nationwide. Neurological nurse specialists are vital to Parkinson's patients. South Tipperary patients have been campaigning without success for this service since 2016. Parkinson's disease is the second most common neurological disorder in the world, second only to dementia. The lifetime risk of developing Parkinson's now stands at one in 15. It is the leading source of disability.

The billions of euro invested in the health service over recent years must be scrutinised. Why is it that we cannot see or measure improvements as a result of massive investment? Many in the HSE with first-hand knowledge tell me the service is going from bad to worse. When will the Government insist on holding the HSE to account and act on that?

The Taoiseach: I thank the Deputy for raising this matter. I fully accept the huge challenges and pressures on the health service. On the question on why we cannot measure the improvements in the service, I wish to make a general point. There have been dramatic improvements in health outcomes over the past 20 or 30 years. In 2000, we were 16th in the EU league table regarding life expectancy; this year, we are number one. That is because of a combination of factors, including public health measures, in addition to the significant investment in health services, cardiology care, cancer centres, stroke centres and so on. These are having an impact but sometimes we forget about all that, which is understandable given the very high pressure on accident and emergency departments and hospitals. Coming out of Covid-19, the pressures are enormous.

Let me make another important point. Our population has increased from less than 3.5 million in the early 1990s to 5 million today. That is going to grow. The next census will be interesting. The population increase is having an impact on our services. I argue that, in recent decades, we may not have fully accounted for that in terms of the expansion of services and bed capacity.

A team has gone into University Hospital Limerick. I accept the Deputy's points on that. With regard to the waiting list, the Minister has outlined a plan. Many people stayed away during Covid but have come back in significant numbers. Obviously, there have been delayed diagnoses and all that. An allocation of €350 million has been made to improve waiting times in 2022, on top of an annual core funding budget that is now €6 billion higher than in 2018. I take the Deputy's point that there needs to be constant analysis of the additional funding and its connection with service increases and outcomes. There are very extensive aims. By the end

of 2022, the Minister wants the number of patients on active waiting lists to be at its lowest in five years. Every patient waiting more than six months for 15 high volume procedures will receive an offer of treatment by the National Treatment Purchase Fund, NTPF, in 2022. The 15 high-volume procedures such as, for example, cataracts, cystoscopies and hip replacements, represent about a third of people currently on active waiting lists. Treatment will be offered to all 75,000 patients on the active inpatient and day patient waiting lists at the end of 2021 by the end of 2022. We will ensure 1.7 million patients will be removed from waiting lists for scheduled care in 2022. They are very challenging targets and aims. Funding has been provided in respect of that plan and also the winter plan.

That said, the Deputy's point on neurology and Parkinson's disease is well made. The neurology services in Tipperary University Hospital are a hub-and-spoke model that are part of the wider neurology service in Cork University Hospital. The HSE has advised that Tipperary University Hospital recently submitted a business case to the South/South West Hospital Group for consideration for the appointment of a consultant neurologist and a CNM2 clinical nurse specialist. I will follow up on that.

Deputy Michael Lowry: I ask the Taoiseach to expand on his reply in regard to the neurology service in south Tipperary. The inability to retain and attract medical professionals to work in Ireland is given as the key reason for medical deficiencies. We hear that constantly. A high percentage of our young and newly qualified doctors and nurses choose to leave the country to work abroad. Many make this decision after a short period working within the Irish health service. Last year alone, 391 visa applications were granted to Irish doctors to work in Australia. The high cost of rent in our cities and towns is a key factor for emigration. Younger medical professionals are struggling to make ends meet. Front-line staff are frustrated and demoralised. A significant number of older staff have retired, taking with them experience and skills. Older staff retire because of stress and burnout from working in our hospitals and medical practices. This is a key area that must be tackled. If we cannot attract and retain healthcare staff, we will make no progress with the waiting lists and problems we have.

The Taoiseach: It is important to retain healthcare staff. Many current staff in our hospitals are senior and experienced, and have garnered experience and expertise overseas. There has always been that balance. There should be better retention in the early years of those who have gone through our medical schools. That considerable investment by the State should be retained in our hospital system to a far greater degree than is currently the case.

On the neurology question, the HSE is now working closely with the Tipperary University Hospital management team on the provision of neurology services. The application that has been made for a shared appointment between Cork University Hospital and Tipperary University Hospital, in addition to a CNM2 clinical nurse specialist, is being very actively examined. The HSE and the South/South West Hospital Group are working with Tipperary University Hospital on neurology services in Tipperary. That will represent a significant improvement in the care patients will receive when attending with neurological disorders. I will follow up on that and make sure it is brought to a conclusion.

Deputy Michael McNamara: I return to an issue I previously raised with the Taoiseach, namely, the delays in completing apprenticeships. During the Covid response, the SOLAS block was postponed and delayed, which led to a huge backlog and waiting list for apprentices. The Taoiseach told me last September that there would be considerable Government investment, and I take it that there has been. SOLAS has confirmed to me that it is working at full

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capacity. The problem is that full capacity is inadequate to clear the backlog. It is like saying the University of Limerick is working at full capacity so what is the problem. The problem is that full capacity is inadequate.

There are still huge delays in completing electrical, plumbing and carpentry and joinery apprenticeships. All of those are important skills for the very ambitious plans of the Taoiseach's colleagues, the Ministers, Deputies Darragh O'Brien and Eamon Ryan, for retrofitting. We need to get people into these areas as quickly as possible, and get as many people as possible into them. We are not achieving that. We are at full capacity but the waiting lists remain unchanged.

I received an email from a constituent about his son. He is two years into an apprenticeship and is still waiting for the seven-month SOLAS block. After he completes that, he has to do two blocks in college. It will, therefore, be seven years before he will have completed what started out as a four-year apprenticeship. He made the point that that is longer than doctors or barristers have to study for. That is fair enough. There is also a fair enough analogy to be drawn in that, notwithstanding all of the difficulties posed by Covid, in particular the difficulties in health settings, clinical studies, laboratories, etc., there were not and are not the same delays and backlogs in completing a medical degree that apprentices are now encountering. My constituent's son is contemplated leaving the country.

Working at full capacity may not be enough. We may need temporary extraordinary measures to clear these backlogs. Those on whom we are relying to carry out the very ambitious plans the Government is setting out are contemplating leaving the country because they are frustrated by the lack of progress in being able to complete an apprenticeship. There is, of course, a huge difference in what apprentices and qualified carpenters, electricians, joiners, plumbers, etc., are paid. The reason many people do apprenticeships is that they will be able to earn a living and get on with their lives after a fixed period of time. The goalposts are changing before their eyes. They are getting frustrated. The Government needs to deal with this and I would like to know what it has planned to do.

The Taoiseach: I thank the Deputy for raising what is a very important issue. We cannot make Covid, or its impacts, disappear. I am not suggesting the Deputy is saying that but we cannot do that. Unfortunately, Covid has had impacts across all aspects of activity and lives.

That said, we had a record 8,607 apprentice registrations in 2021. We are well on the way to ensuring that our 2025 target of 10,000 registrations per annum is very much realisable. Registrations in 2021 show an increase of nearly 40% compared with 2019. There is real traction here. Craft apprentice registrations have experienced a marked increase in interest over the past four years. The increasing recognition of the value of these employment options means that strong registrations are continuing, with more apprentices coming through the system for placement on all phases of their training.

As of Monday, 2 May, there have been 2,056 registrations this year, comprising 1,794 craft and 262 new consortia-led apprenticeships. The total apprentice population as of last Monday is 23,981. I can go through all of the funding that is provided. The grant scheme of €2,000 for employers of apprentices on consortia-led programmes has worked.

On the backlog, a number of agreed reform measures are being implemented to try to clear waiting lists. These include changed delivery structures for phase 2 off-the-job training in the

three programmes with the largest waiting lists, namely, electrical, plumbing and carpentry and joinery apprenticeships, in order to facilitate a third intake of apprentices per annum. An opt-in rapid employer assessment at phase 7 on the job was completed for apprentices who had finalised phase 6 and spent more than four years in their apprenticeships.

More than 8,400 apprentices, or over 70% of those who were delayed in their training by Covid-19, have now progressed in their off-the-job training. This includes over 700 final year apprentices who have been fast-tracked to complete their qualifications. The backlog is tackled in order of those apprentices who have been waiting the longest. Over 700 apprentices who are in the final stages of their apprenticeships were supported to complete an accelerated final phase of workplace training and are now receiving their qualification.

As of the end of March, significant numbers of apprentices, over 7,000, were still waiting to access phases 2, 4 and 6. I do not in any way understate the issue here. Phase 4 lists have decreased significantly since January. It is expected that craft apprentices waiting for off-the-job training for phases 4 and 6 are on target to be cleared by mid-end of 2022. The majority of phase 2 waiting lists are targeted to be cleared by the year end of 2022.

The CAO website opened the system for the first time for apprentices on 5 November. The number of visits to *apprenticeship.ie* directly from the CAO options page is up to 28,201. Generally, I am open to see what more we can do to accelerate programmes without diluting too much their quality.

Deputy Michael McNamara: I completely agree that we need to ensure the quality remains the same but I ask that it be done in medicine, which is very important, as is building. We know what bad quality building results in. We are living through it now and the Government has to deal with its consequences. We do need people coming through. The Taoiseach cited many figures relating to new apprentices coming in but it is about those who are in the system. I appreciate that measures are in place, but I urge the Taoiseach to try to ramp them up because even if the backlog for stage 2 is cleared, does that backlog then continue through the system? Do the apprentices ever catch up on that delay or do they just get on to the next stage, albeit a year and a half later, and are then a year and a half late throughout the system? If the latter is the case, it is profoundly unfair. A way needs to be found to ensure that, even if the apprentices who started off to do a four-year apprenticeship cannot complete it in four years, at least they are not looking at seven years because that would be entirely unfair to them. I think the Taoiseach and I agree on that at least.

The Taoiseach: That is a fair point. I will speak to the Minister again to see what can be done in respect of the seven-year timeframe the Deputy is suggesting. It is a fair point.

Deputy Michael McNamara: It could be six years.

The Taoiseach: The Deputy is saying that at the moment people may have to go seven years, which would be too long. We did not close down medicine during Covid. I am not saying that facetiously. We did close down construction twice - in the first and second lockdowns - which had impacts.

Deputy Michael McNamara: The Government did close universities.

The Taoiseach: The students went online. I take the Deputy's point but the nature of apprenticeship is that the student is on the job-----

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Deputy Michael McNamara: As is the case for medical studies.

The Taoiseach: In the case of medical studies, many doctors were in hospitals and gained different types of experiences. We did not close that down. I take the Deputy's point. It is valid but there are specific-----

Deputy Michael McNamara: The Government did in Ennis, but we might come to that later.

The Taoiseach: The Deputy is aware that I have been involved in apprenticeship as a Minister in different capacities. There are specific block periods of release that apprentices have to do, with specific facilities and all of that.

Ceisteanna ar Pholasáí nó ar Reachtaíocht - Questions on Policy or Legislation

Deputy Mary Lou McDonald: There is a long-established pattern of the Israeli state targeting journalists who are covering the brutal occupation of Palestine. This systematic targeting has resulted in complaints being filed with the International Criminal Court and the United Nations. This morning, we awoke to the horrific news that Al Jazeera journalist Shireen Abu Akleh is the latest victim of this. She was shot dead - shot in the face by an Israeli sniper while doing her job covering an Israeli army attack on a Palestinian refugee camp in Jenin in the occupied West Bank. Another reporter was shot in the back. Both were clearly visible as journalists. They were wearing blue flak jackets. Shireen's killing has been described as an execution by the Israeli Defence Force. What intervention will the Government make on this matter, including through Ireland's position on the UN Security Council, to ensure Israel is held accountable for this?

The Taoiseach: The Government, through the Minister for Foreign Affairs and the Department of Foreign Affairs, has condemned, and I condemn, the killing of Al Jazeera journalist Shireen Abu Akleh. Media freedom and the safety of journalists must be protected. There is an extra obligation on state forces to ensure the protection of journalists. We express our deepest condolences to her family. We have called for a swift, thorough and independent investigation and will pursue this through all forums at our disposal as a Government. It is quite a shocking killing, without question.

Deputy Ivana Bacik: Yesterday I raised with the Taoiseach the ongoing concerns of the Labour Party in respect of the ownership, control and governance of the new national maternity hospital. Since then, I know the Minister for Health, Deputy Donnelly, has been engaging with the Committee on Health. Indeed, the parliamentary Labour Party looks forward to engaging with him. However, we have also seen the publication last night of a statement from Professor Deirdre Madden and Dr. Sarah McLoughlin in which they set out their concerns in respect of ownership, control and governance in more detail and point out the difference between freehold and leasehold ownership. The concerns they have set out exactly reflect the concerns the Labour Party has been expressing. They reminded us that in 2018 the Day report, produced by the independent review group commissioned by the then Minister for Health, Deputy Harris, recommended that the State should own the land on which hospitals and schools are built. The question remains as to why this recommendation was not followed then. Why are these

Byzantine legal arrangements being favoured over the straightforward and clear-cut arrangement whereby the land would be gifted to the State? Why can it not be in public ownership and freehold?

The Taoiseach: I answered that question earlier, but the lease does give effective ownership to the State. In my view, there is no question about that. I have read the letters from Professor Deirdre Madden and Dr. Sarah McLoughlin. Again I make the point that it is not clear to me at all and no one has actually specifically explained from their perspective - from Deputy Bacik's perspective, for example - what the material difference is between the 300-year lease and a freehold ownership in the context of all legally permissible services being made available at the hospital, given the constitution of the hospital, the operating licence from the HSE to the hospital, the ministerial powers in the golden share to enforce the reserved powers of the constitution, the three members of the State appointed by the Minister of the day who will be on the board along with three from the national maternity hospital, and all the correspondence from every senior midwife in Ireland now, directors of midwifery-----

An Leas-Cheann Comhairle: I thank the Taoiseach. I am moving on.

The Taoiseach: -----saying this should go ahead.

Deputy Ivana Bacik: It is the conditionality that is the difference.

The Taoiseach: But the conditionality only relates-----

An Leas-Cheann Comhairle: We are over time. Much as I would like to let it run, I call Deputy Cian O'Callaghan.

The Taoiseach: -----to the utilisation of the site, which is not an imposition on the maternity hospital, if you read the-----

Deputy Cian O'Callaghan: Will the Taoiseach issue a formal apology in the Dáil to people who had their births registered illegally? As he is aware, there is considerable disappointment that the apology that was issued was issued by the Minister in the Seanad and with very little notice. Will the Taoiseach do the right thing and, with proper notice, give this apology on behalf of the State in the Dáil?

The Taoiseach: First, it is important to give context to this. The Minister, Deputy O'Gorman, has led much very important work in respect of illegal birth registrations and, in the context of the Birth Information and Tracing Bill and the amendments thereto which take on quite a number of the recommendations from the child rapporteur in respect of illegal birth registrations, the Government believed it was appropriate that an apology would be made on behalf of the Government by the Minister. That said, I have heard what survivor groups and victim groups have said and, of course, I am more than willing to do this and will engage now with the Minister and with other groups in terms of timing and how that would be done best. What happened here in terms of the illegal registration of births, depriving people of their basic right to identity and consequential access to all information pertaining to their births, was shocking. The Birth Information and Tracing Bill, in my view, will address that. The issue of proper access to birth rights has gone on for decades and I welcome that this legislation will give an unprecedented level of comprehensive access that was long overdue.

Deputy Richard Boyd Barrett: We found out recently that 33 families and households who

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had been on the housing list in the Dún Laoghaire-Rathdown County Council area for many years were removed from that list last year because they slightly exceeded the income thresholds. For at least five years, we have been asking for the income thresholds to be increased. We have had promise after promise by the Minister. He told me the review was completed at the end of last year. To give an example, I am aware of a woman who, along with her daughter, has been in homeless accommodation for three and a half years. She is working for a State agency and has just been taken off the list. I know of a couple, one of whom is a hairdresser while the other works in Tesco, who have been removed from the list. These are people on very low incomes. They have now lost all their years on the housing list. Their incomes would never even begin to get near the rents and house prices in the area and they have been removed from the list, yet we still do not have the raising of the income thresholds.

An Leas-Cheann Comhairle: Go raibh maith agat, Deputy. The Taoiseach to respond.

Deputy Richard Boyd Barrett: When is it going to happen? Will the people who have been removed get their time back?

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank the Deputy for his question. The review of the social housing income limits is nearing completion. I received a submission. We are working through some changes in that regard. To be fair to the Deputy, he has raised this matter on a number of occasions, as have others on both sides of the House. The income limits have not been reviewed for years. There will be changes made. We are doing this as well in the context of the roll-out of our affordable schemes, such as cost rental, that will pertain to those who are above the social housing limits. We are nearing completion on that and it certainly will be done in this session.

I have engaged with Deputy Boyd Barrett on specific cases. We are open to looking at any anomalies that are within the system. The local authorities are the housing authorities in each of those areas.

An Leas-Cheann Comhairle: We are over time.

Deputy Darragh O'Brien: They have a certain discretion, which we ask them to operate. The work will be done in this session.

Deputy Seán Canney: I raise the decision by the ESB to decommission the wind farm in Derrybrien in my constituency. This is a terrible decision in light of what the Central Statistics Office, CSO, has published this week. A total of 40,000 houses have been getting wind energy from this project. It has also served to boost broadband and mobile telephone services in the area. It has been in operation since 2006, providing some €11 million per annum of electricity into the grid. We are talking about decommissioning it at a time when we need this energy. Second, the decommissioning process could cause a hell of a lot more environmental issues because there are 50 pylons and they are not just little poles. They are massive things, they are worth a lot of money and people around the world want to buy them. It would be a disgrace if this proceeds. I ask the Taoiseach, the Tánaiste and the Minister for Housing, Local Government and Heritage to consult the Attorney General to try find a way to keep the wind farm in operation.

Deputy Darragh O'Brien: Derrybrien does not have a distinguished history in regard to planning, installation, and its impact on the topography of the site and on residents in the area. It has been the subject of a very recent decision. As a country, we have been in infringement of

EU directives in this space. It goes without saying that my Department and every other Department will play their part in ensuring we have the energy security we need. The case regarding Derrybrien has, in effect, been closed, but all options in regard to energy security will be looked at. My understanding is the ESB has accepted the recent decision on the decommissioning of Derrybrien. However, all options will be considered.

Deputy Mattie McGrath: At present, there are huge waiting lists for basic but essential services, including occupational therapy, speech and language supports and psychology, in County Tipperary. In addition, there is no full-time family resource service for families in the county. This was highlighted recently by 11-year-old Cara Darmody of Ardfinnan National School, to whom I want to give special mention today. Cara, a fifth class student, has decided to do her junior certificate maths examination this year in an effort to raise funds. She is a passionate advocate for autism awareness and a big supporter of her two younger brothers, John and Neil, who have autism and are non-verbal. Cara is sitting the maths paper in June in an effort to raise funds for autism services at the autism spectrum disorder, ASD, unit in Ardfinnan National School and at Scoil Chormaic Special School in Cashel. I ask the Taoiseach, please, to act to address this issue. The situation is so hard on families and children. It is desperate. The waiting lists are not improving and the delays and lack of services are simply appalling.

An Leas-Cheann Comhairle: Thank you, Deputy. The Taoiseach to respond.

Deputy Mattie McGrath: I salute 11-year-old Cara, who is a brave girl, for taking this initiative to raise funds. I hope the Taoiseach will listen.

The Taoiseach: I thank the Deputy for raising this issue. I, too, pay tribute to Cara for what she is doing to raise awareness in respect of autism. I am very conscious of the situation of her two brothers, John and Neil. I have visited Scoil Chormaic Special School on a number of occasions but I do not think I have been to Ardfinnan National School recently. I salute all those involved in that area. As I have said in this House previously, I am a strong believer in greater provision within the school context in terms of putting in place multidisciplinary teams, which should happen in the first instance within special schools. I will be doing some further work with the respective Ministers in this regard.

Deputy Michael McNamara: I have raised the issue before of an independent review of University Limerick Hospitals Group, which includes the most consistently overcrowded hospital in the country. The Taoiseach agreed the proposal had some merit and would be considered but I have not heard back about it. Since then, an expert team has been sent in by the Minister for Health, Deputy Donnelly, to ease overcrowding. I assume that expert team is firefighting, just like management there, in terms of the day-to-day issues of trying to treat people rather than taking a strategic view of what is required into the future. The issue is particularly so now that the elective hospital that was proposed by some of the Government's backbenchers as a possible solution has been ruled out by the Minister. Will the Taoiseach appoint somebody or have an expert review commissioned to take a strategic view of what can be done to ease overcrowding, including, if necessary, the upgrading of one of the other hospitals in the area or an increase in their workload? The current situation is unsustainable.

The Taoiseach: I thank the Deputy for raising the issue. To cut to the chase, the expert team will not just be about firefighting. Its purpose is to look at the entire management process and what is going on within the hospitals. There was a very good article by Paul Cullen in *The Irish Times* yesterday about how some hospitals have developed systems that are getting better

outcomes than others. He instanced St. Luke's General Hospital in Kilkenny as a very good example. With different systems and mechanisms, one can get better outcomes, especially working in the context of a hospital group.

Deputy Fergus O'Dowd: There is a foul, disgusting and obnoxious malodour emanating from the Drogheda wastewater treatment plant. It is at its worst at night, at weekends and during warm weather. Nearby residents often feel ill and their well-being is significantly affected. Despite frequent meetings with Irish Water, things have not changed. The directive from the Environmental Protection Agency, EPA, that Irish Water must address these issues urgently was answered this week by the latter when it said it will have the final critical improvements in place in 2027. We cannot wait another five years to have this issue resolved. I urge that there be immediate Government intervention.

Deputy Darragh O'Brien: I am aware of the issue with Drogheda wastewater treatment plant and I thank the Deputy for raising it. Odour neutralising treatment will be implemented at the main pumping station this year. I assure him that I will make further contact with the chief executive of Irish Water to make sure any works that can be done are expedited. As the Deputy knows, the Government is putting €6 billion into capital infrastructure on a multi-annual basis between now and 2026. That has never been done before. Great progress is being made but there are still wastewater treatment plants, such as Drogheda, that have odour issues.

Deputy Fergus O'Dowd: It is bigger than that. It is appalling.

Deputy Darragh O'Brien: Following the Deputy's intervention today, I assure him that I will make contact at a senior level with Irish Water and revert back to him.

Deputy Patrick Costello: I raise the issue of staffing in HSE psychological services. I have been contacted by a young man in my constituency who, to put it simply, has been strung along by the HSE and given no real therapeutic supports. This, of course, is a wider issue and not just in my constituency. Initially, the young man was seen by a psychologist in training, but when the training period ended, the supports also ended and there has been no replacement psychologist. There seems to be a recruitment issue and there are not enough staff. Students and trainees are being used to paper over cracks and the end result is that this young man, like many others, is not getting the supports he needs. What is being done to ensure there is adequate staffing in HSE psychological services? What is being done to ensure this young man who is asking for help gets the help he needs?

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for his question. Psychology covers a wide area. I deal with psychology in the area of mental health provision and my colleague, the Minister of State, Deputy Rabbitte, deals with it in regard to disability services. I met with representatives of the Psychological Society of Ireland last week to discuss these issues. On average, between clinical psychologists, educational psychologists and counselling psychologists, there are approximately 84 graduates a year. As the Deputy knows, there is a huge differential between clinical psychologist trainees, who get support for their fees and 300 paid hours of placement every year, and other psychologists, who do not get any support and for whom it takes up to nine years to qualify. I will be meeting soon with the Minister, Deputy Donnelly, on this issue. It is very important we support all types of psychology and that we enhance the number of graduates who can qualify every year.

Deputy Paul Donnelly: I raise the issue of places in autism classes in secondary schools.

In Dublin 15, there are currently 30 autism classes in primary schools, which cater for a maximum of 180 students. There are nine autism classes in secondary schools, with a maximum of 54 places. Secondary school autism class enrolment operates in the same way as it does for primary schools, with six pupils per class and the provision then closing until graduation.

1 o'clock

A recent survey relating to children in primary school found that in sixth class ten students have no secondary school autism placement with less than one month to go. Danu, the new local special school for Dublin 15, is at full capacity and will not open to new enrolments for five years. I ask the Taoiseach or a Minister to please intervene to ensure every child has access to an appropriate school placement. There will be a major public meeting on this on Monday in the Dublin 15 constituency. This is something that needs to be addressed immediately.

The Taoiseach: I thank the Deputy for raising this matter. I will engage with the Minister on the issue. It relates to post-primary placements. About 287 additional special classes with 1,700 new places for the 2022-23 school year have already been approved and provided. There is, however, an issue with second level placements, as I discussed with Deputies yesterday. There is in place legislation by which the Minister can direct post-primary schools to develop post-primary autistic units. There is an obligation on all secondary schools to make that provision. This has happened in primary education since the late 1990s, when we brought in measures providing for automatic entitlements for children with special needs, including autism. It seems to me that at second level that progress has been much slower. I will engage with the education and training board, ETB, and others to see if we can get that provision expanded.

Deputy Emer Higgins: I have raised previously in the Chamber the provision of menopause supports. I do so again today because right now the women of Ireland are experiencing a shortage of hormone replacement therapy, HRT, medicine. It is a matter of huge concern to women who rely on HRT to combat menopause symptoms, especially those who experience severe symptoms. Currently, however, we are seeing extreme shortages, which are impacting people's lives. We see similar medication shortages in respect of paracetamol, and just yesterday I saw reports of shortages of hay fever medication such as Piriton. Last month I was told via a response to a parliamentary question that the Health Products Regulatory Authority would continue to liaise with suppliers of HRT medicine in the coming weeks with a view to securing commitments on supplies. What is the update on that?

The Taoiseach: I have spoken to the Minister for Health about this issue. It is a supply issue. It is not just an issue pertaining to Ireland but is a global supply issue. I have made it clear we will do everything we possibly can to secure additional supplies because it is very serious and not acceptable at current levels. I will ensure the Minister keeps in touch with Deputy Higgins about the matter.

Deputy Patricia Ryan: The Commission on Pensions issued its report last year and made a number of recommendations. One was a requirement for benchmarking to ensure our older people are lifted out of the poverty trap. What progress has been made to ensure our older people can live in some small comfort during their twilight years? Will the Government commit to reducing the pension age, which was increased by the Fine Gael-Labour Party Government in 2011, back to 65?

The Taoiseach: All the recommendations of the pensions commission are integrated. One

cannot cherry-pick them with the ease with which the Deputy has just done. There are significant cost implications also. The report was published in October 2021. I note that in Northern Ireland, the Deputy's party supported increasing the pension age to 66, so there is somewhat of an inconsistency in Sinn Féin's approach in this House and in the North. Equally, in the North the Deputy's party recognised the challenges around pensions provision into the future. Some very serious issues fall due to be considered by the Government and the Oireachtas more generally in respect of sustainability of pensions over the next 50 years and how we make sure there is sustainability in pensions provision. The Government has taken significant decisions on, for example, auto-enrolment, which is an important complementary-----

An Leas-Cheann Comhairle: Go raibh maith agat, a Thaoisigh. Táimid thar am.

The Taoiseach: -----and supportive measure in addition to the State pension.

Deputy Éamon Ó Cuív: In the previous Dáil, the Wildlife (Amendment) Bill, which gives effect to a review of natural heritage areas, NHAs, carried out in 2014, passed the Dáil and the Seanad and then came back to the Dáil with Seanad amendments. The general election intervened, however. I note that the Wildlife (Amendment) Bill is on the list of other Bills, that is, the Bills in never-never land. Will the Taoiseach explain why this Bill, which has already been passed by the Dáil and the Seanad and was just awaiting a few amendments to be cleared by the Dáil, is not on the priority list and does not get reintroduced and quickly become law?

The Taoiseach: I will ask the Minister to go back and formally check that with the Department and we will come back to the Deputy on the matter. Generally, the Government has taken a very significant initiative on wildlife, particularly with the creation of a new agency in the National Parks and Wildlife Service, NPWS, and a significant expansion of resources and staff. We are very anxious about the protection of biodiversity, which is central to this. As I said yesterday in the Dáil, we all, collectively, have to get a grip on the protection of biodiversity and the climate change agenda that faces us in the world. We as a country have to make our contribution to that. That also manifests itself in the work we have to do on wildlife and its protection.

Deputy Peadar Tóibín: At the start of the year we were told that the shocking and tragic murder of Ashling Murphy would be a watershed. Yesterday, however, a mother of two, Lisa Thompson, was found murdered in her Ballymun home. Last month the country was shocked by the violent murders of Aidan Moffitt and Michael Snee in Sligo. Tom Niland was also attacked in his Sligo home last month. Those are just a few examples of the violent actions and murders happening in our society. The total number arrested for rape and assault in this State has doubled in the past ten years, yet only a small number of those cases have been tried in court. Ireland is becoming a harsher and more violent place, and it seems we have built in, accepted or tolerated some level of violence and murder in our society. It seems that outrage lasts as long as the media cycle. What steps is the Government taking to ensure we embed respect for life in society?

The Taoiseach: I thank the Deputy for raising this issue. I extend my deepest sympathies to the family of Lisa Thompson following her horrific and barbaric murder. I do not believe there is any toleration of such barbaric acts in this House or in society. I genuinely do not believe there is any tolerance threshold for such violence at all. Very significant new measures have been brought in in respect of sentencing, Garda powers and the Garda being in a position to bring many people to justice for the commission of these horrific crimes. As I have said before,

there has to be a whole-of-society response to such brutality. There can be no toleration of it.

Deputy Joe Carey: The Irish men's sheds movement has been in existence for the past ten years, and over that period a network of 360 sheds has been established the length and breadth of the country. There are 11 in my constituency, in County Clare. Men's sheds offer a really important social outlet for men, offering them a collaborative space in which to meet. They are very valuable. They can work with their communities. Today the Irish Men's Sheds Association held a briefing ahead of its pre-budget submission. It is time the Government provided adequate supports and measures for this really important grassroots organisation. There is a commitment in the programme for Government to do that, and I ask the Taoiseach to support that and to prioritise the Irish Men's Sheds Association in the budget talks.

The Taoiseach: I am very familiar with the Irish Men's Sheds Association and the very many different groups I have met across the country. I pay tribute to the work they do and the camaraderie, the collegiality, the ending of isolation and so on, which are very positive community developments. Local authorities assist such sheds on the ground and various groups across the country. Each has different regional, location-specific services and approaches. The answer is "Yes". I think the Minister for Housing, Local Government and Heritage met them the other day and the Minister for Rural and Community Development will meet them as well.

Deputy Marc MacSharry: Page 119 of the programme for Government commits to ensuring transparency to protect and to enhance democracy. Given recent allegations concerning a member of An Bord Pleanála, does the Taoiseach agree that the deputy chairperson of the board was correct in stepping aside without prejudice pending investigation of these allegations? If the Taoiseach agrees, as I assume he does, how can he reconcile this with the Tánaiste continuing in office while, following an investigation by An Garda Síochána, a file was sent to the Director of Public Prosecutions? Is it the Taoiseach's position, as people can be forgiven for believing at this stage, that depending on who one is in Irish society and what position one holds, different rules and standards apply?

The Taoiseach: I do not accept the basic proposition that the Deputy has put forward in respect of what has happened at An Bord Pleanála in terms of every live file, for example, being considered. I dealt with this earlier in a reply. The individual concerned - the deputy chairman - has acknowledged what he has said was inadvertent, but there are other issues. The Minister has appointed a senior counsel to look into those investigations. I do not think that case, in terms of the context of An Bord Pleanála, is comparable to the other issues that the Deputy has raised.

Deputy Marc MacSharry: Indeed, a DPP file would be more serious. Would the Taoiseach agree?

Deputy Johnny Mythen: I would like to ask the Taoiseach today why there are no affordable housing targets set for my county of Wexford and why Wexford is left out of the Government's affordable housing scheme. Every day, I deal with young couples who are striving to purchase their own homes but are caught in no-man's land - earning too much to be eligible for social housing yet too little to qualify for a mortgage through the banks. Rents in Wexford are up over 15% and house prices up over 12% on the previous year, and climbing steadily. The fact is County Wexford is now part of the Dublin commuter belt and housing is becoming more unaffordable by the day. Only last week, a three-bedroom house in north Wexford fetched over €400,000. The same week only one house was available on Daft.ie to rent for €1,800 per

month. Young families who are renting do not have a hope of scraping a deposit together at this rate. I would appreciate if the Taoiseach could explain why the people of Wexford are being excluded from the Government's affordable housing scheme.

Deputy Darragh O'Brien: I can confirm for the Deputy that Wexford is not being excluded. No county is excluded from the affordable housing fund. It is open to every local authority to apply and bring schemes forward. We have the most comprehensive affordable housing policy in the history of the State. The fund is open and I have encouraged all local authorities to access it. We will have the first home shared equity scheme across all 31 local authorities and all 26 counties in the State open from 1 July. We are delivering affordable housing this year, both affordable rental and affordable purchase. We are not just talking about it.

An Leas-Cheann Comhairle: We have run out of time. With the permission of the House, I will take the last three together. I call Deputy Danny Healy-Rae.

Deputy Danny Healy-Rae: I wish to raise with the Taoiseach a very important matter. Many elderly people are encountering severe problems in attaining home help. They are waiting for months. We cannot understand this because on the other side I know that people have qualified, are Garda vetted and are ready to go. The answer I am getting back day after day is that they do not have the staff and that they are waiting for them to be Garda vetted. There is something wrong. There needs to be an investigation into this matter because people cannot wait any longer. Old people do not have time on their side.

Deputy Cathal Crowe: I hope the Minister, Deputy Darragh O'Brien, can take this question. The current wind energy guidelines date back to 2006. They are grossly outdated. A new set of guidelines, which was to be adopted on the eve of the 2020 election, is still on the desk of the Minister, Deputy Eamon Ryan. How long more will they be there? We need them operational. We have seen best and worse practice over the past two years without updated guidelines being there. Could I also say that some of the conditions attached to planning, for example at the Slieve Callan wind farm in County Clare, are not being enforced? I have a complaint with the local authority at present relating to noise pollution but the local authority does not seem to have the resources to enforce these conditions.

Deputy Paul Murphy: I want to raise the murder of a female Al Jazeera journalist by Israeli troops in a Palestinian refugee camp earlier today. A photographer from the French media company, AFP, has reported that Shireen Abu Akleh was wearing a press flak jacket and standing with other journalists when she was shot and killed by Israeli troops. The Israeli Defense Forces ignored the jacket and shot her in the head in what has been described as a cold-blooded assassination. Another journalist reports that the "army did not stop firing even after she collapsed.", and goes on to say, "The army was adamant on shooting to kill." What action will be taken against this apartheid state?

The Taoiseach: In response to Deputy Danny Healy-Rae, funding has been provided for home help. The service has been dramatically expanded and increased by millions of hours by the Minister of State, Deputy Butler. There has been an issue in terms of recruitment of staff. If the Deputy has specific instances where staff are available to care for people, I ask that he forward them to the Minister of State, Deputy Butler. I am sure the Minister of State will take those up with the Deputy. Like the Deputy, we want to get to the bottom of it. The issue genuinely has been one of recruitment.

Deputy Cathal Crowe raised the issue of the guidelines. I will talk to the Minister, Deputy Eamon Ryan. They have been a long time in gestation and they have not come to fruition. There is a need to finish that, one way or the other, although I would have to repeat that renewable energy will be important, and wind will be particularly important in Ireland. Onshore and, increasingly, offshore wind will be a key ingredient in terms of our ability to deal with energy shortages.

To respond to Deputy Paul Murphy, I have already condemned in a previous answer the appalling murder of Palestinian Al Jazeera journalist Shireen Abu Akleh, who was fatally shot while reporting on a raid by the Israeli Defense Forces in Jenin in the occupied West Bank. We have issued a statement condemning the killing of Shireen Abu Akleh. Media freedom and the safety of journalists is paramount and must be protected. There must be a full, thorough and independent investigation. Ireland expresses its deepest condolences to Shireen's family. In any forum we are a participant in, we will call for such independent investigations.

Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach (Deputy Jack Chambers): I move:

That, notwithstanding anything in the Order of the Dáil of 30th July, 2020, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those set down to the Minister for Foreign Affairs on 10th May, 2022, shall be set down to Ministers in the following temporary sequence:

Minister for Education

Minister for Defence

whereupon the sequence established by the Order of 30th July, 2020, shall continue with Questions to the Minister for Social Protection: Provided that, notwithstanding the rota adopted by Order of the Dáil of 14th December, 2021, the sequence of allocation to parties and groups of Parliamentary Questions nominated for priority pursuant to Standing Order 49 shall be unaffected.

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committees

1. **Deputy Paul Murphy** asked the Taoiseach when the Cabinet committee that deals with the economy will next meet. [18417/22]

2. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee that

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deals with the economy will next meet. [18450/22]

3. **Deputy Peadar Tóibín** asked the Taoiseach when the Cabinet committee on economic recovery and investment will next meet. [21868/22]

4. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee that deals with the economy will next meet. [22009/22]

5. **Deputy Cian O’Callaghan** asked the Taoiseach when the Cabinet committee that deals with the economy will next meet. [22093/22]

6. **Deputy Ivana Bacik** asked the Taoiseach when the Cabinet committee on economic recovery and investment will next meet. [22897/22]

7. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee that deals with the economy will next meet. [22946/22]

8. **Deputy Barry Cowen** asked the Taoiseach when the Cabinet committee on economic recovery and investment will next meet. [23213/22]

9. **Deputy Christopher O’Sullivan** asked the Taoiseach when the Cabinet committee on economic recovery and investment will next meet. [23217/22]

10. **Deputy Cian O’Callaghan** asked the Taoiseach when the Cabinet committee that deals with the economy will next meet. [23378/22]

The Taoiseach: I propose to take Questions Nos. 1 to 10, inclusive, together.

The Cabinet committee on economic recovery and investment first met on 8 July 2020. It has met a total of 19 times, most recently on 28 March. The next meeting is scheduled for 16 May. Membership of the committee is comprised of the Taoiseach; the Tánaiste and Minister for Enterprise, Trade and Employment; the Minister for the Environment, Climate and Communications, and Transport; the Minister for Finance; the Minister for Public Expenditure and Reform; and the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media. Other Ministers or Ministers of State attend when required.

The Cabinet committee on economic recovery and investment is responsible for issues relating to the economy and investment. It had an initial focus on developing the July jobs stimulus 2020, and has since overseen the development of the Government’s economic recovery plan, as well as the review of the national development plan. It has also overseen the development of the Government’s national digital strategy. Regular updates and analysis of economic developments are also provided at these meetings. Issues relating to the economy are, of course, also regularly discussed at full Cabinet meetings, where all formal decisions are made.

Deputy Richard Boyd Barrett: The delivery of affordable housing is absolutely key to economic recovery. My colleague in Dún Laoghaire-Rathdown, Councillor Melisa Halpin, just received a reply from the local authority about Cherrywood, which is the biggest residential development going on in the State. The local infrastructure housing activation fund, LIHAF, funding which the State extended to the developers was supposed to be reciprocated with 300 affordable homes, but the local authority now thinks that will not happen. There is extremely poor engagement from the developers. It seems that whatever affordable housing the local authority gets will only be €37,000 less than the market price, which is now on average €644,000

in Dún Laoghaire, which means it will not be affordable. There is similar pessimism with regard to the Woodbrook-Shanganagh site, which is also LIHAF-funded. Public money was given to the developers for infrastructure in exchange for affordable housing. The discount is slightly more at €63,000 but given the average house prices in the area, the affordable housing we were supposed to get will almost certainly be unaffordable for the vast majority of people. That is utterly unacceptable. Indeed, the failure of the Cherrywood developers to engage seriously with the council after getting this money for the infrastructure to deliver affordable housing is a scandal. What is the Taoiseach going to do about this?

Deputy Mick Barry: The most famous village in Ireland, Blarney, is facing the closure of its post office. It is not alone. More than 200 post offices face the threat of closure in the next 12 months. The root of the problem here is the Government's failure to increase the pay of postmasters and postmistresses and its refusal to switch the provision of some key State services to the post office network. Ulster Bank and KBC Bank are scandalously preparing to exit the Irish market. Has the Government even considered the idea of transferring their services to the post offices? I suspect that Fianna Fáil, Fine Gael and the Green Party will not be quickly forgiven if these 200 post offices are allowed to close. I know for certain that the people of Blarney will neither forgive nor forget. Does the Taoiseach intend to act on these issues or will he stand idly by and allow these devastating closures to take place?

Deputy Cian O'Callaghan: My question is about economic evaluation of the Government's housing policy. The Government is planning to give €450 million in subsidies to developers to build apartments. These subsidies will be up to €120,000 and, in some cases, as high as €144,000. Despite this huge public subsidy there will be no discounts in the sale price, no affordability built in and the apartments will be sold at the full market price. For a fraction of this cost the State could buy the land and make it available for affordable housing and affordable purchase homes to be built. Has any independent analysis of these proposals been carried out? Is the Taoiseach aware of any other country in the world where the government is gifting such large subsidies to private developers? Does this scheme guarantee a minimum level of profit of 15% for developers? Why is the Government implementing the developers' wish list instead of measures to increase housing affordability? Is the Taoiseach concerned about the huge influence of people lobbying for developers on the Government's housing policy? Why is the Government so intent on gifting public money and resources to private interests?

Deputy Ivana Bacik: Economic recovery is hampered by the scourge of low pay in Ireland, with one in five workers on low pay. This has a knock-on effect because many people are unable to afford basic costs such as basic housing costs and are unable to contemplate having a secure home. They are simply on too low a rate of pay to be able to meet rising housing prices and rising prices for childcare, transport, food and fuel. This morning the Labour Party's Living Wage Bill 2022 was debated and we welcome the fact that the Government did not oppose the Bill. However, when will the Government move on the Bill? When will it move to ensure there is a clear pathway to transform the minimum wage into a living wage, as promised in the programme for Government? A report from the Low Pay Commission has been with the Tánaiste since March. Can the Taoiseach confirm when that will go before the Cabinet, when it will be published and when we will see the transformative measures to transform the hourly rate of those on the lowest pay into a living wage? When will such measures come into effect to transform the lives of those who are so desperately affected by the cost-of-living crisis?

Deputy Barry Cowen: My question relates to the Cabinet subcommittee on economic recovery and investment. Notwithstanding that its recent meetings were sure to deal with issues

pertaining to the cost of living, I specifically have a question about the costs associated with energy not only for households but also for business and its activities. In recent weeks another independent report and assessment appeared to indicate that the prices in Ireland are 25% over and above the European average, notwithstanding international pressures and other issues. The Taoiseach knows that I have been raising this matter for some time. It is the subject of investigation not only by our regulator, the Competition and Consumer Protection Commission, but also by the EU Commissioner for Energy, Ms Kadri Simson. I have briefed and asked the body within her remit to look at this issue and investigate, analyse and independently assess it for once and for all so as to bring some clarity to the issue of whether there has been a failing on the part of the regulatory and EirGrid systems that are in place here to ensure there is adequate competition, adequate supply and therefore adequate price variance available to the public and to business. Will the Taoiseach respond to the issue I have raised?

Deputy Christopher O’Sullivan: Like Deputy Cowen, I wish to raise the issue of the rising cost of energy. Due to inflation and an over-reliance on fossil fuels the cost of energy has skyrocketed. The rising cost of energy for households has been well documented and we have introduced measures. However, what has been less documented is the rising cost of energy for businesses, particularly small businesses. I have the example of a bill that a small business owner, a hotelier, showed to me. One part of the bill was an energy market adjustment charge of €5,000 extra due to the cost of energy. A well-known restaurateur showed me a bill that increased by over 250%. Urgent intervention is needed. It could either be through a financial support, and we have been good with financial support for businesses, or, second, and this is one that is an easy win, through the support scheme for energy audits, which makes €2,000 available to businesses that have a spend on energy of over €10,000. Many microbusinesses in small towns do not have that spend. Now, however, they are being pushed up towards it with the rising cost of energy but they cannot qualify for it. We should bring microbusinesses into that scheme as well.

The Taoiseach: I thank the Deputies for raising those issues in the broad context of the economy. There were quite a number on housing and energy.

In the first instance, the Housing for All strategy has a suite of measures, not one set of measures. There is a very strong focus on social housing and a target for 2022 of 9,000, with the aim of getting to approximately 10,000 per annum over the next five years and beyond. There are further targets for affordable housing, cost rental and private housing. As regards LIHAF funding, the LIHAF scheme has been in place for quite some time. I do not have the specifics in respect of the individual local authority and its relationship with the development companies to which Deputy Boyd Barrett referred, but I will talk to the Minister for Housing, Local Government and Heritage about the two specific cases mentioned. Suffice to say that in certain areas LIHAF funding has been important for getting construction going and getting projects off the ground. We need to build far more houses than we are currently building. It is as simple as that. We are simply not building enough houses, irrespective of the type of house, for a population of 5 million people.

Deputy Richard Boyd Barrett: Price matters.

The Taoiseach: Over the last ten years we were not building enough houses so we have to rapidly increase and then consistently have an output of housing of 33,000 to 35,000 per annum for the next ten years. That will enable us to provide younger people, in particular, with affordable houses to rent or buy.

In response to Deputy Barry, I often thought he might have kissed the Blarney Stone when he first arrived from Dublin to Cork because he has what the Blarney Stone mythically gives one when one kisses it. The closure of post offices is a serious issue. I recently met with representatives of post offices in Cork. The Government intervened last year and in the previous year by providing a funding stream to underpin some of the services and to support the viability and continuation of post offices. The Minister for Public Expenditure and Reform is looking at this very keenly at present because it is due to expire towards the end of the year. We are concerned that a town such as Blarney would be without a post office. We are looking at transferring services, but the customers of Ulster Bank and KBC Bank are going to migrate to other financial institutions and it is open to An Post to perhaps provide banking services and so forth. Fundamentally, however, there is the issue of the community-based services. In collaboration with the Ministers with responsibility for rural development and public expenditure we will seek to do what we can on financial underpinning and what other services, in particular State services, post offices in rural Ireland could realistically provide.

Deputy Cian O'Callaghan referred to the Croí Cónaithe fund. This has two aspects. One is apartment building in cities and the other is to try to facilitate through much smaller grants the repair of housing in town centres across rural Ireland. We all go through villages and towns where there are buildings and houses that are not in use or that have not been refurbished or renovated. This is one aspect. With regard to the aspect identified by Deputy Cian O'Callaghan, where there is an upper limit of €120,000, and not all may achieve this, there has been a challenge with regard to the viability of apartment blocks in Dublin, Cork, Galway, Waterford and Limerick. There has not been anything near the level of development of apartment blocks that are desired in city centres for a number of reasons. There is the whole idea of compact living, whereby all services are available within walking distance to people who live in residential areas and we have a more energy efficient city. There is a societal objective to ensure the viability of building large apartment blocks. This has not been realised to date. There is an aversion to tax incentives and this is shared across the House. The Croí Cónaithe fund has been designed to see whether we can bridge the gap between the viability cost and the market price to enable us to get far more supply into the market so that young people can buy apartments at affordable rates. Currently this is not the case in cities. We are looking at a supply of approximately 5,000 apartments. This is what the scheme is targeted to deliver.

Deputy Bacik referenced the issue of low pay. We have not opposed her Bill. The Tánaiste will come forward with a report on low pay. The Government has committed proactively to a living wage provision.

Deputy Cowen raised the issue of energy and the wider issue of competition in the market. Again, the Government will be giving active consideration to this. This was a feature prior to the pandemic. The fact that our prices are price higher than our European counterparts has been a feature of the Irish energy market for quite some time. This will be examined by the Government.

I take the point made by Deputy Christopher O'Sullivan on energy audits and their application to micro-companies. He raised two issues. Yesterday, the Government extended the low rate of VAT for the hospitality sector, including restaurants and small hotels, until February 2023. This should be of some help notwithstanding the huge impact of energy input costs.

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Cabinet Committees

11. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee on environment and climate change will next meet. [19798/22]

12. **Deputy Ivana Bacik** asked the Taoiseach when the Cabinet committee on the environment and climate change will next meet. [21061/22]

13. **Deputy Ivana Bacik** asked the Taoiseach the membership and terms of reference of the climate action delivery board co-chaired by the Secretary General of his Department. [21857/22]

14. **Deputy Bríd Smith** asked the Taoiseach the membership and terms of reference of the climate action delivery board co-chaired by the Secretary General of his Department. [21860/22]

15. **Deputy Richard Boyd Barrett** asked the Taoiseach the membership and terms of reference of the climate action delivery board co-chaired by the Secretary General of his Department. [21862/22]

16. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee on environment and climate change will next meet. [22010/22]

17. **Deputy Barry Cowen** asked the Taoiseach when the Cabinet committee on environment and climate change will next meet. [23214/22]

18. **Deputy Christopher O’Sullivan** asked the Taoiseach when the Cabinet committee on environment and climate change will next meet. [23219/22]

19. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee on the environment and climate change will next meet. [23439/22]

The Taoiseach: I propose to take Questions Nos. 11 to 19, inclusive, together.

The Cabinet committee on the environment and climate change oversees the implementation of the ambitious programme for Government commitments on the environment and climate change. The Climate Action and Low Carbon Development (Amendment) Act 2021 sets out Ireland’s key climate change commitments. It sets challenging carbon reduction targets for 2030 and the statutory commitment of achieving a climate neutral economy by 2050. The next step in the process will be to set sectoral emission ceilings that will determine the upper limits of greenhouse gas emissions for each sector. The cumulative sectoral emissions ceilings will keep within the overall carbon budgets approved by the Houses of the Oireachtas and which took effect from 6 April.

Agreed policies and measures designed to ensure that sectors quickly and significantly reduce their emissions have been set out in the Climate Action Plan 2021. The plan will be further revised this year to ensure that the actions it contains are sufficient to meet the reduction targets that will have been made explicit through the setting of the carbon budgets and sectoral emissions ceilings.

The Cabinet committee last met on Monday, 9 May, and the next meeting is provisionally set for 4 July. The Cabinet committee will continue to meet regularly during 2022 to progress all aspects of the Government’s ambitious climate action and environmental policies.

The climate action delivery board was established in 2019 and is jointly chaired by the Secretaries General of the Department of the Taoiseach and the Department of the Environment, Climate and Communications. Membership of the climate action delivery board consists of Secretaries General from those Departments that have key responsibilities for climate action delivery. Its original remit focused on overseeing the implementation of the last Government's Climate Action Plan 2019. Since then, the programme for Government, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2021 have changed the context of the work of the delivery board.

In November 2021, the delivery board updated its terms of reference to provide for these changes, including the addition of a requirement for the delivery board to monitor the implementation of carbon budgets and sectoral emissions ceilings, which are now provided for by law. Quarterly reports on the implementation by Departments of actions committed to under the climate action plan will continue as before. These will continue to be submitted to Government and published on my Department's website to ensure full accountability and transparency in the delivery of our climate objectives. A full list of the members of the delivery board and its terms of reference are available on my Department's website.

Deputy Darren O'Rourke: This week the World Meteorological Organization warned there is a 50-50 chance we will breach 1.5°C at least once in the next five years. The alarm bells cannot ring any louder. The energy transition to renewables is the foundation on which everything will be built. The renewables industry is also ringing the alarm bells. It also states there is a 50-50 chance we will reach our ambitious 2030 renewables target. It points to a number of factors and I want to raise several of these with the Taoiseach. One is the capacity of An Bord Pleanála's marine and climate unit. At present it has eight staff. The industry reckons this is a fraction of what is needed. This unit will be dealing with five or six offshore applications next January, for example. Another element, which picks up on an earlier point, is the cost of renewables. With regard to the renewable electricity support scheme, the RESS 2 auction will be announced on 17 May. There is an indication at this stage that costs will be significantly higher than in the RESS 1 auction. What is the Government doing to address this? The industry points to the need for indexation and commercial rates. Will the Government establish a high-level cross-government committee to engage with the industry and look at the higher cost of renewables?

Deputy Ivana Bacik: The World Meteorological Organization issued a warning yesterday, as we know, that there is now a 50% chance that temperatures will rise by 1.5°C above pre-industrial levels within the next five years, by 2026. This is yet another wake-up call on climate, as if we needed one. The brutal war on Ukraine reminds us on a daily basis of our continued overreliance on fossil fuels. On a more optimistic note, as we saw in the pandemic, we can see the State, and other states, pivoting quickly to address urgent challenges. We need to see this sense of urgency brought to bear on the climate crisis.

We have called for urgent action on fast-tracking retrofitting and energy efficiency measures for homes and households. In recent times we have called for those homes that rely on turf for heating to be first in line for energy upgrades and greater subsidies. Has the Cabinet committee considered this? I thank the Taoiseach for his clarification on the membership and terms of reference of the climate action delivery board. We still have questions about the obligations on the delivery board and in particular its reporting obligations. Will the Taoiseach confirm whether it still has to report to the Government every quarter? Must it still present an annual progress report and updated action plan to the Government? It appears that some of the changes to the

terms of reference removed some of these obligations. Again, we need to see urgent action and an urgent commitment to the work of this delivery board.

Deputy Richard Boyd Barrett: People Before Profit has for many years campaigned for free public transport on buses, trains and the Luas as the type of radical measure necessary to increase the use of public transport. We have also called for much more investment in public transport to make it more frequent and reliable and a more attractive service to use. The Government has gone a tiny way towards what we have proposed with a 20% reduction. I welcome it but I do not believe it is enough. I have heard concerns from bus workers and I think they would like reassurances that given our privatised model that allows private operators to operate, the NTA will not now use the reduction in fare income as leverage to demand that lower tenders are put in and pressure is put on wages and conditions of bus workers, which have been under threat for some time. They need reassurance on that because our bus workers-----

The Taoiseach: Who? Is it private operators?

Deputy Richard Boyd Barrett: The NTA because it is the one that tenders the routes. The NTA has given the 20% reduction but it is also the body that makes decisions about tenders. Bus workers do not want reduced fare income to be used as essentially a means of then demanding cheaper tenders and pressure being put on the pay and conditions of bus workers, who actually need a pay rise at the moment. They do not need pressure on their pay and conditions.

Deputy Barry Cowen: In the context of the sub-committee dealing with climate change, will the Taoiseach check to see when the territorial plan will be agreed and submitted to the Commission in order to draw down the matched funding to the NDP, which is €84 million, to provide the just transition funding and allow the body administering it, namely, the Eastern and Midland Regional Assembly, to be set up and in place to effect the sort of impact we wanted and expected to see on foot of the decision by An Bord Pleanála in 2019 to close power stations following the planning applications made for dual-powered stations at that time? It is imperative that this be put to work and that the acceleration of decarbonisation can be the incentive for coming out of this better than we went into it. I ask the Taoiseach to update the House as to the progress relating to the submission of the territorial plan, which in turn will ensure that funds can be drawn down and that can be put to work as soon as possible.

Deputy Christopher O'Sullivan: It has been suggested in this Chamber that the answer to our energy needs is drilling for more oil and gas off the Irish coast, which would take years before an appropriate location was found. It has been suggested that LNG might be the answer to our energy needs. It has also been suggested that perhaps we should reopen the bogs. I am not talking about the turbary rights where Deputy Cowen has fought for the rights of individuals to burn turf in their homes. It has been suggested that we should open the bogs for the production of energy. Surely by the time all this is done, the appropriate way to deal with the energy crisis is to advance and expedite our switch to clean renewable energy. Surely we should bring forward at a much faster rate mechanisms whereby we can increase and scale up floating off-shore wind in particular, so that it can do two things - deal with the energy crisis this country is in the midst of and deal with a climate crisis that will bring catastrophes, the likes of which we have never seen before.

The Taoiseach: I thank the Deputies for the issues they raised. Funding has been provided by the Minister to increase the capacity of An Bord Pleanála. Along with the Minister for Housing, Local Government and Heritage and the Attorney General, I was determined, coming into

office, that we would get the Maritime Area Planning Act 2021 passed so that the Maritime Area Regulatory Authority could be established to deal comprehensively with applications for offshore wind development. That is extremely important. All Deputies raised the report of the World Meteorological Organization. We had a previous debate in the Dáil about stopping carbon tax increases. We must get real in terms of providing resources to enable us as a State to address climate change. The Deputy raised legitimate points.

Deputy Darren O'Rourke: Is carbon tax paying for An Bord Pleanála? It is not.

The Taoiseach: My point is that we are not going to be able to retrofit houses-----

Deputy Darren O'Rourke: It is a deflection.

The Taoiseach: -----in the future to the scale we want if we do not have revenue. We will not get environmentally-friendly farms or protect people from fuel poverty if we do not have revenue. That motion was on the issue of turf, which can be resolved, and carbon tax. Parties like the Social Democrats, which talk about climate change, voted for that motion.

Deputy Cian O'Callaghan: We voted with the Government on carbon tax.

The Taoiseach: No, but on the Private Members' motion. The point I am making is that future generations will not forgive this generation of politicians if we do not deal comprehensively and urgently with this. There will be significant challenges. We are up against it in terms of meeting the targets that have been set.

Deputy Richard Boyd Barrett: Tax profits instead of consumers.

The Taoiseach: We must tackle it on all fronts. It is not an ideological issue. Human behaviour must really be the way to deal with it.

Deputy Richard Boyd Barrett: The Government never taxes profits.

The Taoiseach: In terms of the climate action delivery board, we now have the Climate Change Advisory Council, which will report annually in respect of the targets Government has set and the targets set under the Climate Action and Low-Carbon Development Act. The delivery board will be reporting quarterly. There is no need for it to do the work of the Climate Change Advisory Council in respect of its annual report, which will be the key report in the respect of the delivery of the climate action plan and the targets within the legislation.

I welcome the implementation of low bus fares on public transport. This is a good thing. I admire Deputy Boyd Barrett's capacity to always turn a positive into a negative fairly quickly. By no stretch of the imagination is anybody seeking to suggest that a reduction in fares for people travelling on buses will be used to reduce the pay of bus workers. In particular, bus workers in the public sector will be covered by the normal public service pay frameworks while those in the private sector will be covered by a variety of processes in terms of labour relations mechanisms. There must be further work with private sector operators in respect of low fares and the Minister for Transport is engaging with them in that regard.

I do not have exact timelines but work is advanced in terms of the submission of the territorial plan for just transition. This is important and I am very anxious to get accelerated delivery in terms of just transition more generally, not just the submission to Europe but also the utilisation of our own funding in terms of the commitments that have been made and the targets set

for retrofitting, for example. We need to get faster realisation of what has been committed to.

In respect of the matter raised by Deputy Christopher O’Sullivan, I do not believe we should open up bogs again to meet further energy needs. There are immediate issues around energy. We are a large importer of fossil fuels and will continue to be for a number of decades. Gas will be a transitional fuel. However, there is no doubt that the only future is to double down on renewables and to do so as fast as we can. This particularly relates to offshore wind energy. The Minister for the Environment, Climate and Communications, his Department and the Government at Cabinet committee level are endeavouring to drive this as fast as we can in respect of offshore wind energy to reach our 2030 targets and become a net exporter of energy through renewables from 2030 to 2040.

Citizens’ Assembly

20. **Deputy Richard Boyd Barrett** asked the Taoiseach the expected timeline for the citizens’ assemblies committed to in the programme for Government. [21861/22]

21. **Deputy Paul Murphy** asked the Taoiseach the expected timeline for the citizens’ assemblies committed to in the programme for Government. [21864/22]

22. **Deputy Neale Richmond** asked the Taoiseach if he will report on the timeline for citizens’ assemblies as included in the programme for Government. [22026/22]

23. **Deputy Ruairí Ó Murchú** asked the Taoiseach the expected timeline for the citizens’ assemblies committed to in the programme for Government. [22989/22]

24. **Deputy Ivana Bacik** asked the Taoiseach the expected timeline for the citizens’ assemblies committed to in the programme for Government. [22901/22]

25. **Deputy Cian O’Callaghan** asked the Taoiseach the expected timeline for the citizen’s assemblies committed to in the programme for Government. [23379/22]

26. **Deputy Mick Barry** asked the Taoiseach the expected timeline for the citizens’ assemblies committed to in the programme for Government. [23440/22]

The Taoiseach: I propose to take Questions Nos. 20 to 26, inclusive, together.

The Government agreed on 8 February 2022 to the establishment of two citizens’ assemblies, one dealing with the issue of biodiversity loss and the other dealing with the type of directly elected mayor and local government structures best suited for Dublin. The inaugural meeting for both assemblies took place on Saturday, 9 April 2022. The terms of reference, as set out by the Oireachtas, call on the assemblies to conclude their deliberations within eight months and to submit their reports ideally not later than nine months from the date of commencement and sooner if possible. The establishment of the next citizens’ assemblies, one on drug use and the other on the future of education, will be subject to a Government decision and resolutions of Dáil Éireann and Seanad Éireann at the appropriate time. The question of when the next assemblies might commence depends in large part on how soon the current assemblies conclude their work and submit their reports.

Deputy Richard Boyd Barrett: We recently sought to hold a referendum to debate our

neutrality. The Taoiseach suggested, in response to that and in voting down our motion for a referendum, that we consider a citizens' assembly on neutrality. Is he serious about that? I believe we should still have a referendum to give the people the right to debate and decide. Will we have a citizens' assembly, which would also be welcome, to discuss the issue? One of the issues it could discuss as part of defining neutrality is consistency in standards and principles when it comes to foreign policy.

I draw attention yet again to the double standards in the response to what happened in Jenin in the past 24 hours. The Taoiseach has rightly condemned the murder of a journalist, and I am glad he has done so. He also called for an investigation. However, there is another important issue about that event. What the hell were the Israeli Defense Forces, IDF, doing carrying out "an operation" on Palestinian territory? For the last six weeks, the Taoiseach and western leaders have rightly condemned Russia's "operation" in Ukraine. They have called it out for what it is, namely, a brutal, unjustifiable, inexcusable act of military aggression on somebody else's territory. Why is the same thing not being said about Israel's incursion into Jenin in Palestinian territory? What was Israel doing carrying out a military operation on Palestinian territory? What is it doing day-in, day-out carrying out military operations on Palestinian territory? Will we call that out as well?

Deputy Ruairí Ó Murchú: Many in this House believe we should already have a citizens' assembly on drug use. We need to make sure that happens as early as possible in 2023. Anybody who has engaged with any community in Ireland knows the dangers and harm drug addiction is causing. Looking outside my constituency office on court days, I can see people who have been impacted by drug addiction. This impacts utterly negatively on wider society. People will often say it is like looking at a squad of zombies. It is incredibly frightening. There has been a failure in this regard. We are dealing with huge levels of drug debt intimidation, with families being put under severe pressure and gangs demanding money at high rates of interest.

We need to ensure the citizens' assembly happens. We have spoken about Europe and European affairs this week. At the Conference on the Future of Europe, I was surprised - this possibly points to the lack of representation of peripheral communities across Europe - that the issues of drug addiction and dealing with organised crime and its impact on communities were not brought up by anyone other than me, as far as I could see. That is frightening. If we are to talk about engagement, it has to happen at a real level. We probably need to look at a Europe-wide solution. We need this to happen as soon as possible. There has been a failure by everyone in this House in this regard. The Taoiseach should not get me wrong. I have taken an incredibly strong position on policing actions but we need further action.

Deputy Ivana Bacik: As Chair of the Joint Oireachtas Committee on Gender Equality, I thank the Taoiseach for his engagement with our committee. We are making progress on reviewing the recommendations of the citizens' assembly. Its 45 important recommendations are effectively a blueprint for achieving gender equality. We want to produce an action plan by the end of this year to ensure those recommendations will be implemented. We have sought assurances from the Taoiseach and the Government that a referendum will be held next year to put into effect recommendations Nos. 1 to 3, inclusive, of the citizens' assembly. In other words, we are seeking constitutional change to delete the sexist language about women and mothers from the Constitution and to strengthen our equality guarantee. Can the Taoiseach give some indication that the Government will commit to holding that referendum, building on the work the joint committee is doing and the citizens' assembly has done?

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My colleague, Deputy Ó Ríordáin, and others have repeatedly sought a date for the proposed citizens' assembly on drug use. Can that be brought forward to commence early next year, as I believe the Taoiseach indicated previously? Can that be confirmed?

We welcomed the citizens' assembly on a directly-elected mayor for Dublin. Is it the intention to have an election for that office in May 2024? What is holding up plans for a directly-elected mayor of Limerick? We do not see any sign of plans to ensure the election for that office will take place either this year or next year. Since it has been three years since a plebiscite was held to introduce the office of a directly-elected mayor of Limerick and more than a year since the general scheme of the relevant Bill was published, we ask for a timeline for having a directly-elected mayor of Limerick.

Deputy Cian O'Callaghan: I will ask the Taoiseach a question on the Stardust inquests. The families who lost loved ones in the Stardust fire have been waiting more than 41 years for truth and justice. They cannot be left waiting any longer. The Taoiseach has acknowledged that given the length of time the inquest will run, the juries will need to be paid. As the Taoiseach will know, neither the Coroners Act 1962 nor the Juries Act 1976 allows for juries at inquests to be paid. The Government gave commitments back in February that this would be addressed urgently. When will this matter be resolved? Will legislation be brought forward in this Dáil term, as it needs to be? What approach will the Government take to this?

The Taoiseach: I thank all Deputies for raising the various issues in the context of this group of questions.

On Deputy Boyd Barrett's question, it is my view that there should be a citizens' assembly in relation to all aspects of neutrality. In the first instance, however, we have committed to citizens' assemblies on education and drugs. We will be examining the timeline around a citizens' assembly on neutrality. We have to get Government agreement on that. Conscious of the war in Ukraine, it is my view that we should try to maintain unity of purpose in relation to the war across all of the various strands of Government policy on and responses to Ukraine; in relation to the European Union in terms of our humanitarian response and facilitation of the EU peace facility; in terms of our humanitarian aid to Ukraine, amounting to €20 million, which we have sent through the UN's international agencies to facilitate that contribution; and in terms of supporting Ukraine's application to join the European Union. I want to maintain the broadest possible unity of purpose across society. If we were to have a premature debate on military neutrality, that in itself could take the focus away from where it needs to be right now, which is on the humanitarian crisis and dealing with accommodation and access to services in this country. We do that well. That is my view.

I do not necessarily accept Deputy Boyd Barrett's view, which he put so starkly, that there is a contrast in standards in respect of different issues, conflicts and behaviours in different parts of the world. I do not want to get into scale but what is happening in Ukraine represents the worst humanitarian crisis historically since the Second World War. Those are not my words but the words of the UN Secretary General, António Guterres, and the United Nations. This is not a comparable situation, even though what is going on in Palestine is shocking too. I have been a strong, outspoken critic of----

Deputy Richard Boyd Barrett: There are 7 million Palestinian who have been estranged from their homes for 70 years.

The Taoiseach: I have been a strong outspoken critic-----

Deputy Richard Boyd Barrett: There are 7 million of them.

The Taoiseach: I did not interrupt the Deputy. He should allow me to respond.

Deputy Richard Boyd Barrett: The Taoiseach should not get into a league table of suffering.

The Taoiseach: I am not getting into a league table. The Deputy deliberately intervened so as not to allow me to follow through on what I was about to say.

Deputy Richard Boyd Barrett: I am listening.

The Taoiseach: My point is that I have consistently been an outspoken critic of Israeli Government policy in respect of Palestine. Ireland as a country has consistently called out, to use the Deputy's phrase, the constant and consistent violation of agreements already reached on Palestine. Our view is that the Palestinian people have a right to a homeland. We believe in a two-state solution to resolve this long-standing, historical conflict, with two states that go back to the 1967 borders.

2 o'clock

We have been very strong and proactive supporters of UNRWA, as has the European Union. The Deputy never, ever gives credit to the European Union for the work it does for Palestinians.

Deputy Richard Boyd Barrett: That is not true.

The Taoiseach: He never mentions it, for whatever reason, because it does not suit the anti-European Union perspective that he has. The Deputy never does. He always has to be reminded. He talks about consistency of approach and consistency of standards. What amazes me from time to time, from certain parts of the opposite side of the House, is the complete lack of any acknowledgement of the fact the European Union represents the most significant supporter and benefactor of Palestinian humanitarian causes, of UNRWA and so on. That never gets acknowledged, although that has been a consistent European Union position.

Deputy Richard Boyd Barrett: The Israelis blow up EU stuff all of the time.

The Taoiseach: What I have said is that the Government has condemned this appalling murder of a journalist and also the continued violation of basic human rights in terms of the Palestinians' freedom of movement and so forth.

Deputy Richard Boyd Barrett: It gives Israel impunity.

The Taoiseach: Deputy Ó Murchú legitimately raised the issue of drug abuse. I accept fully the shocking impact that drug abuse has on communities, as well as organised crime. The Minister of State, Deputy Feighan, has commenced preparations for the Citizens' Assembly on drug use, which Deputy Bacik also raised. This has been done to ensure that there will be no delay in establishing the Citizens' Assembly on drugs when the two assemblies that are currently operating complete their work before the end of this year or, at the latest, in quarter 1 of 2023. That will allow a period of over one year for the Government to consider its recommendations.

In the meantime, of course, work is under way in regard to drugs policy, there is a whole

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range of activities going on and the Minister of State is involved. A health-led approach to drug use is what the Government is pursuing. The Government has adopted a health diversion programme to offer compassion, not punishment, to people who are in possession of drugs for personal use. The programme will connect participants with health services to provide a pathway to recovery and will also allow participants to avoid a criminal conviction, which can have far-reaching consequences, particularly for younger people.

In regard to Deputy Bacik's points, I look forward to the output and the work of the Committee on Gender Equality and the recommendations of the Citizens' Assembly. The Government is positive about holding a referendum in regard to those recommendations. The timelines are something we can discuss with leaders of the Opposition parties and the Oireachtas more generally in terms of those issues because the timing is important in regard to a proper lead-in and so forth. There also has to be agreement on the precise wording which has prevented that referendum from happening previously, when, in my view, it should have happened. I look forward to the action plan that the committee is going to produce. I have already discussed the drugs issue.

In response to Deputy Cian O'Callaghan, I have met with the families of the victims of the Stardust fire, in particular in regard to the issue of payment of juries because the Coroners Act and the Juries Act do not facilitate that. I have asked the Minister for Justice to give consideration to that issue. My understanding is that discussions were taking place between the Attorney General and the Minister for Justice and I will follow up on that. Time is moving on and I accept this issue needs to be brought to resolution. There has been significant progress in terms of the holding of inquests and so on, but this is an issue that has been raised in respect of ensuring that one can have juries for the much lengthier time that will be involved here.

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

Written Answers are published on the Oireachtas website.

Cuireadh an Dáil ar fionraí ar 2.04 p.m. agus cuireadh tús leis arís ar 3.04 p.m.

Sitting suspended at 2.04 p.m. and resumed at 3.04 p.m.

Defamation Act 2009 Review: Statements

Minister for Justice (Deputy Helen McEntee): I thank the Deputies for providing me this opportunity to update them on my plans to reform and modernise defamation law in Ireland. Copies of my statement should have been left in. I will check.

Acting Chairman (Deputy Kathleen Funchion): They will be circulated as the Minister goes on.

Deputy Helen McEntee: I want to ensure that our legislation addresses the challenges posed by an increasingly complex media landscape. I strongly believe the rule of law and democracy cannot truly flourish without robust protection for the right of freedom of expression though, of course, this must always be carefully balanced, as it is under our Constitution and the European Convention on Human Rights, with safeguarding the individual right to good name

and reputation. The question is about striking the right balance between those rights.

On 1 March, I published the report on the review of the Defamation Act 2009. I hope that Deputies have had an opportunity to view the report which is available on my Department's website along with a complementary summary document. I look forward to hearing from them during this debate about their views on the report and its recommendations.

Our defamation legislation must protect the right to freedom of expression while also safeguarding our citizens' right to a good name and reputation. We need to be mindful of striking a balance between those rights which are both protected by our Constitution and the European Convention on Human Rights. It is essential we respect the crucial role played in our democracy by a free and independent media and other civil society actors in providing information and debate on public matters of interest.

Enshrining the right of access to justice for people whose rights have been infringed is also a core principle we must uphold. Online defamation, in particular, is a complex and evolving area of law that presents particular challenges through its overlap with EU law and with privacy and data protection law. I am committed to reviewing and reforming defamation law with a view to upholding these rights and achieving that balance in line with our programme for Government commitments.

This report considers in detail all the issues raised by submissions which were made to my Department during our consultation process. It examines relevant reforms in other common law countries and at EU level and sets out a range of recommendations for change. The review contains proposals to provide clearer protection for responsible, public interest journalism. It also recommends a number of mechanisms that support more consistent, proportionate and predictable redress in defamation cases.

One of the report's major recommendations is to end the use of juries in defamation cases. In their submissions to my review, many individuals and organisations told us that using juries leads to excessive awards in defamation cases, high legal costs, unpredictable outcomes and extremely long delays. It is worrying that these factors are seen as having a very chilling effect on public interest reporting and on media freedom of expression.

Traditional print media is operating in an increasingly difficult environment where high awards and legal costs threaten the very economic viability of some national newspapers. Both the European Court of Human Rights and our Supreme Court have underlined that awards in defamation cases must be proportionate to avoid infringing the right to freedom of expression.

There have been a number of examples in recent years where very large jury awards for defamation were reduced substantially by the higher courts on appeal. In one such case a jury award of €10 million was reduced on appeal to €250,000. However the need to appeal an excessive award can lead to significant extra legal costs and delays. The fact that juries cannot give reasons for the decisions in defamation cases was also viewed as a cause for concern by many who engaged with the consultation, as it can lead to legal uncertainty and to appeals brought simply to clarify the point of law in an issue.

The review proposes the provision of quicker, lower cost and more accessible and effective redress mechanisms, including in cases of online defamation. It makes proposals to support increased use of alternative dispute resolution and of prompt correction and apology where mistakes are made. The report examines a general view expressed by some submissions that

it is too easy for plaintiffs to bring defamation proceedings and that they should have to satisfy extra tests and conditions before they have access to the courts.

Given the importance of safeguarding access to justice, the report recommends against introducing any such general measures. However the report also considers where there is scope for abuse of defamation law, which includes the issuing of vexatious proceedings, and it proposes measures to guard against this particular risk.

Finally, the report makes proposals to clarify or simplify the requirements of some defences to defamation cases. These include defences important for public debate and investigative journalism and they respond to submissions from the print media and the National Union of Journalists, NUJ.

On the other hand, the report also acknowledges the difficulties for individual plaintiffs in accessing justice. Easier access to justice for individuals whose reputations are unfairly attacked is a key recommendation of this review, which contains several proposals to ensure plaintiffs have quicker, more effective and lower-cost access to redress. One example concerns changes that would make it easier and less expensive to seek a court order directing online service providers to disclose the identity of an anonymous poster of defamatory material. The renowned journalist Walter Cronkite once said that “Freedom of the press is not just important to democracy, it is democracy”.

Our defamation law must safeguard against any attempts to weaken and deter public interest discussion and, in particular, investigative journalism. That is why I am pleased there is a specific recommendation in the report for the introduction of a mechanism against strategic lawsuits against public participation, SLAPP, into Irish law. This is to prevent wealthy and powerful entities from undertaking strategic and abusive use of vexatious litigation. Vra Jourová, the European Commission Vice President for Values and Transparency, launched a package of EU anti-SLAPP measures just last month. In her remarks at the launch, she noted that Ireland was among a small number of EU member states already exploring the possibility of introducing anti-SLAPP protection in our national laws. Like the review my Department has done, the Commission’s work seeks to strengthen protection for freedom of expression, taking account of the vital role played in our democracy by free and independent media, and other civil society actors, in providing information and debate on matters of public interest, while of course respecting other relevant fundamental rights. The proposal for a directive will now be subject to detailed consideration by the European Council and the European Parliament and we look forward to contributing to that discussion.

The anti-SLAPP recommendation in my Department’s review would essentially allow a person to apply to a court for a summary dismissal of defamation proceedings that he or she believes to be an instance of SLAPP. It goes beyond the scope of the Commission’s proposed directive, which is limited to civil cases with cross-border implications. The review is based on a considerable amount of consultation and analysis, including a public consultation, and a stakeholder symposium that brought together representatives from media, academia, the legal profession, social media companies, NGOs and relevant State bodies. Our Department also undertook analysis of the relevant judgments of the Irish superior courts and the European Court of Human Rights, ECHR. We scrutinised relevant EU law, including the proposed EU digital services Act, which includes significantly enhanced protection, enforcement and redress at EU and national levels against online content that is unlawful under national or EU law. We also carried out a comparative review of defamation laws and reforms in other common law

jurisdictions.

This report is the culmination of extensive work by my Department and I am proud of the results we have produced. Defamation is an extremely complex area of law, but it is also very important. That is why it is essential for us to take the time and effort to get this report right. I thank everyone who engaged with my Department during the review process. I thank them for their thoughtful and constructive contributions, which have helped to shape this report. Since its publication in March, it has been encouraging to see the broadly positive reaction to it, including from the NUJ and other media representatives. Overall, I believe that with the recommendations set out in this review, we have struck the right balance. I am committed to enshrining defamation in law as soon as possible.

My Justice Plan 2022 commits to publishing the general scheme of the defamation (amendment) Bill in quarter four of this year. My officials will consult in detail with the Office of the Attorney General during the preparation of this general scheme. I look forward to working again with all the relevant stakeholders, including members of the Oireachtas, as part of that legislative process. Even more than that, I look forward to enshrining in law principles that protect and enhance some of the most fundamental rights underpinning a truly democratic society.

Deputy Pa Daly: In the context of my background in and thoughts regarding defamation law, I remember working in an office in Dublin some 25 years ago. One Saturday afternoon, we received word that members of a family were concerned that a Sunday newspaper, when a story was being written about somebody else, was going to, as those family members said, defame a relation. The newspaper was going to state that another member of the family was a drug addict and that she had worked in prostitution. The family members said that was not true. The woman in question had passed away the year before. We were not a legal practice that specialised in libel, but we contacted the newspaper in question. As the lady concerned was dead, I believed the usual restraints and the care and caution that would usually have been taken were dismissed. The dead cannot be defamed and a deceased person cannot sue, and that was the attitude of the newspapers. Without some protections being in place therefore, powerful institutions, newspapers or online creators would abuse their positions.

I welcome this review. I mention specifically the changes that would make it easier and less expensive to seek a court order directing online service providers to disclose anonymous posters of defamatory material. I say that because many people defamed online, be they contributors to Facebook or Twitter, are defamed by people they do not know. Putting pressure on the social media companies is important in this regard. There is much in the review I welcome. As the Minister said, the legislation must protect the right to freedom of expression, while also safeguarding the right of citizens to a good name and reputation. This is about striking the right balance between these two aspects, which is going to be important and also difficult. Enshrining the right of access to justice, as the Minister said, is a core principle and an important one.

Since that time 25 years ago, some cases in this context have been heard by the European Court of Human Rights. There was the *Putistin v. Ukraine* case, where it was established that the right of reputation can follow down from a deceased person to a member of the family. Although there have been slight changes, it is important to keep an eye on this. Therefore, the balance between the right to maintain a good name and freedom of speech can be difficult to find, but we must strike it fairly. Everybody is entitled to their good name. Many times in recent years I have heard from schoolteachers who have told me that damaging content, whether videos or comments, have appeared online about pupils of theirs. Those teachers had no suc-

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cess in dealing with the social media companies, which were difficult to contact and slow to remove any content which had been posted. With the massive profits these companies make and the tax breaks they receive must come responsibility. I spoke before about Ireland not being a haven for bad behaviour by these large companies, be that in the context of tax, data protection or defamation.

Similarly, many people who have been slighted, abused, offended by false, misleading comments or blatant lies feel that the expense of taking on a media outlet has put them off doing so. We must introduce legislation which allows access to justice without, as the Minister said, unnecessarily hampering freedom of speech. We must also call out certain attitudes towards freedom of speech and defamation that exist. There is still the legacy of section 31, which meant that people in my party were not allowed to speak on behalf of a union. That attitude is still prevalent sometimes, especially among some older members of the media. It was a millstone around the neck of free speech. Sometimes the NUJ was not good at attacking that limitation on free speech. Undoubtedly, most publishers of content, be they newspapers or social media platforms, are powerful organisations with significant resources. They are able to fact check stories and, like the insurance company that settles a case against the wishes of a policyholder, if media outlets take a business decision not to publish a story they feel they can stand over, that is their prerogative. It should not, however, hinder the rights of ordinary citizens to take a case.

I note the Minister's recommendation is to end the use of juries in defamation cases. We must, though, bear in mind that the same arguments about extra legal costs and delays were mentioned 35 years ago when juries were abolished in personal injury cases. The insurance companies lobby said that would lead to a reduction in the cost of car insurance, but we all know what happened since. I also welcome the proposals to support an increased use of alternative dispute resolution and prompt correction and apology where mistakes are made. It is already the case, however, where a case is taken for defamation or libel, that an apology given at an early stage will reduce the amount of compensation that can be given. There is a general view in respect of having to satisfy extra tests and conditions, and the Minister said that "Given the importance of safeguarding access to justice, the report recommends against introducing any such general measures". I agree with the Minister on this aspect and I welcome her decision in this regard. These issues are of course not confined solely to the law, and reforms to the law will not affect media diversity and media ownership, as well as the matter of social media platforms and their policies. The Future of Media Commission and the Online Safety and Media Regulation Bill will be instructive in this regard and represent opportunities to address these matters. Press freedoms and media diversity should also be protected by these measures.

The defamation review gets quite a number of things correct, as I have said. There are a number of recommended measures that will speed up the hearing of claims, including the power, as the Minister mentioned, to dismiss a claim if it has not been progressed in a two-year window. Another improvement is the introduction of the proactive case management system, because the courts can become clogged with claims and counterclaims, distracting the courts from other some other business. The anti-SLAPP provision is also important, because the court should be in a position to dismiss claims that are vexatious and merely looking to silence a critic of someone involved in big business. It should work hand in hand with the recommendations around legal aid, although the review does not establish a clear view on that matter. However, that can be discussed at a later stage.

Many claims against individual defendants are never intended to end up in court. People want a quick resolution. Some people do not want the money, so long as an apology can be

received and the content is taken down. Many people who take cases ask for a donation to be made to charity. They are not in it for the money, but they want an assurance that a person will not do it again. That is fair and should apply from the people at the top of big business to an ordinary person. There should not be two tiers. Some journalists have called that some people should not be taking claims. However, I disagree with that completely. More detail about all of that needs to be worked out, especially in relation to eligibility for legal aid. However, it represents positive steps. Mediation will also be an improvement, although there are some circumstances in which it will be inappropriate. Mediation, in effect, usually takes place, in any event, between the lawyers.

On the move towards judge-only trials, as I said, it might be a negative move. A serious harm test may prove too high a barrier for many. The Government's thinking on the serious harm test seems to have been shaped by some lobby groups that are concerned by issues such as people who are accused of shoplifting suing for defamation. However, this is an area to be looked at for people who are falsely accused in the shop, for example. They need to have some access to justice. Many of those types of cases came back to security guards who did not receive adequate training and falsely accused some people. I have seen many such cases over the years.

We need to be careful about civil law being hollowed out to suit the interests of business and its lobby groups. The resources of trade unions or consumer groups and of the Irish Council for Civil Liberties, ICCL, which does good work, to engage in those areas are stretched across a number of areas. Many of these groups can lead the State up a certain direction, as we have seen in the area of insurance reform. The Government needs to reflect on striking the balance between free speech and the right to a good name.

I note what the Minister said about her justice plan for 2022 and a general scheme of defamation in quarter 4 of this year. I look forward to seeing that and working with her on it. I also look forward to seeing what the Office of the Attorney General returns with.

I would like to finish on a press freedom matter. When we speak about press freedom around the world, I wish to condemn in the strongest terms the shooting dead of Shireen Abu Akleh and the injury to her colleague, who is in a stable condition. Shireen Abu Akleh was shot while reporting for Al Jazeera on an Israeli Defence Force raid on Jenin refugee camp in the West Bank, as I am sure the Minister is aware. According to some media outlets, there was no gunfire exchange and she was shot by Israeli snipers while wearing her press vest. Will the Minister and her Government work through the institutions to ensure this behaviour ceases and moves are made towards peace and justice in the Middle East? Will she support our call for a public investigation or public inquiry through the International Criminal Court, ICC?

Deputy Sorca Clarke: I welcome the time to contribute to this important debate. As recognised in the report, the Constitution provides a number of rights that offer protection against defamation but also against a complaint of having made of defamation, including the right to freedom of expression, the right to protection of a good name and reputation and the right of access to the courts.

I was disappointed to read in the report that some stakeholders considered the law affords too much weight to the protection of reputation at the expense of freedom of expression, because the core of this issue should not be a reputation versus freedom of expression position. It should be that what is free of influence is being put out into the public domain and is factually

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correct. When a statement or media coverage is factually correct, it is essential that the misuse of defamation laws to censor others and to prevent journalists from reporting on issues or stories that are in the public interest is wrong. That is not a right that anybody has, nor should it ever be.

While reform of this legislation is required and is something we have previously called for, it is important for that balance to be struck in the legislation but also in fair access to procedures to right a wrong, including the courts. Defamation cases are too often seen by the public as being restricted to people with financial means and not something they themselves could afford. For that reason, the inclusion of defamation in the Civil Legal Aid Act to remove the financial barrier of taking a defamation case for ordinary, working people is very important.

On the recommendation to make mediation an obligation, I ask the Minister to consider and recognise the situations where that would simply not be appropriate, for example, where there is a background of coercive control or domestic abuse between parties. It should go without saying that solicitors inform clients of alternative dispute resolution pathways open to them. It is unrealistic to expect every single person to have full knowledge of all procedures and all options open to them without receiving professional advice. This recommendation, coupled with the inclusion of the Civil Legal Aid Act, would work very much towards removing additional barriers.

I am very uncomfortable and do not agree with defamation cases being decided by a judge or with the limiting of juries' roles in deciding whether a statement is defamatory, with the judge then deciding the level of damages. There is a level of double standards in that which I find very uncomfortable. In one aspect we are saying we will trust the jury's ability and determination but outright reject it in another. The Minister mentioned the award of €10 million being reduced to €250,000 on appeal. Yes, there is a financial cost to that, but the very crux and core of that was the fact that somebody was defamed, and that should not be lost. Also, I do not agree with juries being forced to justify their decision, which is, after all, based on the information presented to them.

Ultimately, people have a right to their good name and a right to be able access procedures to right wrongs in regard to that. We will support reforms that remove barriers for ordinary people to defend this right on balance with the responsibility of those who put information into the public domain for it to be correct, and doing that in a manner that also ensures defamation laws are not used to censor or prevent journalists from reporting stories in the public interest.

Perhaps the Minister would provide an update on the review of civil legal aid scheme contained in the justice plan for 2021.

I would like to come back to a statement the Minister made in her opening remarks around prompt correction and apology where mistakes are made. We have all seen the situation, particularly in print media, where there is a statement put out that is categorically incorrect and found to be incorrect. However, the apology that comes after is in no way, shape or form given the same level of coverage in that print media as the original allegation. That may seem like quite a small issue, but if a factually incorrect statement about you is printed in a newspaper, the very least you would expect to have faith in that is that the apology would receive the same level of prominence as the allegation.

Deputy Brendan Howlin: Forgive me for rushing in. Wednesdays seem to be one of those

days. I was just at the launch of our committee report. I am switching my brain to something else. The issue of defamation is a very important subject. Defamation laws are always an extremely difficult policy issue to deal with in respect of balance when it comes to the right of free speech and fair comment, which must be available, especially to the press. It is an extremely important bedrock of any democracy to have an uninhibited free press. Balancing those sets of fundamental rights against the right of persons to their good name and privacy is sometimes very difficult to achieve. I acknowledge that because it has been debated many times in these Houses.

The last attempt made at striking a balance was the 2009 Act. That Act set out nine defences against a legal action for defamation, some of which are obvious. Truth is a defence. So, too, is absolute privilege, which allows those of us in this House to speak without let or hindrance. There is also the defence of qualified privilege. Honest opinion is a shield if a statement is proven to be honestly held and believed. Fair and reasonable publication on a matter of public interest is a defence if it can be proven the statement was made in good faith on a public interest matter for the benefit of the public and published in a fair and reasonable way. I will not go through all the defences because I do not have time.

When the 2009 legislation was enacted, it seemed to me to contain a reasonable checklist of defences with which somebody could shield himself or herself in court from an act of defamation. To deal with the relevant issues, we set up several regulatory bodies, such as the Press Council of Ireland, the Office of the Press Ombudsman and the Broadcasting Authority of Ireland, all of which were given specific responsibilities to ensure the freedom of the press while accounting for what is the right of citizens in any functioning democracy to their good name.

By and large internationally, defamation laws weigh against free speech. By and large, there is a chilling factor of action against public comment. Over generations, this has been at the root of allowing nefarious activities to continue, because people could not gather sufficient evidence to shield themselves against an action for defamation. In public policy terms, that has ill served many democracies. Therefore, I strongly welcome the review under way and, more important, what might flow from it.

Unfortunately, because I was running between Oireachtas duties, I did not hear the Minister's comments, but I will read them. I did not get from the review a sense of clarity of action. I will touch upon that in the couple of minutes I have. The outworking of the 2009 Act has raised specific concerns. When I entered the Chamber, some Members referred to the sizes of awards, but in many instances their concern has been addressed by the action of the Court of Appeal. It has very significantly reduced awards. Most of us have not sat in on or heard fully the cases that have been determined, or noted the awards juries have made, but the Court of Appeal has the right to re-evaluate those. It has very effectively done that.

We must now be cognisant that the nature of media is changing with social media, including Twitter, Facebook, Telegram, Instagram, TikTok and so many others I probably do not know about. We need to change our perspective on what constitutes defamation in the context of platforms that are internationalised but that have an impact in our own jurisdiction. I worked with the Minister on enacting the harassment, harmful communications and related offences legislation, the so-called "Coco's law", which was a milestone in changing and protecting people against serious harm or what I would call online assault, but defamation is obviously a different type of assault on the good name of somebody.

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I have a minute left in which to deal with the outcome of the review and the recommendations made therein. I cannot do it any justice in the time. Regarding juries and damages and the specific recommendations on taking defamation and court proceedings, there are a number of subsets to all the defences promoting alternatives and special measures regarding online and non-online defamation.

I will end as I began. This is an extremely complicated issue to get right. At stake is the potential to destroy somebody's good name, which can never be retrieved in some instances, but also to protect wrongdoing if there is no obvious protection for free speech. I look forward to hearing, and maybe to having more time than six and half minutes in which to tease out, the views of the Minister when the legislation is produced and presented.

Deputy Cathal Crowe: I welcome the review of and report on the Defamation Act 2009. The review was a legislative priority of the Government when it took office in 2020. It is important that the Government and State strike the balance, referred to by other speakers, between our competing sets of rights as individuals protected by our Constitution and the European Convention on Human Rights.

Following the review, the Cabinet has to work on a new set of defamation laws for Ireland. There are issues to be dealt with in this regard. Among the key objectives are putting an end to juries in defamation cases and providing easier access to justice for individuals whose reputation has been unfairly attacked. One of the measures I am most interested in is the one that will make it easier to obtain a court order to get beyond the anonymity of somebody who is abusing or harassing somebody online.

Just a short while ago, I got an alert on my phone from *The Irish Times* indicating Deputy Carroll MacNeill has endured her share of harassment. Just a few weeks ago, following a speech I made here in the Dáil, an individual went online, a gunshot was fired and threats were made. We are in the realm of that repeatedly in the body politic. There are many ways in which someone can express frustration with how we politically represent our people or constituencies. If individuals want to be blunt, they may by all means be so, but there is a reasonable threshold. Sometimes that threshold is exceeded. When that happens, it is over to An Garda Síochána. Some people, like Satirical Soldier, might live in a pseudo-world in which they sit behind a computer, snack away on junk food and type hate messages and whatever they want to say, but I live in the real world, as do the Minister and others in this Chamber. We have An Garda Síochána and various mechanisms but it is important for the law to get beyond the veil of anonymity behind which so many have hidden for far too long.

I am aware of a local media outlet that had a very important and fair story to tell that I knew about and into which I had an input. However, on the night of publication a very large industrial heavyweight sent in all sorts of legally threatening letters to prevent the article from being printed. I felt that went way beyond the bounds of what was reasonable. In preparing legislation, we need to give our journalists, some of whom are here today behind the scenes, powers to tell the important stories fairly, clearly and in the public interest.

In 2011, a farcical situation unfolded in Britain when a very prominent Premier League footballer who had had an extramarital affair took out a superinjunction to protect his name and identity. Over a four- or five-week period, various tabloids published photographs of him that had blacked out his eyes and the strip of his football team. The whole world knew who the footballer was. It just became farcical. At the time, I was at a talk at which a solicitor in the

room was asked whether there was such a thing as a superinjunction in Ireland. We certainly have injunctions, and a superinjunction is theoretically possible. At times, larger companies and those which have the financial wherewithal to protect their names seem to have more powers of protection than the ordinary citizen. The law needs to ensure equity in this regard. I was defamed a few years ago, but I remember being talked down from taking legal action by my solicitor because by the time I would have gone through the courts to clear my name and gone through the process, the person at the other end might not have paid out. That happens far too often when people go to a local solicitor with a claim of defamation.

We need to get the balance right to ensure there is freedom for reporters to accurately represent what is happening in the country and to tell the story they need to tell. Protection needs to be built in, particularly insofar as the online world is concerned. There can be no more anonymity. Our hate crime legislation should deal with some elements of that. It is important that it does not become a case of someone having the money and someone else not having it. There has been far too much of that in Irish law and, indeed, in international law in recent years. We need to get all of those balances right as the Government goes about legislating. I thank the Minister.

Deputy Patricia Ryan: The Defamation Act 2009 defines defamation and refers to a statement being defamatory where the statement is published, the statement is false and the statement explicitly implies to or refers to a specific person. The report into the review of the Defamation Act 2009 runs to 313 pages. While reform of the legislation is required and is something we have called for previously, it is important for a balance to be struck.

Defamation cases are also seen by some members of the public as a remedy that is only open to well-heeled individuals and not as something they could afford. Any reform must remove financial barriers for ordinary people to defend their good name while also maintaining the ability of the press to report on stories that are in the public interest. Sinn Féin is opposed to the recommendation that the use of juries in defamation trials be abolished. Indeed, we have also opposed this move in the North.

Regarding recommendation 2, further clarification is needed on the potential changes which the Government may seek to make regarding serious harm. We strongly support the removal of the exclusion of defamation from the Civil Legal Aid Act 1995. We must remove the financial barrier of taking a defamation case. We are also in favour of the introduction of the so-called anti-SLAPP mechanism, which will ensure ordinary people, including workers and customers, are protected from being silenced by big companies that initiate defamation cases as a form of censorship. In this case, SLAPP stands for a strategic lawsuit against public participation. There must be a balance that facilitates ordinary people who have the right to fight for their own good name and highlight wrongdoing by employers and companies.

The recommendation to make mediation an obligation may not be appropriate in certain circumstances, and this must be considered. This would include mediation in a defamation case between a couple where there is a background of domestic or coercive control. Requiring a survivor of abuse to sit in mediation with an abuser is wholly inappropriate.

We support the recommended requirements for solicitors to inform clients regarding alternative dispute resolution. One of the barriers facing people in defending their good name is a lack of knowledge. This recommendation, along with the inclusion of defamation in the Civil Legal Aid Act, will help to remove barriers.

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The points under recommendation 5 seem to be broadly in line with the spirit of our recent Responsibility of Social Media Platforms (Defamation Amendment) Bill 2022, which was introduced seven weeks ago by my colleagues, na Teachtaí Kenny, Munster and Tully. This will allow an application for a Norwich Pharmacal order to be made to the Circuit Court. At present, only the High Court can make these orders which compel a third party service provider to disclose the identity of an anonymous poster of defamatory material.

In conclusion, people have the right to their good name and Sinn Féin will favour reforms that remove barriers for ordinary people to defend this right. However, we must keep in mind that people do not have a right to use defamation law to censor others or prevent journalists from reporting issues in the public interest. Anyone who has read the book *Champagne Football* by Mark Tighe and Paul Rowan, which tells the inside story of John Delaney and the betrayal of Irish football, will know that laws can be abused and this Bill must take this into account.

Deputy Holly Cairns: Any defamation law has to carefully balance freedom of expression and the protection of journalism as well as the constitutional right to a good name. To say our current defamation laws have gotten that balance wrong is a gross understatement. When we have people with very deep pockets potentially putting a title out of business by virtue of a successful action in the courts, it goes beyond the question of protecting a person's good name. The cost of a single case with high payouts and legal costs could bankrupt smart media outlets and even larger media companies can only withstand so many.

The financial and legal vulnerabilities of the press are well known and are exploited in order to suppress stories. The former FAI chief executive John Delaney once told his board that he was pressing on with a weak defamation case against TheJournal.ie "so they don't write anything about us". The recommendations contained in this report would go a long way towards the reform needed in defamation law. The removal of the role of juries, in particular, would drastically reduce the costs associated with these cases.

The report did not recommend a book of quantum for damages, which would have provided additional protection against massive damages awards. The explanation given was that the reputational damage is mainly intangible and hard to put a number on. I would like to see this teased out a bit further during pre-legislative scrutiny. It strikes me as strange that when issues with high personal injury claims were highlighted as having an impact on the insurance industry, a book of quantum was put together. The courts managed to put a value on the loss of a limb, but putting a price on degrees of reputational damage is something beyond us. I am not a legal professional and by no means am I suggesting that this would be simple, but I do not think it is impossible.

Related to this is the question of whether there should be a test of reputational damage before deciding whether a defamation case is taken, as is the case in the UK. I do not understand why this review may have erred on the side of caution here because it comes down to whether defamation, in and of itself, is worthy of a trial and damages, regardless of whether there was a material impact on someone's life.

It is undeniable that there have been defamation cases where people have claimed their professional reputation was in tatters and were afforded high damages as a result without ever really having to prove it. The contradiction comes in where there is a recommendation in the report to introduce a test of serious harm for transient defamation claims. These claims make up the majority of defamation cases. They are often related to providing or refusing retail ser-

vices and are taken by ordinary citizens, not the rich and influential people we typically associate with defamation cases. Are we saying we can test and quantify reputational damage or harm caused by defamation to ordinary working-class citizens, but in the case of someone with a high public profile and a lot of money it is impossible to do so? If we are trying to move away from defamation law being a law for the rich, we need to ensure we are treating everyone equally.

It is very welcome to see a recommendation for the introduction of an anti-SLAPP defence, which would introduce the right to seek dismissal for groundless suits that seek to suppress journalists. These defences were proposed by the European Commission and were dubbed Daphne's law after the Maltese anti-corruption journalist Daphne Caruana Galizia, who was assassinated by a car bomb on 16 October 2017. At the time of her death she was facing more than 40 lawsuits. She described the emotional effect these cases had on her as "Churning, churning nerves all the time". She stated that her biggest concern was that "because people see what happened to me, they don't want to do it. It's scared others off".

We have always known the vulnerabilities inherent in our defamation laws, but there has, until very recently, been absolute reluctance by successive Governments to act. In fact, this review, which was provided for in the Defamation Act 2009, was supposed to take place seven years ago. The blunt truth, which I think we all need to acknowledge, is that it was not changed because the current laws benefit politicians.

This is not a party specific issue; Deputies and Senators across the Houses have taken defamation cases against media outlets for decades. Under the reforms recommended in this report, many would have been thrown out immediately. We are in somewhat of a unique position as legislators that we write the laws that shape how the media can operate, a media that holds us and everyone else in the public interest accountable. It is our responsibility to ensure that the law allows them the freedom to do so and allows investigative journalists to do their work to the fullest extent possible and the media to expose corruption, backroom deals and lies. This House has abdicated that responsibility for a long time. It is very welcome to see reform is on the way and it is essential that legislation is enacted as soon as possible.

Deputy Dara Calleary: I welcome the publication of the report. I agree with Deputy Howlin. I would like to see the initiation plan as soon as possible. This issue has dragged on for some time. I do not agree with the interpretation of Deputy Cairns as regards why it dragged on, but it is highly complex. The report that has been published deals with the complexity in detail, however, and I commend all those involved in it. We need to move quickly towards legislation, however, and resolving the various anomalies and challenges that were in the system.

There is an irony in this regard in the context of a country that has such fearless journalism. I refer to the work of people such as the late Veronica Guerin and many other journalists who cover the area of crime. In recent weeks, we have seen some of the bounty of that work. Various documentaries through the years highlighted corruption in business and various organisations or examined the Troubles, yet that bravery has to operate under the cloud of the current defamation laws. Editors and journalists speak of it as a cloud and an ongoing pressure. At a time when traditional media, on which we rely for truth and standards and to challenge so many aspects of life, is under the pressure it is currently experiencing, this is an anomaly that needs to be resolved. Ireland cannot be left as a kind of hub for libel tourism, as it was described as several weeks back. That is not the kind of market or reputation we need, particularly now that the UK has left the EU. This is a serious area of law but, too often, it becomes demoted to tabloid fodder. There is a current example of very serious issues of law getting degraded and demoted

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to headlines and silly coverage. We need to move away from that. Mr. Didier Reynders, the European Commissioner for Justice, recently stated:

Ireland's defamation laws should be reviewed as they may suppress the ability of the media to expose corruption ... The laws are notoriously strict, providing a low bar for lawsuits against journalists and media organisations that are often used to put pressure on journalists.

When the European Commissioner is saying that about us, we need to act urgently. The European Court of Human Rights and Reporters Without Borders have made similar suggestions and statements. Ireland was recently discussed in the context of issues that are happening in Malta. That is not somewhere we need to be in this regard.

It is good that we are moving away from the jury system. We need to ensure that people have recourse to justice and the right to access it but it needs to be done in a far more efficient manner. The cost of accessing justice has to be addressed. I am intrigued as to how the whole area in respect of strategic lawsuits against public participation, SLAPPs, is being considered but there is still significant vagueness in respect of the serious harm test. There seems to be a contradiction there and I would appreciate it if the Minister were to address that point. The whole area of SLAPPs is growing. It is extraordinary that people even thought of it in the first place. I welcome the intention to introduce an anti-SLAPP mechanism.

As I stated, an awful lot of progress in this country is owed to investigative journalism. We need to ensure that we get the balance right, however. That is the challenge. We need to get the balance right in the context of the rights of citizens to defend their name if it is being impugned and also the right of access. It is true that the whole area of defamation law is currently financially inaccessible to many people. Many of the reforms proposed in the report will address some of the cost issues but those who can afford to take law cases in this area at the moment tend to be wealthy and we need to consider that as well.

Equally, we have to stand up and defend the right of a free media. We have to defend the right of journalists to ask questions, conduct hard interviews, do detailed investigative work and make hard calls based on that work, whether it be in politics, sport, social life or life generally, as we have seen in this country in recent years. Where would we be in the context of the various exposures in respect of child protection were it not for investigative journalism? Where would we be without investigative journalism in the context of the various exposures relating to the church and its dealings with children? Where would we be in respect of corruption in politics or business without investigative journalism? Many tribunals have been established on the back of investigative journalism. Unless we act quickly in respect of this report, we risk diminishing the capability of investigative journalism and weakening it to the point where it no longer has a role to play. That would be a sad and bad day for democracy.

I refer to legislation in respect of caps on damages. It is a difficult one because there is generally a tendency in this country to lead with judicial independence and guidelines, but this issue is beginning to impact on insurance costs. The book of quantum is beginning to reduce insurance costs and that needs to be considered here as well.

Most important, we need to move it on. We need to move on quickly. Let this be a priority for the Government and implemented as soon as possible. The media landscape is changing before our eyes. I have not even gone into the whole social media side of things. The way media is done is changing before our eyes. With that change comes responsibility on the part

of the State to protect its citizens, but also not to act in a manner that has a chilling effect on investigative journalism and media. As we speak, the Upper House is debating the Online Safety and Media Regulation Bill. That issue and this one are aligned, as is evident from some of the comments made today in the House. I wish the Minister well but I ask her to, please, give this the priority it deserves. We have been too long waiting for it. Too many investigative institutions have gone under, albeit not as a consequence of this issue. It is however, one of the reasons journalism and the media in Ireland is such an intimidating place to be in business at the moment.

Deputy Ruairí Ó Murchú: Once again, it comes down to the difficulty of trying to strike a balance. Obviously, people have a right to their good name and to be able to defend themselves. Anybody who has had to have recourse to the courts at this point in time in respect of any matter, from planning right through to criminal investigations or anything else, knows the courts are absolutely backlogged and all the rest of it. As such, anything that can be introduced to facilitate streamlining needs to be considered.

I urge caution in respect of the possible removal of juries from defamation cases. People have a right to swift justice, particularly in the context of preserving their good name. I reiterate much of what has been said. It is about that difficulty of trying to find a balance. Obviously, fabulous work has been done through investigative journalism. We certainly do not need anything that will put a cap on that or an obstacle in its path but there has to be fairness across the board.

Many speakers have referred to the fact that one place where there is absolutely no level of fairness is online. That is not news to most people in this Chamber. Obviously, any moves that can be made to reduce the protection of anonymity for people who defame others online have to be welcomed and facilitated. All present would agree there is a much wider issue. The Online Safety and Media Regulation Bill is being discussed in the Seanad but also for discussion in this House is the recent agreement at European level.

4 o'clock

My view is that it is incredibly important that we deal with the social media giants as publishers. We must ensure they exercise a certain due diligence in regard to what is being posted. Whether they are dealing with the Garda or others or whether information is provided to them regarding content that is harmful, wrong or defamatory, we certainly should make it easier to have such content removed as quickly as possible.

Beyond that, we need to realise that the real difficulty when it comes to social media giants relates to the information that was put out there by Frances Haugen in regard to Facebook, in particular, and the weaponised algorithms that can be used by connected networks, whether they are state or non-state actors, trolls or whatever else. We have seen the huge impact that can have. It is particularly bad when there are corrupt regimes that utilise what is being provided to them by a business that is quite happy to do it on the basis that it makes money. We also know that huge harm has been done in individual cases, where, for example, people, particularly young people, may have issues in regard to eating disorders. We all know now how these algorithms work in general but the main difficulty is that we do not know exactly how they work. There are very few people in the world who know exactly how the Facebook algorithm works. I know how it works for me and someone else knows how it works for him or her, but we do not know exactly how it is mapped out.

The argument has been made to me that in the case of Google, for instance, we can do a search or make a contention and we know Google will be fairly good at providing information on whether that contention is true or false. In regard to Facebook, however, we cannot say exactly whether that is the case. I know from speaking to Ms Haugen that she has raised the possibility of using agent architecture and making an attempt to put a simulated system in play in order that we could test how the whole thing works. I have somewhat digressed. The point I am trying to make is that as much as we need to deal with this particular legislation, we also really need to get to grips with the social media giants and the damage that is being done in that area. In particular, we need to get to grips legislatively with, and get some technical knowledge around, the algorithms and the damage they can do across the board.

Deputy Jim O’Callaghan: It is 12 years since the enactment of the Defamation Act 2009. Although section 5 of the Act required that a review be conducted, we are only now seeing the produce of that review. In fact, section 5 stated that the review was to be completed within a year. However, we probably are in a stronger position for not having had that review after such a short period of time. When trying to appraise the impact of legislation that is seeking to change how court cases happen and how the legal system operates, we are better off waiting for a period of some ten years. There is a benefit, therefore, in the delay that has occurred.

As a barrister, I have represented many litigants who have taken cases in defamation. I also have represented many litigants, including media organisations, who have defended cases taken in defamation. My involvement does not give me any more authority or influence in this debate but there might be some benefit in the House hearing from a practitioner who has seen how that area of the law operates. It is worth pointing out that it is hard for people outside the legal system to understand the extent of defamation claims. Although there are no statistics on this, I would estimate that such claims amount to a very small percentage of all the claims that are issued each year, either in the High Court or the Circuit Court. In fact, I suspect they account for less than 1% of the total. However, simply because they are small in number does not mean this is an area of the law that should not be reformed, but it is important to have perspective as to the incidence of these claims under our legal system.

It is also important that we take into account the conflicting rights that arise in this area. In this legislation, the Oireachtas is trying to balance two conflicting Article 40 rights. On the one hand, we have the Article 40 right that each individual has to his or her good name. On the other hand, we are trying to balance the right people have to freedom of expression. It is always the case that where there are two conflicting rights, there is going to be difficulty in determining which right, on occasion, should supersede the other. That determination is the function of the Legislature, as we have done in other legislation. In the case of the adoption and tracing legislation that is going through the Houses of the Oireachtas, for example, we are also trying to balance two conflicting rights.

It is fair to say that when we listen to the public debate on our defamation laws, more attention probably is given to the right to freedom of expression. I say that not in any way to criticise the media. I perfectly understand and appreciate why they would want the laws changed and they may have a strong argument in that respect. However, as observers, we need to recognise that, obviously, public commentary in the media is not completely objective. There is a desire on the part of media to switch the balance more in favour of freedom of expression. I commend Una Mullally, writing recently in *The Irish Times*, on acknowledging that fact. Even though she was advocating that there should be greater weight given to the freedom of expression side of the balancing act, she recognised that, as a journalist writing for a newspaper, her preference

was, of course, going to rest on that side.

It is important that we also look at how the right to one's good name operates. The right to freedom of expression is very visible and tangible. Colleagues have spoken about our need to be able to learn vital information from the media or in public discourse. That is a very obvious and pertinent point and it is one that needs to be emphasised. The right to one's good name probably is more nebulous. The best example I can give to Members and to any members of the public who are listening is to recall what happened in this House and elsewhere back in 2016 and 2017, when there were significant debates about what was done to a member of An Garda Síochána, namely, Sergeant Maurice McCabe. We all remember the reprehensible, dishonest and false campaign that was waged against him and the statements made about him in the public domain. Many of those statements were not broadcast in the media but there was a whispering campaign about him. The only remedy that man had in respect of those allegations was the Defamation Act. I remember speaking to people who expressed astonishment that there was not some law in place to make it a criminal act to spread false rumours that a person had been involved in reprehensible criminal activity. There was no such law. Sergeant McCabe's only remedy was under the Defamation Act. Obviously, he had a remedy in terms of his rights with his employer if the latter had breached his contract of employment. We need to have it in mind that the right to one's good name, although it is nebulous, is sometimes the only sanctuary people have where they have been subject to a very serious campaign of defamation against them.

We also need to recognise that, fortunately, we have very strong and independent media in Ireland. Deputy Calleary mentioned the excellent work the media have done in exposing wrongdoing in this country. It is important to point out that they were able to do that notwithstanding the existing defamation laws. We should acknowledge that Ireland was recently afforded sixth place in the world for press freedom by Reporters Without Borders. There is a lot of freedom for the press in this country. I know the media want more and I think we should change the Defamation Act to a certain extent, but we need to recognise that the media in Ireland are very strong, very trusted and very reliable. When I look at an article in a newspaper or hear a story broadcast on our media, I am fairly satisfied that the statements made in it are true. We need to admit that part of the reason we recognise and accept the information is true is that we know, because of our defamation laws, that the media would not and could not publish if it was false. At some stage, we must acknowledge that part of the reason we have such a strong and effective media in this country is that they are absolutely stringent in ensuring the stories they publish about people are correct. As part of a broader discussion about trying to ensure that standards in journalism remain as high as they are now, we need to be careful about saying to the media at large that it does not really matter if they get stories about people wrong and that they will not face any sanction for that. That does not mean I am not in favour of reform. I have looked at the report. It is a very detailed report and there is a lot of very useful information in it.

As to what I assess as being the main issues with defamation law at present, I will say the following. First, most defamation occurs online, not in what would be referred to as our mainstream media, for reasons I have just explained. If somebody is defamed online by an anonymous person, in general the person who is defamed now has to go on a rather tortuous journey to the High Court in order to secure from the court a Norwich Pharmacal order. I welcome the fact that in the report it is proposed that a statutory scheme be put in place to ensure that everyone knows what they have to do if they have been subject to defamation online.

I also welcome the fact that the report has looked at the e-commerce directive. That directive is far too soft on social media companies. They are not viewed as being publishers. They

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simply say to themselves that they are hosting communities and they allow members of the community to state what they wish to state. It is an Elon Musk-type argument, which is a belief in absolute freedom of expression. I do not believe in absolute freedom of expression and I do not believe anyone in this House does. When it comes to the e-commerce directive, we need to ensure that if a social media company is told that something on its online platform is false and defamatory and if it recognises that, it has to take it down. I can understand why, in the first instance, there could not be a liability imposed on the company for the immediate publication. Once the company is warned, however, it needs to take it down immediately.

I also welcome the proposal in the report that juries should not hear offers to make amends. An offer to make amends involves a defendant who makes a mistake. We need to recognise that it is an occupational hazard in media and journalism that people make mistakes. It happens in every walk of life. If media make mistakes and defame people by mistake, the sensible thing for them to do, which in most cases they do, is to put their hands up and say they got it wrong. That should be an easier path for them. At present, under the law as it is interpreted, although not, I think, as it was intended under the 2009 Act, a plaintiff still has the entitlement to have that offer to make amends heard by a jury. That should be changed.

We hear a lot about the SLAPP proposals that will be introduced. I welcome them. Nobody should use litigation for any purpose other than the stated purpose of the reliefs sought in that litigation. The only reason you should take a defamation action is that you have been defamed and your reputation has been damaged in the eyes of reasonable-thinking people. If somebody takes defamation proceedings for a collateral cause, that needs to be slapped out. I welcome that the public participation part is emphasised.

That brings me to the issue of removing juries from defamation cases. Why are we seeking to remove the public participation of ordinary men and women from determining whether an article or publication has defamed an individual? I think I can understand the reasons the media want to reduce that involvement in that they may believe it will reduce the length of cases, but I ask them to tread cautiously and carefully. If I worked in the media industry, I would much prefer my viewers or readers to adjudicate on my work as opposed to a judge in the Four Courts who probably would not have read the paper before.

It is an interesting report, I welcome the opportunity to speak on it and I look forward to the Bill.

Acting Chairman (Deputy Kathleen Funchion): There seem to be a number of Deputies not present, so we will move on to the Minister of State, Deputy Browne.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Deputies for their contributions to what has been an informed and enlightening debate. As the Minister, Deputy McEntee, said at the outset, our Department is committed to reforming defamation law into robust, modern legislation that addresses some of the complex challenges of a digital age. It is essential that our defamation legislation protects those human rights that are fundamental to democracy. There must be a right to freedom of expression and respect for the crucial role played in our democracy by a free and independent media and by other civil society actors in providing information and debate on matters of public interest. The legislation, likewise, needs to recognise the right of our citizens to their good name and reputation and their right to access to justice when these rights are unfairly attacked. Striking the right balance between those rights is a key aim of the Minister's legislative reform. This review is the culmi-

nation of five years of extensive consultation and research.

As the Minister has stated, defamation is an extremely complex area of law. That is why it was essential to take the time and effort to get this report right. The review is based on a wide-ranging public consultation launched in November 2016. The Department received a significant number of submissions, which speaks to the importance of this legislation and the range of views on it. Submissions were received from the broadcasters; the National Union of Journalists; the national and local print media; the Bar Council; the Law Society; Free Legal Advice Centres, FLAC; legal firms; and individual lawyers and academics. Social media platforms, including Facebook, Twitter, Google and Yahoo!, also made submissions, as did ISME, the Irish Council for Civil Liberties, the Press Council and the current and previous press ombudsmen.

In November 2019 my Department hosted a critical perspectives symposium at which Irish and international experts spoke on defamation law reform. There was extensive stakeholder participation in the event, which brought together the media, academics, the legal profession, social media companies, NGOs and relevant State bodies.

I reiterate the Minister's thanks to everyone who engaged with our Department during the review process and helped to inform this important piece of work. There was great convergence in some areas while significant divergence emerged in others. Overall, I believe that with the recommendations set out in this review, we have taken all perspectives into account to the greatest extent possible and have struck the right balance. We have also looked at best practices in other comparable jurisdictions such as the UK, Canada and Australia when developing our proposals for reform. Our Department is committed to enacting defamation law that will safeguard against any attempts to weaken and deter public interest discussion and investigative journalism.

The Minister has already outlined the package of measures launched last month by Commission Vice President Vra Jourová to combat strategic litigation against public participation, SLAPP, at EU level. As the Minister noted, our review already specifically recommended that the law be amended to introduce a new anti-SLAPP mechanism in Irish defamation law. The Commission's work seeks to strengthen protection at EU level for freedom of expression, taking account of the vital role played in our democracy by a free and independent media in providing information and debate on matters of public interest while respecting other relevant fundamental rights. The proposed directive seeks to enable judges to swiftly dismiss unfounded lawsuits against journalists and human rights defenders. It would also provide for several procedural safeguards and remedies, such as compensation for harm caused and dissuasive penalties for launching abusive lawsuits. The directive is limited for reasons of legal competence to civil proceedings with cross-border implications between EU member states. The Commission has adopted a complementary recommendation to encourage member states to align their national procedural rules with the proposed EU law. It also calls on member states to take a range of other measures, such as training and awareness raising, to fight against SLAPPs. We look forward to contributing to the discussion on these measures and sharing our experience of reviewing Irish defamation law.

It should be noted that a number of our fellow EU member states deal with defamation as a criminal matter, which can attract imprisonment and fines, rather than as a civil matter, as we do here in Ireland. I hope that our reformed and amended defamation legislation will see Ireland become a leader of fair and free expression in the European Union. That process is under way with preparation of the general scheme of a defamation (amendment) Bill. The Minister has

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committed to publishing the Bill in quarter 4 of this year, as set out in the justice plan of 2022. We look forward to engaging further with Deputies as this legislation progresses.

Deputy Richard O'Donoghue: The review of this Act must be welcomed in all its aspects as what it has cost the Irish people since 2009 has been extraordinary. I compliment the Minister on proceeding with this review. We certainly have been out of sync with our European neighbours and countries all over the world. We have been a soft target when it comes to defamation cases. Getting rid of juries in defamation cases is to be welcomed as extraordinary payouts have been given.

The importance of the media being able to perform investigative journalism without fear of being sued is at the heart of this legislation yet they cannot have free rein to say what they like about people. This review of the Defamation Act 2009 will bring about legislation that must be welcome as a part of our transparency into considerable compensation in our courts.

Our investigative journalists have uncovered a great deal of wrongdoing in this country and we must be thankful for that. However, sometimes the media get it wrong. When they get it wrong, the recourse is that they put their hands up. However, much of the time people say they will fight this and take it for two or three years at considerable cost. At the end of the day, the person who has the case brought against him or her, whether the person is right or wrong, usually in the media outlets looks like he or she is wrong. I myself saw this when I brought a truck into the Dáil and the story went out that I had no insurance on the vehicle even though I was contacted and I said that it was above on the dashboard. It was a replacement vehicle. It went on the media. I could have taken a defamation action against that media outlet but I did not. They took the story down. That was good enough for me. They realised that what they had done was wrong and they took the story down. However, that was a case that somebody could have taken; I did not. They made their mistake and I was happy they took it down.

We also must look at how journalism can be practised without fear of these type of cases coming against the journalist but we must make sure that a person's name is respected. If, regardless of who brings a defamation case, the right outcome is given and if the person's name is clear, it must be portrayed that it is clear because the media outlook on this can show that even if the person was cleared, he or she still, in the eyes of the public, looks wrong.

I support this review and I support the changes that will be made.

Deputy Mattie McGrath: I too thank the Minister, Deputy McEntee, and compliment her on proceeding with this legislation because we badly needed a review.

Defamation is such a difficult area and it is a very expensive area, if a citizen is defamed. It happened me, actually, and I took a case. We got it corrected but it was frightfully expensive. When blatant untruths were published on a Sunday edition I did not want anything only the truth to be rectified and a donation for a local hospital by way of, when they accepted they were wrong, restorative justice.

When I got the bill, the costs were paid for my lawyers. My barrister told me that defamation litigation is frightfully expensive. There was only a number of emails and a couple of short phone calls. There was no visit to the Four Courts or any court. It was frightfully expensive. Justice that is out of the reach of persons is not justice at all. Many people can be defamed and they have to suck it up. They cannot afford to get their rights. There is need for changes here.

For people in businesses, the Minister has a name on it here, “transient defamation”, where businesses are sued for comments made in the course of refusing services, such as questioning in relation to suspected shoplifting. This is a difficult area. It is a minefield for the business, for the store manager and for employees and it is an awfully thin line. It is very delicate. It is the same with refusal to premises, if one is running a food outlet or a licensed premises. Proprietors have significant issues and there are considerable concerns coming now with other proposed legislation that has not been published about the change of the licensing law, the greater liberalisation of them and the greater ease of obtaining licences. There are issues there.

I support business people out there. They have a plethora of laws and new regulations to deal with but there also needs to be some solid ground to stand on. If there are blatant abuses going on, shoplifting, unpleasant behaviour or whatever, the staff must be protected first of all, their business must be protected and so too must the good name of the business while being fair to the customer as well. It is very difficult, is all I am saying to the Minister, for people to operate in business with these threats of defamation and the sheer figures that were paid out by juries. Thankfully, these figures were taken away when it went to the European court.

There is a great deal of work to be done here. I urge caution and to make haste slowly. I wish the Minister well with it and ask her to listen to the people who are out there operating at the coalface.

Deputy Thomas Pringle: I am glad to make it here in time to contribute to this debate. When a few speakers pulled out, it caused a bit of a flurry.

I thank the Ceann Comhairle for the opportunity to speak. It is interesting that the Government has chosen now to review this Act, which was due to be reviewed in 2014 under the Act itself. It is also interesting that it was in the 2020 programme for Government to review the Act despite it already being in the legislation that it should be reviewed anyway. Has the Government completely neglected its responsibility to uphold the law? Must all legislation be written into programmes for Government in order for it to be implemented? Surely this completely undermines all legislation.

What is the point in introducing legislation if it has not been implemented? This further proves my point that we are great at introducing legislation in this country but terrible at implementing it. If one was a spaceman looking down at this country, as I have stated previously, one would look at the legislation and say that this is a great place but when the spaceman actually lands here and sees how it is implemented, he or she would see that it is totally different. This is an ongoing issue that needs to be addressed. We cannot continue churning out legislation with no intention to uphold and implement it. It wholly undermines our role as legislators and the laws of this country.

In terms of where this review falls short, we need to review the Defamation Act 2009 as a threat to the right to freedom of expression. The freedom to exchange ideas, views and experiences freely without fear of disproportionate legal responses is fundamental to a fully functioning democracy.

As it currently stands, the Civil Legal Aid Act 1995 assigns defamation as a designated matter that is excluded from legal aid. This is concerning as it basically means that only those who can financially afford to risk legal costs can take action under the Defamation Act. I note the review talks about dealing with this but it is leaving it to other legislation - the civil legal

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aid review - to be dealt with which will be a long way down the road. This prices many people out of taking legal action and is incredibly unfair. A person is more likely to withdraw a statement than defend it without proper legal representation. This would have a significant effect on free speech. Everyone has a constitutional right to equality before the law and this exclusion threatens this constitutional right. Everyone should be allowed legal representation in order to defend properly what they say.

On top of this, the exclusion of defamatory legal actions from the civil legal scheme is also contrary to Article 6 of the European Convention on Human Rights, ECHR, which provides that everyone is entitled to a fair and public hearing in the determination of his civil rights and obligations. Unfortunately, in Ireland, that means that everyone is equal under the law provided he or she can afford to pay for it. That is the reality of the situation here because the law is reserved for the people who can afford it. We should be addressing that and this legislation should be used to address that as well. An opportunity has been lost here that it has not included a right for people to get legal aid in this legislation rather than waiting for other legislation to come along.

The Irish Council for Civil Liberties made a great submission to the Department of Justice on the review of the Defamation Act. One of the many recommendations it made is that the burden of proof on the defendant to prove an alleged defamatory statement is true should be shifted to the plaintiff to prove the statement is false. This is the norm in other civil cases and should be the case here. The European Court of Human Rights has found that the presumption of falsity can infringe on the right to freedom of expression. Another disincentive to defend defamatory actions is the uncertainty and unpredictability about the amount of damages that can be awarded. Decisions should be restricted to a decision on whether a defamation has taken place rather than what precise damages should be awarded. It goes without saying that the judge should decide the amount. That is included in the Bill.

I am glad this review has taken place. It is undoubtedly well overdue; in fact, eight years overdue. I hope these legislative reviews are taken more seriously in future. I also hope the concerns I have raised today are taken into consideration. People must have a right to free speech and have a right to call out hate speech, for example, without the risk of being threatened with defamatory actions as well.

Protocol No. 21 of the Treaty on the Functioning of the European Union: Motions

Minister for Justice (Deputy Helen McEntee): I move the following motions:

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

Proposal for a Council Decision on the position to be taken on behalf of the European Union vis-à-vis the United Kingdom of Great Britain and Northern Ireland regarding the determination under Article 540(2) of the Trade and Cooperation Agreement

between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, of the date from which personal data as referred to in Articles 530, 531, 534 and 536 of that Agreement may be supplied by Member States to the United Kingdom,

a copy of which was laid before Dáil Éireann on 13th April, 2022.

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

Council Decision (EU) 2021/430 of 5 March, 2021 on the position to be taken on behalf of the European Union on the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: towards the achievement of the 2030 Agenda for Sustainable Development at the 14th United Nations Congress on Crime Prevention and Criminal Justice to be held from 7 to 12 March, 2021 in Kyoto, Japan,

a copy of which was laid before Dáil Éireann on 24th February, 2022.

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

Regulation (EU) 2021/2260 of the European Parliament and of the Council of 15 December 2021 amending Regulation (EU) 2015/848 on insolvency proceedings to replace its Annexes A and B,

a copy of which was laid before Dáil Éireann on 29th April, 2022.

I am speaking on a number of motions exercising Ireland's option to opt in to certain EU measures under Protocol No. 21 of the Treaty on the Functioning of the European Union, TFEU. If Ireland wishes to take part in an EU measure with a legal basis that falls under Title Five of the TFEU, Oireachtas approval under Article 29.4.7° of the Constitution is required. The three measures before the House all have a legal basis which falls under Title Five of the treaty and therefore it is necessary to secure Oireachtas approval. I thank Deputies for enabling me to bring forward the three opt-in motions consecutively. I appreciate this is not normally the way it is done, but they are technical and the Business Committee has acceded in this instance.

With regard to the Prüm Convention, the motion refers to a draft proposal by the Council of the European Union to determine the date from which personal data relating to DNA profiles and fingerprints, also known as Prüm data, may be supplied by member states to the United Kingdom. This is an essential tool for law enforcement across the EU and, of course, is of particular value to law enforcement co-operation between Ireland and the UK. The EU-UK Trade and Cooperation Agreement, TCA, stipulates that member states may continue to supply Prüm data to the United Kingdom, pending the outcome of evaluations required by the TCA, until 30 September 2021. This interim period was extended until 30 June 2022. It is worth noting that a measure providing for this extension was before the Houses in September 2021.

Since then, the European Commission has completed an evaluation of the UK and con-

cluded in its reports that the co-operation with the United Kingdom on DNA profiles and dactyloscopic data meets the relevant requirements. These reports were submitted to the Council in March 2022 and paved the way for the Council to allow the Union to declare that member states may supply personal data regarding DNA profiles and dactyloscopic data to the United Kingdom as referred to in Article 540(2) of the TCA. Without this Council decision, Prüm data will cease to be shared between the EU and the UK from midnight on 30 June 2022. As Deputies will understand, if this were to happen, it is something that could potentially have serious repercussions in the investigation and prosecution of criminal cases.

The views of the Office of the Attorney General were sought and the legal advice received has confirmed that Oireachtas approval under Article 29.4.7° of the Constitution is required. I emphasise that the effective implementation of the EU-UK Trade and Cooperation Agreement is an EU priority and we in Ireland will play our full part in that. Ireland's role in the EU has changed in recent times and will continue to evolve in the coming years. Full implementation of the TCA is necessary for us not only to play our part as an EU member state but also to ensure our post-Brexit relationship with the UK continues to grow and develop. Part of this relationship is ensuring the safety and security of our citizens are protected, and this measure is necessary to do that.

The second motion relates to Council Decision (EU) 2021/430 on the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the achievement of the 2030 Agenda for Sustainable Development. The UN Congress on Crime Prevention and Criminal Justice is held every five years and a declaration is adopted at each congress. The Kyoto Declaration was adopted at the 14th congress on 7 March 2021. For the first time, the Council of the European Union took the approach of publishing a Council decision approving the adoption of the final draft declaration, which has necessitated this Protocol No. 21 process. Usually under Protocol No. 21, Ireland has three months from the date a proposal or initiative is presented to consider the proposal before notifying the Presidency of the Council if it wishes to opt in under Article 3. In this instance, and at the request of the general secretariat of the Council to facilitate the speedy adoption of the proposal, Ireland waived its right to have three months for consideration before the decision was adopted. I am now proposing to opt in post adoption under Article 4 of Protocol No. 21.

The Kyoto Declaration consists of non-binding, high-level statements aimed at strengthening collective efforts under the thematic pillars of crime prevention, criminal justice, the rule of law and international co-operation. Each pillar covers a wide range of topics, such as “enhancing evidence-based crime prevention strategies”, “improving detention conditions” and “the impact of Covid and the creation of opportunities for criminals and organised criminal groups”. Implementation of the commitments will be progressed via a multi-year work plan during the annual meetings of the UN Commission on Crime Prevention and Criminal Justice. As a member state of the EU and a UN member state, Ireland stands by the collective commitments contained in the declaration and has a long tradition of co-operation with European and international colleagues to reduce the impact of crime in our communities and to protect the rule of law. The importance of close collaboration with international counterparts was evident in the recent successful global action undertaken by law enforcement agencies to introduce sanctions to undermine the Kinahan organised crime group.

At EU level, there are a number of strategies and legislative reforms to enhance co-operation and create a harmonised approach across member states that will deliver on the commitments made in the declaration, all of which Ireland fully supports. These include the EU Strategy to

Tackle Organised Crime 2021-2025 and the EU Drugs Strategy 2021-2025. The principles in the Kyoto Declaration are also reflected by the five overarching goals in my Department's Justice Plan 2022. While my Department leads on criminal policy matters, many national strategies and policy initiatives to tackle and prevent crime require a whole-of-government response. This co-ordinated national response will contribute to Ireland's role in the implementation of the Kyoto Declaration and furthering the advancement of the 2030 agenda for sustainable development.

The third motion relates to an EU civil justice regulation which was adopted in December 2021. It is an amending regulation that makes technical updates to two annexes in the 2015 recast insolvency regulation. Ireland already opted into the recast insolvency regulation, but under the protocol, a fresh opt-in is required in respect of any measure amending it. The recast insolvency regulation applies to company insolvency, personal insolvency and bankruptcy, and provides for mutual recognition and enforcement of insolvency proceedings between EU member states in cases with a cross-border dimension. The recast regulation sets out agreed common rules on which member states' courts will have jurisdiction to deal with a cross-border insolvency case and which national insolvency law will apply, and it deals with recognition of court orders. The changes made by the amending regulation are to replace Annexes A and B to the 2015 regulation with updated versions. These annexes list, respectively, the types of insolvency procedures and insolvency practitioners in each member state that are to be recognised under the 2015 regulation.

These updated annexes are required due to changes in national legislation in eight EU member states. In addition, the relevant UK listings have been removed post Brexit. The lists of recognised Irish insolvency proceedings in Annex A and of Irish insolvency practitioners in Annex B are unaffected by these changes. For reasons of timing, it did not prove possible for Ireland to opt in to the amending regulation under Article 3 of the protocol within three months of its presentation. The intention was, therefore, to propose an opt-in under Article 4, following the adoption of the measure and subject to the necessary approval. It is recommended that Ireland should now opt in to this regulation so that we are applying the same updated lists of insolvency proceedings and practitioners as other EU member states. It is important that Ireland is seen to confirm the recognition of updates to the relevant laws in other member states. The recast insolvency regulation is also an important and well-established part of civil justice co-operation between EU member states, which ensures a more coherent and predictable approach in cross-border insolvency cases. Accordingly, I believe it is desirable that Ireland should exercise its right to opt in to this amending regulation, post adoption, in accordance with Article 4 of the protocol.

I trust that the House can support the exercise of Ireland's opt-in in respect of all three of these measures. I again thank Deputies. It is not normal practice to do three opt-ins together, but given the technicalities and the fact they are merely technical changes, it is appropriate to do so.

Deputy Pa Daly: I am happy to take part in this debate. It is important to deal with these issues. It is important the reserved powers under the treaty continue to be exercised by national parliaments. I know there have been some concerns about some issues relating to Europol and Eurodac. These must continue to be explored. Recently we had a number of debates on the Prüm decisions. Throughout we have pointed out that the UK was one of the largest users of these databases. As a consequence of the disastrous Tory Brexit, it has been cut off from usage of the database. As with so many other areas, it has put the UK in the position of speaking out

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of both sides of its mouth. It talks tough on crime but has tied its own hands in trying to get the resources to do so. Where agreement is possible, however, we should enable it but not at any cost. The British Government's efforts have not worked and the same is true with regard to the institutions in the North. We are happy for these proposals to proceed.

With regard to the Kyoto Declaration I note it is to deal with the pillars of crime prevention, criminal justice, the rule of law and international co-operation. We do not oppose these. We agree that Ireland as an EU member state and a member of the UN should stand by the collective commitments contained in the declaration. Ireland has a long tradition of co-operating with European and international colleagues, as the Minister said in her opening statement, to reduce the impact of crime. With regard to the insolvency regulations we will be supporting the proposals.

Deputy Brendan Howlin: I will begin with a technical point. We have been asked today to approve Ireland's opt-in to two Council decisions and a Council regulation. We had much debate after the initial failure of the Lisbon treaty on how we would deal with secondary legislation coming from the European Union. We spend a lot of time on statements in the House but this is lawmaking and we do not give enough attention to it. I do not say this as a criticism of the Business Committee. There used to be a formal committee on secondary legislation. We are making law almost on the nod here. We are dealing with three very disparate issues and I have five minutes to deal with them. We need to have faith with the people to whom we gave commitments on how we deal with secondary legislation. It is not only with regard to secondary legislation. It is also how we deal with pre-Council and post-Council statements. We might have some time to reflect on how we deal with all of this. The undermining of people's confidence in the European institutions is something to which we should always be alert.

I want to deal with the three specific proposals. The first deals with sharing DNA profiles and fingerprint data with the United Kingdom. It is to be dealt with under the trade and co-operation agreement. Last week we dealt with Prüm regulation changes that expanded the agreed formulation whereby we share DNA and fingerprint data and brought in facial recognition. At that stage I asked about the role of the United Kingdom post Brexit in all of this. I was told it was coming and it has come very quickly. The motion extends co-operation between the United Kingdom and EU on DNA and fingerprint data. I would like to hear more about vehicle registration data. Will this continue to be shared? Presumably, since there is no mention of the extension of the Prüm regulation to facial recognition, it is not encompassed. These are points of detail I would like to have had the time to have teased out in a more substantial way. Perhaps it is a role for the committee system. The mechanism for transposition should be a matter for the House as well as for the Department and not for the Department simply to say this is the way it will transpose and present it.

The next issue I want to raise is the more nebulous issue of the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law. This is a non-binding, high-level commitment aimed at strengthening collective efforts related to crime prevention. In essence, we are being asked to support a statement of intent that imposes no specific obligations on us as I understand it. I understood the Minister for Justice wanted to go to the Kyoto conference and make a statement. Everybody will now abide by the good intentions to co-operate more vigorously in the fight against crime. This is a wonderful thing. I take it there is no substantial legislative impact on this opt-in so obviously it is not of as much significance as the other proposals.

The other issue is the opt-in to technical updates to the insolvency regulation. This is rather more substantial. The recast insolvency regulation applies to company insolvency, personal insolvency and bankruptcy. It provides for mutual recognition and enforcement of insolvency proceedings between EU member states in cases where a cross-border dimension arises. It sets out an agreed set of common procedures, including which particular member state's courts will have jurisdiction and which member state's national insolvency laws will apply. It will ensure court orders made under the rules will be recognised in all member states. These are matters of significance and substance when it comes to our citizens who are involved in insolvency procedures. When we recast an insolvency regulation such as this, it certainly has a real and tangible impact on the people we represent. I would have liked a little bit more time to tease out specifically how the regulation and these negotiated alterations are to apply.

In general terms, having read the briefing documents we received from the Department, I have no difficulty in supporting the three resolutions for opt-in that have been presented to us today. Perhaps it is something the Ceann Comhairle might reflect upon. We could do secondary European business in a better way than this in my judgment.

An Ceann Comhairle: Deputy Howlin makes a very valid point. I am conscious these motions were not referred to the relevant committees where they might have been. Perhaps there is time pressure on us and that we could not do so.

Deputy Helen McEntee: Opt-in proposals generally do not, or they have not to date.

An Ceann Comhairle: I appreciate that, but nonetheless the point Deputy Howlin makes is relevant. There is not exactly a host of people around the Chamber champing at the bit to participate, which is also regrettable.

Deputy Brendan Howlin: Even on that basis, I asked when the debate was to start and I was told it was scheduled for 5.20 p.m. This is my third parliamentary intervention today. Most people are busy. The other debate on defamation ran quickly. I would say there are many speakers who would have been here had the debate appeared as scheduled. That is nobody's fault.

An Ceann Comhairle: I call the Minister.

Minister for Justice (Deputy Helen McEntee): I take the point. The ask had been simply because they were technical amendments. I am open to another way we can do this in future. We have dealt with quite a few opt-ins recently and they went before both Houses.

Deputy Brendan Howlin: If I may, the way the trade and co-operation agreement, which is a brand-new legislative framework, will deal with our relationship with the UK after Brexit on critical matters of co-operation requires a move away from the normal way of rubber-stamping measures. This is my view.

Deputy Helen McEntee: I am happy to take that on board and I will speak to colleagues about doing so with regard to the trade and co-operation agreement or other issues.

With regard to Prüm and the various categories, the co-operation applies in respect of DNA, fingerprint and vehicle registration data. The proposal to introduce co-operation in respect of facial images and police data records in respect of facial images is only with regard to suspected or convicted criminals and terrorists that can be exchanged.

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Deputy Brendan Howlin: Is that encompassed in the UK agreement now also?

Deputy Helen McEntee: There are elements that have to be worked through in terms of the data.

Deputy Brendan Howlin: It is not in the document.

Deputy Helen McEntee: I will get that clarified. There is no general population use in this regard. With regard to police records, the proposal seeks to establish a procedure for the automated searching of police records but it does not propose a new exchange of data. I will get something for the Deputy on that.

In terms of the Kyoto Declaration, it is adopting the declaration. It is our commitment to co-operation on tackling crime, so it is quite straightforward.

The third motion is about updating records and the fact there have been changes in nine other member states and the UK has now left. It is about updating those lists. That is essentially what the changes here are about.

I take the Deputy's points on board. I appreciate we are doing three motions where we would normally do one and have more time to discuss one. We will engage with my officials on that. I thank the Deputy for his support.

Question put and agreed to.

Consumer Rights Bill 2022: Second Stage

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I move: "That the Bill be now read a Second Time."

I am delighted to bring before the House today the Consumer Rights Bill 2022. This Bill represents the biggest reform of consumer law in more than 40 years. It consolidates and updates existing legislation on the sale of goods and supply of services to ensure it is fit for the modern digital age. This Bill is the culmination of a significant amount of work in this area to implement recommendations by the sales law review group in 2011. A core focus of my work in the Department is to ensure we have a fair and effective market that works for both businesses and consumers. This Bill does that by strengthening protections for consumers while also creating clearer rules for business.

This Bill has required significant consideration due to its complexity, so I acknowledge the work of my officials, and indeed Deputy Bruton during his time in this Department, in developing this legislation. Not only does the Bill modernise domestic law, it also transposes two EU directives on contracts for the sale of goods and contracts for the supply of digital content and digital services. In addition, it transposes most of another EU directive, namely, the better enforcement and modernisation directive.

The purpose of the Bill is to bring about several positive changes for consumers, including stronger consumer rights, protections and remedies across a number of key areas. For instance, it gives people stronger consumer rights when it comes to how problems with goods or services

they have received are resolved, so instead of just exchange, refund or repair, consumers will also be entitled to agree a price reduction on faulty goods and flawed services if that suits them better. They will also be entitled to withhold payment for goods or services that have been partially paid for if they are not satisfied with the quality of the item or service received.

5 o'clock

Importantly, this Bill stipulates that any form of redress must be free of charge and must be carried out as soon as possible. The Bill brings together in one statute provisions that are currently contained in diverse pieces of law and some that have never been regulated before. In existing legislation, consumers have no rights to remedies when services are not provided as expected and agreed, for example in areas like legal services, personal care services and building services. The consumer rights Bill closes this gap. It also includes new protections for consumers in relation to digital content, including audio and video files, computer games and digital services, such as streaming services, cloud computing and social media. These new digital rights include the right to a full refund, exchange or repair when a good or service is not as described or not fit for purpose.

Consumers will be entitled to any upgrades to the product or service that is intended to ensure the goods continue to work as expected and as agreed, free of charge. It contains a new blacklist of contract terms and conditions that are automatically deemed to be unfair, and which should not be included in any consumer contract. This includes, for example, where the agreement is only legally binding for the consumer and not for the trader, or where the trader can decide to change the terms of the contract without informing the consumer in advance.

Businesses will be required to set out clearly a description of the goods or services being provided and the total price and costs of delivery before entering into a contract with a consumer. Furthermore, the Bill gives extra enforcement powers to the Competition and Consumer Protection Commission, CCPC, which is the body responsible for enforcing consumer law in Ireland. These new powers mean that where traders engage in misleading and aggressive commercial practices, like posting fake reviews, or where they do not provide the remedies or reimbursement that consumers are entitled to, the CCPC can take action, such as issuing compliance notices or applying to the Circuit Court or the High Court for a declaration or injunction. It will also provide enforcement powers to ComReg in relation to electronic communication services and premium rate services and to the Central Bank with regard to financial services.

In the summer of 2021, I announced a public consultation on the Bill. The response was very positive, with respondents including the Consumers Association of Ireland, the Irish Business and Employers Confederation, IBEC, ComReg and the CCPC providing constructive feedback, which informed the drafting process. The Joint Committee on Enterprise, Trade and Employment held a hearing on the general scheme of the proposed legislation in October of last year. While the committee made no specific recommendations in relation to the general scheme, the rich discussion at the hearing fed into the ongoing drafting process.

The dates given by the Commission for transposing these directives were July 2021 for the sale of goods directive and digital content directive and November 2021 for the better enforcement and modernisation directive. Unfortunately, Ireland, along with several other member states, did not meet these deadlines. As Members can see and as I noted earlier, the Bill is complex and highly technical and it required significant consideration and redrafting. The focus has been to make sure we get it right, even if that meant taking a little more time. I am confident,

therefore, that the Bill before the House today is robust, well considered and fit for purpose.

Before I outline the main provisions of the Bill, I would like to take this opportunity to flag my intention to propose a small number of amendments on Committee Stage. This will be necessary to make minor technical alterations, to clarify the intentions of certain provisions and ensure the powers of both the CCPC and ComReg are sufficient for the additional functions they will have as a result of this Bill. It is my intention to bring forward on Committee Stage a technical amendment to section 459 of the Companies Act 2014 to clarify the role of the Minister for Public Expenditure and Reform when holding on trust the unclaimed property of dissenting shareholders who have not sought to claim their property in the seven years following an acquisition.

I now turn to the main provisions of the Bill. This Bill contains 13 Parts and six Schedules. It is important to point out at this juncture that with little exception, Parts 2, 3, and 5 transpose maximum harmonisation directives which give little or no discretion as to their implementation.

Part 1 deals with matters common to legislation, namely, citation and commencement, interpretation, regulations, repeals and revocations. It also contains generally applying provisions relating to the making of contracts, preventing traders from attempting to restrict the rights of a consumer and the jurisdiction of the courts to order remedies.

Part 2 focuses on the rights of consumers under sales contracts and on the remedies available to consumers where goods do not conform to those rights. It gives effect to the sale of goods directive 2019/771 and incorporates the provisions applying to consumer sales contracts in the Sale of Goods Act 1893. It also gives effect to Article 18, delivery of goods, and Article 20, passing of risk in goods, of the consumer rights directive 2011/83, as well as to the delivery provisions at sections 30 and 31 of the Sale of Goods Act 1893. Part 2 also deals with commercial guarantees.

Part 3 gives effect to the digital content directive 2019/770 on certain aspects concerning contracts for the supply of digital content and digital services. Its provisions set out the rights that apply under such contracts and the remedies that apply where digital content or digital services infringe upon those rights. As digital content and digital services are relatively new, consumer contracts for their supply have not previously been the subject of specific statutory regulation.

Part 4 will replace the provisions of the Sale of Goods and Supply of Services Act 1980 that relate to service contracts between a consumer and a trader. It deals with contracts for the supply of non-digital services. It expands the rights of consumers in respect of such contracts and establishes a scheme of statutory remedies that will apply where a service does not conform to these rights.

Part 5 re-enacts, with substantial amendments, the provisions on consumer information and cancellation rights contained in the consumer rights directive 2011/83, as given effect by European Union regulations in 2013. This Part also implements the significant amendments to the consumer rights directive made by the better enforcement and modernisation directive of 2019. As Part 5 deals with key aspects of consumer contract rights, its incorporation into the Bill is in the interests of regulatory clarity and accessibility. Its inclusion in primary legislation also permits the application of some provisions to contracts that had previously been excluded from the scope of secondary legislation. In addition, Part 2 repeats consumer rights contained in the

consumer rights directive of 2011 and given effect in the 2013 regulations relating to payment of fees, additional payments, charges for calls to customer helplines and inertia selling, which involves the sending of unsolicited goods to potential customers in the hope of making a sale.

Part 6 makes a number of important changes to the provisions of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995, SI 27 of 1995, which transposed the unfair terms in consumer contracts directive. As the directive is a minimum harmonisation instrument, member states are free to extend its provisions to excluded terms and to add to the protections it provides. The changes made to the regulations include extending the scope of the unfair terms provisions to include contract terms that have been negotiated between the consumer and trader, strengthening the transparency requirements that apply to contract terms, narrowing the exemption from assessment for unfairness of core contract terms, expanding the grey list of consumer contract terms presumed to be unfair and introducing a blacklist of terms that are automatically unfair.

This Part also gives effect to the new penalties provisions inserted in the directive by the better enforcement and modernisation directive.

Part 7 sets out the enforcement powers and penalties under the Bill. The CCPC will have enforcement responsibilities for consumer contracts under all Parts of the Act. The Central Bank will continue to have an enforcement function under Part 7 in respect of unfair contract terms in consumer contracts with regulated financial service providers. ComReg will have an enforcement function under Parts 5 to 7, inclusive, in respect of consumer contracts for electronic communication services.

Part 8 contains the various amendments to the Consumer Credit Act 1995 required to ensure that the protections and remedies available to consumers in regard to the purchase of goods will be available irrespective of whether the consumer pays the price in a once-off payment or by way of instalments or any other types of deferred payments, for example, hire purchase agreements or other longer-term hiring arrangements.

Part 9 contains the various amendments to the Consumer Protection Act 2007 required to transpose amendments to the unfair commercial practice directive made by the better enforcement and modernisation directive. These amendments will extend and enhance the enforcement measures available to the CCPC.

Parts 10 to 13, inclusive, provide for a number of amendments to other consumer protection-related enactments. Part 10 amends the Central Bank Act 1942, Part 11 amends the Communications Regulations Act 2002, Part 12 amends the Competition and Consumer Protection Act 2014 and Part 13 provides for minor and consequential amendments of enactments.

With regard to the Schedules, Schedule 1 sets out repeals and revocations. Part 1 of Schedule 1 lists the Acts that are repealed. Part 2 of Schedule 1 lists the statutory instruments that are revoked.

Schedule 2 sets out the information to be provided by the trader prior to the conclusion of an on-premises contract.

Schedule 3 sets out the information to be provided by the trader prior to the conclusion of an off-premises or distance contract.

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Schedule 4 provides information concerning the exercise of the right to cancel and includes the model cancellation form.

Part 1 of Schedule 5 sets out the list of contract terms that are presumed unfair. Part 2 of Schedule 5 provides for certain restrictions on the application of the first part of the Schedule.

Part 1 of Schedule 6 sets out amendments of Acts. Part 2 of Schedule 6 sets out amendments of statutory instruments.

In conclusion, a comprehensive consolidated consumer rights Act will provide a legislative framework that is more appropriate to present-day conditions and requirements, is simpler to understand, creates clearer rules for businesses and strengthens consumer rights. Therefore, I believe this legislation is good news for consumers. It is equally good news for business because it recognises the behaviours of responsible traders and puts them on a legislative footing, and it also ensures that regulators, like the CCPC and ComReg, have the powers necessary to sanction businesses that do not uphold the standards that this Bill demands. I am confident that, once enacted, this legislation will strengthen protections for consumers, while also creating clearer rules for businesses ensuring the market works fairly and effectively for both. I commend the Bill to the House.

An Ceann Comhairle: I call Deputy Louise O'Reilly, who is sharing time with Deputy Thomas Gould and Deputy Patricia Ryan.

Deputy Louise O'Reilly: There is an imbalance in consumer rights legislation between goods and services, and I genuinely hope the Consumer Rights Bill 2022 will see that rebalanced. The Bill increases the statutory rights of consumers in relation to contracts for the sale of goods and the supply of digital content, and it gives more power to the regulator, the CCPC. I hope that with these increased powers for the CCPC, we will see increased resources. The Minister of State will not be surprised to hear me say this as I have said repeatedly that all the rights in the world are no use without the regulator having sufficient firepower to be able to exercise them. Only recently, we had the Competition (Amendment) Bill, which also seeks to give the CCPC additional powers. That Bill seeks to provide for a system of non-criminal enforcement of certain provisions of competition law. Naturally, the passing of both Bills will necessitate additional resources, both human and financial, for the CCPC.

As with the competition Bill, the Consumer Rights Bill transposes EU legislation into Irish law. The Minister of State, Deputy Troy, previously remarked that this Bill is one of the biggest overhauls of consumer law in the State in decades. I wholeheartedly agree with him, and anyone who has familiarised themselves with the over 160 pages of the Bill will probably agree too. As the Minister of State said, fair play to the officials in his Department, and to the Minister of State himself, because this is a highly technical piece of legislation and it is clear that a huge amount of work has gone into it.

The legislation seeks to enshrine a whole raft of consumer-friendly rules into Irish law. This, it is hoped, will make seeking redress easier in the future. Importantly, it also amends the law on unfair terms in contracts between consumers and traders. I am sure that many of our offices have been contacted by constituents who have been the victims of unfair terms and conditions in contracts. We all know the offer is always in big letters but people would need a magnifying glass to read the terms and conditions. Indeed, we ourselves may have even been the victim of these unfair contract terms. The reality is many of the laws in place to protect Irish

consumers were drawn up before the age of the Internet. Naturally, this means there are many practices and terms and conditions in place in the online world which are totally unacceptable in the real or non-virtual world. This has left customers with little or no protection and, naturally, it has also left them exhausted and frustrated when they have sought a refund, replacement or repair for a product or service purchased.

If I walk over to a shop and buy a desk lamp, and it fails or breaks shortly after purchase, I have certain rights to a refund, a repair or a replacement. However, in the online world, I do not have the same rights if I spend money on a digital product as if I buy that physical desk lamp in a shop. We know that vulnerable people can be and are targeted all of the time, including people like me who are not digital natives and who are not brilliant with technology. This is designed to protect them, which is very welcome. Essentially, the change the Bill seeks is to give consumers the same rights and protections over digital content and digital services, such as streaming, downloads and cloud products, as they have currently with any other products or services.

Therefore, I think we can all see the importance and scale of this Bill. It is a significant overhaul of consumer law. However, it is not before time. It is not today or yesterday that customers began purchasing products or services online. Thankfully, the Bill will see more redress options put on the table for consumers. They will be entitled to agree a price reduction on faulty goods and they will be entitled to withhold payment for goods partially paid for if they are not satisfied with the quality of the item received.

The Bill also makes it clear that any form of redress must be free of charge and must be carried out as soon as possible. Again, this is important because a time lag on something like this can leave people frustrated. What happens in real life is that people spend a lot of time trying to deal with it and in the end they just throw their hands in the air and say they will leave it. Of course, that is not good, so the idea that it will be carried out as soon as possible is very welcome.

The Bill covers digital content and digital services, such as streaming, downloads and cloud products, and the new digital rights will include a right to full refund, exchange or repair when a good or service is not as described or not fit for purpose. As we will see from Chapter 3, Part 2, remedies in sales contracts are set down as a short-term right to terminate the sales contract; a right to repair or replacement of the goods; a right to a proportionate reduction in the price and to final termination of the sales contract; reimbursement within 14 days by the trader, using the same means of payment and without the imposition of any fees; and a general right to withhold payment where the trader fails to deliver goods in conformity with the sales contract. Businesses will also be required to clearly set out a description of the goods or services being provided, the total price of the item and the cost of delivery before entering into a contract with a consumer. I know this will come as good news to people who have been stung with additional charges which were never foreseen when the product was purchased. This is often particularly the case in terms of additional charges for delivery. An important aspect of the Bill is that it will see a legislative crackdown on companies leaving fake reviews of their own products or services, or fake reviews of a competitor's products or services. Hardly a week goes by where we do not hear of someone who has fallen victim to a fake review. There have been several high-profile cases in the past.

I will not name anyone but we all know who we are talking about. If one gets an advertisement for a face cream purporting to be from someone whose age one knows but whom one

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thinks looks very young, one can be duped into believing that person is backing the product and that somehow one is buying into that person's beauty regime or, indeed, one may pay the money and not get the goods or service. Those people currently have very little opportunity for redress. This in turn causes customers to suspect nearly every company's reviews. The knock-on consequence for those companies that do not engage in this process is that nobody believes the review online. A genuine review gets ignored in the same way as a fake review does. This is very unfair to those companies that do not engage in this currently immoral but soon to be, I hope, illegal practice. Decent companies that are above board are put at a commercial disadvantage as a result. Thankfully, companies who engage in misleading and aggressive commercial practices, such as fake reviews, could be subject to fines imposed by the courts following enforcement action taken by the Competition and Consumer Protection Commission, CCPC.

Another important aspect of the legislation is that it defines prohibited blacklisted terms and conditions which are automatically regarded as unfair when put in a contract and grey-listed terms and conditions which are presumed to be unfair. Examples of blacklisted terms and conditions include any condition which allows a trader to unilaterally change the terms of a contract and any provision which would indemnify a trader from harm caused by a product or service. This is extremely important and it is reinforced by the importance of section 134 which provides that a trader must ensure that contract terms are transparent. Without transparency of contract, consumers are again put at a disadvantage.

The legislation is being driven by the fact that oftentimes businesses treat their customers unfairly when things go wrong. This significantly impacts customers, but it also impacts good businesses and puts them at a distinct disadvantage to rogue competitors. It is fair that the playing field be levelled up, although I should probably be wary of speaking about levelling anything given the interview in the media today.

I am glad to support this Bill and I will work collaboratively with the Minister of State with regard to amendments on Committee Stage and on Report Stage. Importantly, the Bill will ensure that in cases where someone cannot contact a trader and it is not already covered by a sectoral regulator, the CCPC will have the power to intervene to force the trader to engage with its consumer.

Deputy Thomas Gould: The Consumer Rights Bill 2022 is an important step forward in advancing consumer rights in this State. It is good to see the pulling together of consumer rights which is long overdue. While many of the protections in this Bill already exist in EU, it is important to see them enshrined in Irish law as well. Granting the CCPC powers to enforce regulations is one of the most vital aspects of this Bill and one that will finally see an end to the disadvantage experienced by businesses which operate legally and within the regulations.

We need to very clear that Covid-19 has had a considerable and in some cases devastating impact on businesses in this State. The closure of the hospitality sector, loss of revenue and various lockdown restrictions have had effects right across Irish businesses. I hope this Bill, along with other State supports, will help to bring back some of these businesses and relieve the burden on them.

When I was looking at this Bill and speaking to constituents, what instantly came to mind was the need to be very realistic about the protections that are most important to consumers right now, protections that will shield against the rising cost of living and the cost-of-living crisis we are in. People are choosing between heating and food and yet, energy companies are

hiking up prices while simultaneously making considerable profits.

The ESB made a record €679 million profit in 2021 and in March it announced plans to increase residential electricity prices by 23.4% and gas prices by 24.8%, effective from 1 May. SSE Airtricity is supposedly a 100%-renewable energy provider but it charges a carbon tax despite wind energy not being a fossil fuel. It has increased its expected share dividend because of an increase in expected profits. In April, SSE Airtricity announced it would increase its standard household gas and electricity unit price by 24% and 32%, respectively. How can this company justify these increases when wind remains free? PrepayPower announced a net profit of €14.2 million last year. The increase that it imposed on the average consumer amounted to €374 per year.

Ministers might tell consumers to shop around. The Minister of State can shop around all he wants but there is no use in doing so when energy providers are increasing their costs. Some 68% of people in the latest RedC poll said that the quality of their lives had been reduced by the cost-of-living crisis. What will happen next year when we find out the profits of these large companies have increased, on the back of consumers having to cut down on food shopping and on what they enjoy?

Some form of consumer protection has to be considered for these people who are buying essential goods and to prevent large-scale profiteering by electricity and gas companies. Considerable profits may have to take a hit but it is far better than having ordinary people wearing jumpers and being unable to afford childcare, to put their kids into camps, to go to events or to have a good, decent quality of life. Consumers need to be protected and the good businesses out there that are operating properly need to have a level playing field.

Deputy Ruairí Ó Murchú: I will reiterate some of what Deputy Gould has said in the sense that it is very difficult to talk about consumer protections while not talking about the necessary mitigations and protections and, possibly, if we are talking about energy suppliers, windfall taxes. I will put it as simply as that. While we accept that Government has done some things and cannot do everything, we will all accept there is more that needs to be done, given the condition in which people find themselves at present. They are under severe pressure.

I absolutely welcome this legislation. Whatever protections we put in place for consumers and whatever we do to increase the powers of the CCPC will fade into nothing unless, as Deputy O'Reilly said, we provide the resources to the CCPC. Otherwise, it will be incapable of doing what needs done.

With regard to dealing with the cost-of-living crisis, most of us will have seen on “Claire Byrne Live” people looking at their digital content, streaming apps in particular. We all know that certain people come with technical proficiency and others do not. We may need a service for a two- to three-week period. We have seen many people who sign up to something thinking they can easily desist before the first payment comes out. However, they will either forget or find it incredibly difficult to do so.

We will probably need a greater suite of tools to deal with such. Anybody who watched that show will have seen that people had forgotten how many streaming services and apps they had signed up to. Some of the apps made it very difficult, especially for those who did not have the necessary level of technical proficiency, willpower or the time to chase them down.

We all know there are certain things we cannot avoid. I accept that people are making dif-

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difficult decisions regarding how much heating they pay for. People need food and heating. We all need the basic necessary requirements. Some of these digital services obviously do not fit in that context. We must therefore ensure we have a sufficient level of protection in this regard, particularly for those vulnerable people who may accidentally sign up to these services. It can be easy to do that, but a hell of a lot more difficult to withdraw from them. We must explore this issue.

If we are going to talk about consumer protections and so on, whether organisations, community organisations or businesses, one issue not dealt with by the Minister of State's Department, or other Departments, is insurance. We must do so. I am talking specifically about public liability insurance. This issue is on my mind because I attended a local residents association meeting last night. A considerable amount of time at that meeting was taken up discussing the fact that an estate in Dundalk, the one where I live, is looking at paying a public liability insurance bill of about €3,400. This is utterly ridiculous. The development group-residents association is a custodian of a field. It is one of these unintended consequences that sometimes occur in developments. The group, alongside other parties, has done a significant amount of necessary work in the estate, tasks from which the local council and other State agencies have sometimes stepped back. This issue must be dealt with in some shape or form because the current position is utterly unworkable. I noted previously that a community centre in Dundalk was being charged €12,000 for an insurance premium. Obviously, in some cases, claims that have been submitted are being dealt with. I am not going to get into whether those claims are spurious. The Government has taken certain actions in that regard. There have, however, been failings in the sense that we still do not have that piece of work complete. I know this relates to the portfolio of the Minister for Justice but this duty of care issue must be addressed.

I may have digressed in raising this matter, and it is not the first time I have done that. I apologise but I believe these are issues that must be dealt with and we are talking about consumer protection. We must ensure the necessary resourcing is available for the CCPC. There must also be extra powers for ComReg whose representatives I intend to meet soon. Significant legislation relate to ComReg and we must ensure it has the necessary powers to bring firms to book, particularly communications companies and possibly certain telecommunications operators. We must ensure they are offering the services people require. We must ensure all the due diligence is done.

We need to do a specific piece of work to ensure we have covered all that needs to be covered regarding the online realm, including digital services and apps. I welcome that we are dealing with spurious reviews, which is a subject that has been talked about. Other issues, such as online scams, are also worrying people. I am aware that work is being done on best practice and ensuring everybody is informed about maintaining digital hygiene at the best level possible. Cybersecurity has been given a greater level of resourcing but that adds to the difficulties with apps and people trying to remove themselves from payments, etc. A great deal of due diligence must be done to ensure we are adding all the protections necessary for people.

Deputy Sean Sherlock: I welcome this legislation. It is no easy task to transpose EU directives. I applaud the efforts of the Minister of State and his officials in this regard and in presenting this Bill. Starting with the issue of domain names, specifically *.ie* domain names, there are 309,953 such *.ie* domains. Only 278,042 of those are based in the Republic of Ireland, while 4,532 are based in Northern Ireland. The kernel of my point is that this leaves 31,911 of those *.ie* websites operating from outside the island of Ireland. Where do consumers stand when they procure a product or service from a domain registered in Ireland but whose activity is offshored,

perhaps in the United Kingdom or elsewhere globally, whether in the EU or in a third country? If such a company is based in the UK, where do consumers stand regarding their rights in the context of the transposition of these directives into Irish law? If consumers purchase goods and services from companies in the UK, via a *.ie* domain or another such domain, where stand their rights?

Despite Brexit, people in Ireland are still consuming a significant number of goods purchased online from the United Kingdom. We do not know if this legislation is silent or active on the dynamic of protecting the rights of consumers in this context. Consumers are protected in an EU context because this is an EU directive being transposed. If some clarity could be provided on this point by the Minister of State, I would be very grateful. I raise this matter because we are increasingly coming across instances of fraud where people who have logged onto a *.ie* domain to procure goods or services find their money has gone into the ether, the services or goods do not arrive and there is no recourse whatsoever for those consumers. This trend is on an upward trajectory. That is the first issue I wish to raise regarding this legislation.

I turn to the issue of Internet service providers, ISPs, specifically section 2 of the Bill, where there is an interpretation of an “electronic communications service”. This is defined as “a service normally provided for remuneration via electronic communications networks, which encompasses, with the exception of a service providing, or exercising editorial control over, content transmitted using electronic communications networks and services, the following types of service”. These services are then set out in section 2(a). They include “a publicly available electronic communications service that provides an internet access service”. I take that to mean that if a company is an Internet services provider, and offering a broadband service encompassing several platforms, such as Wi-Fi, television services and other similar services, then the legislation covers such a service, as I understand it. The Minister of State is nodding in the affirmative. If that is the case, the position is unclear to me, notwithstanding the Minister of State’s point that the Competition and Consumer Protection Commission, the Central Bank and ComReg will all have a role in enforcing the legislation. As I understand it, under the Bill a consumer is given a general right to withhold any outstanding part of payment to the trader until the trader’s obligations are fulfilled. In those circumstances, the price withheld by the consumer should be proportionate to the decrease in value of the digital content or supply that does not conform with the contract and the consumer’s decision to withhold payment must be expressed in a statement to the trader. I will use a concrete example to illustrate the outworking of that. Let us say I sign a contract with an ISP for the provision of my broadband on a residential or commercial basis and that service is subject to regular outages or broadband speeds are less than adequate, for instance, where one ISP is offering services of up to 1 GB but the service provided is far less than 1 GB and no better than 4G such that, at times, people have to switch over to 4G or even 3G because the service is so bad. In the context I have just outlined, what recourse does the consumer have? If the consumer advises the broadband provider that he or she has called its helplines on numerous occasions and is not getting the service for which, for example, he or she is paying €80 a month, is not satisfied with the service and is now withholding the following month’s bill until such time as the ISP provides him or her with the service it has contracted to provide, what mechanism is open to the consumer in that instance? As it stands, I do not see where the legislation speaks to that very dynamic. I am open to correction on this, but from my perspective and in terms of a consumer protection ethos, there does not seem to be some mechanism built into the legislation that allows the consumer to push back against the ISP without the ISP saying it will just switch off the service. There needs to be some mechanism built in, a protection for the consumer, to allow him or her to make a complaint

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and withhold, per the legislation, part-payment or a proportionate decrease in the value of the digital content that is being provided in a way that gives him or her some sort of assurance and confidence that he or she can do so without being penalised or the service cut off by the ISP. If the legislation can speak to that dynamic in very explicit terms, it will send a clear message to the ISPs that there is redress when the consumer has an issue.

The reason I am raising this issue specifically is that every week thousands of households that have contracts with ISPs have to go through outages and blackouts or are switching over to 3G and 4G because they are not getting the service they have entered into a contract to receive and there does not seem to be any recourse for them. Will this legislation protect the person who procures the services of an ISP? That is one element.

My understanding of the legislation is that Irish consumers are being afforded a robust network of redress options as part of their newly-found digital rights, including a right to a full refund, exchange or repair, when the digital content or digital service contract is not as described or not fit for the purpose intended. Where the trader is liable to the consumer due to any failure to supply or lack of conformity of the digital content or digital service with the digital content or digital service contract, the Bill provides that a consumer may pursue remedies against the person liable for the failure or lack of conformity. This is probably a nicer way of saying what I have been trying to say for the past five minutes. It is concise legal language that has been offered to me by the law firm, Matheson, and I acknowledge its role in that. However, it all boils down to the kernel of the point that I am making, namely, what mechanism does the consumer have, without placing an undue burden where the proof is absolute in respect of the lack of the service being provided? We cannot have a situation where we are putting consumers through hoops to have their rights vindicated. If we are talking about consumers having to go to the CCPC or ComReg on an issue such as this, they would be forgiven for thinking that ComReg might not have the capacity to deal with the individual case if there are hundreds, or possibly thousands, of those coming in its door every week. Can some mechanism be found to ensure the legislation is so robust that there is no way that the ISP can slip off the hook so easily? What I am advocating is that if a consumer decides to take a case, make a complaint or seek redress or compensation for the loss of service, they should not face an onerous burden in doing so.

I reiterate the point in regard to Brexit. Where stands the consumer in this new paradigm in which, post Brexit, we are still trying to negotiate our relationship with the United Kingdom in regard to the procurement of goods and services? Where goods or services are procured from the UK, that is another jurisdiction and obviously not subject to EU law. Is there a mechanism within this legislation that protects the rights of Irish consumers? There are probably hundreds of thousands of online transactions at a residential and commercial level every week for which there is no recourse that I can see at present. That is not anybody's fault. It is a matter for politics and begs the question as to whether there is something in the Bill that can speak to that dynamic.

I welcome the legislation. I seek some clarity from the Minister of State in regard to the registration of *.ie* domain names which are not held by Irish businesses. They are providing services into Ireland on a pretext that people are buying from an Irish website. If that service is being procured from third countries, for example, the US or New Zealand, what rights has the consumer in the context of procuring from a *.ie* domain where that domain is not registered in Ireland?

I thank the Minister of State for bringing the legislation before us. He will be very much

aware of online fraud, in particular, with regard to the registration of *.ie* domain names. I welcome this Bill as a comprehensive leap forward. If the Minister of State can reassure us that the requisite personnel will be put in place in the statutory agencies that will regulate this space, such as ComReg and the CCPC, that will give consumers greater confidence.

Deputy Dara Calleary: I commend the Minister of State on bringing forward this Bill. It is one of the most significant overhauls of consumer rights legislation in some time and it is long overdue. What we are doing is embedding many rights but will we give information to people regarding their rights when they get involved in the system? I am sure everybody in this Chamber has signed up for some sort of service and pressed the “agree” button after about three or four pages of text. Who among us has read every single page of such text, which is normally full of opt-outs for the company to which we are signing over our money and account details? Something needs to be done to embed the rights of consumers in the process so that when they press the “Agree” button, they will actually know what they are signing up to, as opposed to signing up to illegible text. When signing up, there is a danger they might inadvertently sign some of their rights away. Some of the new rights to be enshrined in this legislation regarding digital services, in particular, and also downloads and cloud products are too important not to be given the kind of profile and attention needed.

What additional resources will the CCPC be given to circulate the required information so consumers will be armed with knowledge? Most of us do not know our exact rights and responsibilities until a situation arises. Often when a situation arises, it can result in high stress and lead to very challenging circumstances.

The ComReg figures for the first quarter of this year point to 12,500 contacts, with 4,600 complaints having been made on broadband and mobile telecommunications. I suspect all of us had dealings with one company, in particular, that is just impossible to deal with in respect of customer relations. It is a matter of the extra rights that will be given to consumers. Deputy Sherlock asked whether a consumer who holds back payment will lose the entire service. In many digital contexts, the entire service is essential to daily living. I am referring to the effort to prosecute, for want of a better word, the rights that consumers are to be given under this legislation. There is no sense in having all the rights unless the companies are going to respect them and unless there is a robust regime within the CCPC of defending and backing up consumers and giving them the ability to ensure the rights stand to them.

I have often felt the CCPC is overloaded. It is the competition authority and the consumer protection authority. It was always feared that there would be an overload. We need to ensure that, with this new legislation and the powers that come with it, additional resources will be made available so consumers will know their rights and that when those rights are not being respected, they will have redress under the powers and protection of the CCPC.

What is the likely timeline? Does the Minister intend to have the Bill passed before the summer recess, or will it be passed in the autumn session? Considering the endorsement of the legislation by groups such as Digital Business Ireland and the considerable expansion of online business, including retail business, particularly over the past two and a half years, and the fact that online business will be done daily, the rights are essential. It is essential that businesses, particularly small businesses that do not have the capacity or resources of major multinationals, understand their rights and responsibilities under the legislation. From the start, a campaign must be designed that gives the information required by small businesses, particularly those discovering their way around e-business and e-sales. From the outset, they will need to know

their responsibilities in the same way that consumers will need to know their rights.

I commend the Minister for his work on this. It is important that we see this through quickly. It pertains to a space that is changing every day. The digital arena and the services are changing every day and dominating our lives in a way that we could not have imagined even two years ago, never mind 15 years ago or when the last major Bill on consumers was passed. I commend the Minister and wish him well.

Deputy Patricia Ryan: The Consumer Rights Bill 2022 is long overdue and represents a very welcome transposition of EU law. Unfortunately, however, it is the outcome of another missed deadline by the Government. The Government really needs to get its act together in transposing EU directives.

There has been an imbalance between goods and services in consumer rights legislation, and it is hoped that this Bill will address it. The new law will increase the rights of consumers regarding contracts for the sale of goods and supply of digital content, and it gives more power to the regulator, the CCPC. It is one of the biggest overhauls of consumer law in the State in 40 years. Many of the laws in place to protect Irish consumers were drawn up before the age of the Internet. Prior to the EU directives being transposed, someone spending money on a digital product did not have the same rights as when purchasing a physical one. This is going to change. Under the new law, consumers will have the same rights and protections regarding digital content and digital services, such as streaming, downloads and cloud products, as they currently have regarding other products or services.

The Bill amends the law on unfair terms in contracts between consumers and traders. These include terms and conditions that allow a trader to unilaterally change the terms of a contract. Any provision that would indemnify a trader from harm caused by a product or service will not be allowed. Businesses will also have to set out clearly a description of the goods or services being provided, the total price of the item, and the delivery cost before entering into the contract with a consumer. The Bill will see more redress options put on the table for consumers, and consumers will be entitled to agree a price reduction in respect of faulty goods. They will be entitled to withhold payment for goods partially paid for if they are not satisfied with the quality. The Bill also makes it clear that any form of redress must be free of charge and carried out as soon as possible.

The legislation cracks down on aggressive commercial practices such as a company leaving fake reviews of its own or a competitor's services. Companies that engage in such behaviour could be subject to fines by the courts following enforcement action taken by the CCPC. Importantly, the Bill will ensure that where someone cannot contact a trader and a sectoral regulator does not already cover the matter, the CCPC will have the power to intervene and force the trader to engage with the consumer.

I commend my colleague Chris MacManus, MEP, on his work on consumer rights in the European Parliament. He has been to the fore in highlighting the lack of consumer protection provided to the families affected by mica. He has signed the second amendment that was passed to introduce the mandatory labelling of products to provide clear information to consumers on their estimated lifetimes and reparability at the time of purchase. This information will greatly benefit consumers and allow us all to make more sustainable choices when shopping. There must be an end to manufacturers building obsolescence into their products. This is a technique whereby manufacturers design products that break down or malfunction after a period. This

is shameless profiteering and it is harmful to the environment and the circular economy. I was greatly disappointed to see that Fine Gael MEPs voted against the initiatives proposed by Mr. MacManus and progressive forces in the European Parliament. Sinn Féin, in this Parliament and the European Parliament, represents the interests of ordinary citizens, while some back the trickery of the manufacturing industry.

Deputy Catherine Murphy: I, too, welcome the introduction of the Consumer Rights Bill. It is a much-needed consolidation of existing consumer rights legislation and it strengthens other areas of consumer rights that were in dire need of modernisation, particularly regarding digital goods and services.

Many of the reforms in this Bill are existing EU law, coming from the sale of goods directive, the digital content directive and elements of the omnibus directive. The first two directives, both introduced in 2015, were due to be transposed into Irish law by 1 January this year, while the omnibus directive, proposed in 2017, is to be implemented by 28 May. Their inclusion in this Bill is welcome and somewhat overdue, but I acknowledge that putting together consolidated legislation such as this takes considerable time and effort on the part of the Department.

I would like to ask the Minister about the decision not to transpose Articles 2, 5, 6 and 7 of the omnibus directive at this time. There is nothing in them that struck me as particularly controversial.

6 o'clock

Article 2 deals with the rules for how member states should label price reductions in terms of transparency, while Article 5 requires the provision of a single digital information point for citizens looking for their consumer rights on out-of-court dispute resolution benefits. Will these be transposed in a separate Bill? It may well be the case that consolidated legislation is limited in terms of adding additional things. If that is the reason, I would understand that. The Minister of State might tell us how they might be introduced, and why they were not included in this Bill so that we can at least understand the position.

The sale of goods and the digital content directives were formed with the goal of contributing to the faster growth of the digital Single Market. They were shaped, in part, on the outcome of the 2014 EUROSTAT survey, which found that 18% of consumers had purchased online from another EU country, while 55% did so domestically. I suspect the figure is now significantly higher than that. The pandemic will have driven that particular aspect of trade to a much greater degree than was the case before.

At the time, there was a clear need to ensure that consumers had proper protections while buying goods online from other EU member states and, importantly, that they were aware of their rights. Of course, that has changed since Brexit. A lot of trade was done with Britain. It goes without saying that those numbers are completely different now. Some 87% of people in 2020 purchased services online. Modernisation in terms of consumer protections in the digital sphere has been sorely needed for a long time now and we have been quite slow to catch up in that regard. Much of our consumer protection legislation was drawn up long before there was widespread use of the Internet, which means that consumers online have had little or no protection from practices which have been illegal in the real world for decades.

I am focusing on the digital side of things, but for those who are lucky enough to buy their homes there can be many issues, such as estates not being finished and so on. People very often

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feel that, in terms of consumer protection, sometimes the big things are not protected. We have fallen into serious problems on foot of not paying attention to that side of things. It is somewhat off the beaten track, but, for example, the regulation of builders in Australia puts the consumer at the centre and elevates standards. Sometimes we have not paid attention to the big things and they come back and bite us. We have seen that in many different ways.

As it stands, people do not have the same rights if they purchase digital products such as streaming services or downloads as they do when they buy a physical item. It can be very frustrating. Very often things default to payment, even though people do not want to continue using a service. People buy something on a monthly basis and then discover that they pay the next month and have to go through a rigmarole to cancel the service. Very often the rigmarole is pretty difficult for people, in particular those who are not tech savvy.

These facts will come as a surprise to most people who naturally assume they have standard consumer rights to a refund, exchange or repair of the goods they buy, no matter where they come from. This Bill will, thankfully, rectify that situation by bringing the protections for digital goods and services into line with the standard existing protections. This does, however, point to the need to ensure people are properly informed about their consumer rights and protections and what protections they have.

Fines will be introduced for companies found to engage in misleading or aggressive commercial practices such as fake reviews, following action taken by the consumer watchdog. We all wonder when we are reading a review of a hotel or holiday whether it is written by a real person. It is only when we see a large number of such reviews that there is a possibility of objectivity. A crackdown on bad actors who write false or glowing reviews of themselves on various online review sites is sorely needed. An abundance of choice in terms of providers for goods and services online can sometimes be overwhelming for customers. Many people go through the effort of researching providers to ensure the money they spend will be safe. For that research and careful consideration to be undermined by fake reviews and ratings on sites such as Yelp or Trustpilot does an absolute disservice to the consumer. It also means that trustworthy businesses which would never consider such an action are badly impacted. There is an unfair advantage with bad actors getting an unfair advantage. Equally, in the service sector a business truly does hinge on its reputation.

The most important aim of the Bill is to allow the CCPC to take enforcement action against traders who fail to provide consumers with a remedy or reimbursement for faulty goods and services. The CCPC has provided a very valuable service in informing consumers of their rights and enforcing competition law, but it has been sorely lacking in teeth for a long time. Very often our regulators, in theory, have a remit, but they need to be resourced so that they can have that in practice. We have a lot of law in theory in this country, but when we start looking at how it is enforced it very often falls down. There is no doubt that it requires more teeth. The circumstances in which the CCPC can issue fixed payment notices will be expanded, as will the time period for bringing forward criminal prosecutions, which will increase from two to three years.

A further critical development is the implementation of the omnibus directive. The Bill will amend existing law to provide for fines of up to 4% of annual turnover of the relevant member state and up to €2 million if turnover information is not available for certain breaches, including in Part 5, which deals with consumer information and cancellation rights, and Part 6, which deals with unfair terms in consumer contracts.

We have historically had a bad habit, as I said, of giving enforcement agencies a large remit but no power to fix the problems they are being asked to resolve. We have seen this with the CCPC and can observe the same problem with agencies such as the Standards in Public Office Commission, SIPO, which is also in dire need of reform and an expanded remit and enforcement powers. It is in a different sphere, but it makes reports every year which we ignore. We should be paying far more attention to the kind of flags they are raising.

All in all, this Bill goes a long way towards modernising our consumer protection legislation by transposing the three EU directives as well as by ensuring the legislation is easier to find and understand through consolidation. Indeed, I wish we could have other pieces of consolidated legislation, in particular in the criminal justice and transport areas, because trying to make sense of the law when there are bits and pieces all over the place can be really tough. It requires an expertise that most people do not have the ability to pay for.

I welcome the fact that this is consolidating legislation. I reiterate the point that sometimes we are not regulating for the big things that cause us problems. I refer to things like pyrite or mica and shortcuts being taken underground. Some of us remember when HomeBond was not available at a time when people thought it would be their fallback position when their homes were damaged by pyrite.

One sometimes has more consumer protection when it comes to small things such as a packet of crisps or biscuits than for something that is a very big outlay and can cause serious problems for the individual, but also sometimes for the State as well.

Deputy Alan Farrell: The Bill offers the opportunity to bring our consumer rights legislation into the 21st century and, in so doing, make it fit for the increasingly digitised world. The vast majority of the population daily streams or downloads goods or services from the Internet or the cloud. This practice is a clear divergence from the way we lived our lives just a decade ago, or even more recently.

Through the past two years of the pandemic, we had no better example of how digital goods and services provide a major factor in consumer behaviour. As we stayed at home and avoided traditional shops, we increasingly engaged with online goods and services. I do not believe this behaviour will change in the years to come. In fact, like many, I believe it will play an ever-increasing role in consumer habits and behaviours.

As my colleague Deputy Calleary mentioned, the lengthy terms and conditions to which one must sign up when availing of a service online are often confusing and written in opaque language that is difficult for the vast majority of the population to interpret. It is important, therefore, that the legislation and consumer rights protections in the State are updated to keep up to date with such changes. Despite the changes that have taken place in recent years and entered every home in Ireland, the legislation has, to date, not been updated to reflect those changes.

The Bill represents an opportunity to provide the most radical change to our consumer rights law in several decades. By bringing digital goods and services under the same category, for all intents and purposes, as traditional goods and services, we will expand the confidence of people across Ireland when availing of digital items and strengthen the position of the consumer, which in turn benefits the entire nation. Among the rights that will be enhanced by the Bill is the right to a full refund, exchange or repair of a good or service that was not to the standard advertised, as well as appropriate upgrades to the good or services so that it will work as intended.

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These enhancements of consumer rights will reform how we think of and engage with digital goods. Of course, it will also provide confidence to small businesses that heretofore might not necessarily have engaged online because of the prohibitive costs of going online, but also the difficulties associated with trying to sell one's products online both when there are so many large digital retailers available and in competition with them. The confidence it instils in those small businesses' consumer base is a very important business attribute. The Bill also contains important changes to transparency practice with regard to terms and conditions as well as costs of contracts that companies offer to consumers. Importantly, it restricts the ability of a digital product provider unilaterally to change the terms of a contract, thereby once again strengthening the position of the consumer in the market.

I am encouraged that the Bill will see a crackdown on fake reviews. There are countless examples of misleading and inaccurate reviews of digital goods and services companies and websites. During the pandemic I relocated to my constituency office for several months and, while there, a local retailer informed me he had been inundated with fake reviews from Thailand. In fact, some of the reviews were in Thai and he had to use the Google translate service to figure them out. They all rated the retailer negatively, which was extremely unfair, and were very difficult to remove. I know of other instances closer to home involving digital reviews that were completely inappropriate because the reviewers had never met the individuals in question, among other things. These things have to be regulated. There has to be a process in place with these firms for the rapid removal of such reviews because they can be extremely detrimental, particularly for small businesses that are trying to trade online and compete with global companies. There are countless examples of misleading and inaccurate reviews of digital goods and services on companies' websites. As other Deputies have mentioned, some of these reviews are left by companies' representatives to bolster positive reviews left for their products. In some cases, negative reviews are left by competitor companies in respect of goods and services. These reviews are a deliberate attempt to deceive and gaslight consumers into picking one good or service provider over another. Although the vast majority of businesses do not engage in that practice, it does show complete contempt for the consumer and damages consumer confidence and the overall online trading sector. The measures under the Bill will allow ComReg and the Competition and Consumer Protection Commission, CCPC, the ability to pursue these bad actors and tackle the culture of dishonesty, which I firmly welcome.

The Bill speaks to the ever-changing nature of society with respect to new technologies. I believe that in the years ahead we will have to update our legislation continually with regard to the myriad of technological advancements that will continue to offer people new methods of engaging with businesses, society at large, transport, the State and more. In this context, we have a duty to ensure our legislation accurately reflects the everyday encounters of citizens. In recent years, for instance, we have seen the emergence and growth of more advanced artificial intelligence, AI. I note the Minister appointed an AI ambassador this week. We have seen the ambition of companies such as Meta to develop the metaverse. These developments will continually change how people engage with goods and services on the market and in the digital space and it is important, therefore, that we work closely with our European partners in these sectors to ensure consumers are protected while active in this field.

I note with appreciation that publication of the Bill has been well received among industry stakeholders and agencies involved in the regulation of the market. That is a positive endorsement of the work of the Ministers and the Department. It is another important boost to consumer rights in Ireland, which have been strengthened in recent years, and I very much look

forward to the passage of the Bill.

I wish to reiterate my experience with the CCPC, which is a fantastic agency. I am not criticising it. I wonder, however, whether the Department should consider reviewing its funding because there are times when its work on behalf of consumers can be delayed simply as a consequence of the amount of work it has. That may be an indication of a minor lack of resources or personnel appropriate to complete the jobs at hand. I do support the Bill and very much look forward to its passage.

Deputy Willie O’Dea: I welcome the Bill and congratulate the Minister of State and his staff on bringing it forward. I remember studying a subject grandly entitled “personal property” in UCD about a hundred years ago or so. At that time, the basic legislation in this area was the Sale of Goods Act 1893. That Act provided that goods had to be of merchantable quality and-or fit for the purpose required. There was, of course, subsequent legislation in 1980 and a European influence through directives in 1982 and 1983 which seem to me to have caused more confusion than elucidation. However, the Bill, which enshrines a plethora of consumer protection measures into law, will certainly rectify that and I very much welcome it.

One of the attractive features of the Bill is that it creates greater flexibility in respect of things like price reductions and withholding payments for goods that have already been partly paid for. Much of this is happening in real life already, but it is very important for it to be underpinned in law, as is now being done, and I very much welcome that. The Bill deals with several lacunae in the law as it exists currently, especially in the area of advertising, and I very much welcome that. I listened to an earlier section of the debate and heard Deputy O’Reilly referring to this in the context of beauty cream. I do not have much personal experience of that material.

An Ceann Comhairle: That makes two of us.

Deputy Willie O’Dea: What I have noticed is that if a person wants to purchase a product, he or she checks out where it can be sourced and then, because the supplier is unfamiliar to the person, he or she goes on Google. Lo and behold, the person finds that Tricky Dick, the supplier, has loads of testimonials as evidence of his being the most honest guy ever to walk the face of the Earth. It is small wonder he has so many testimonies, given that he probably wrote them himself. This type of thing is rampant on the Internet, with actors mouthing the testimonies that were written by the suppliers. This is grossly fraudulent, reprehensible and totally immoral. It is amazing that it has taken so long to make it illegal, but I really welcome that it is being done.

On the digital side, much of the consumer protection law that is on the Statute Book was put there before the advent of the Internet and it does not capture the sale and supply of digital goods and services. It is very important to address this because business is increasingly being done digitally, even down to high street shopping, which is more often done online. The digital area, incidentally, is very difficult to control. It will be fascinating to see how effective the legislation is in policing digital transactions, which involve people connecting to the cloud or accessing material that has to be streamed or downloaded. That will be fascinating to watch. The Bill makes a very good effort to deal with that situation.

Regarding fair terms and conditions, we have the blacklist, which sets out the practices that are an absolute no-no, and the grey list, which deals with the terms that are presumed to be unfair. There are a number of very welcome additions to the blacklist in this legislation.

I also welcome the extension of the power of the CCPC to police this legislation and step in

when the consumer cannot get a proper remedy from the supplier. That is extremely significant; nobody should underestimate its significance. I note the provision in section 34 that, provided one does not claim twice, the provisions in the Bill are not an alternative but an addition to present remedies. If someone chooses to do so, he or she can rely on the Sale of Goods Act 1893, which was passed in the reign of Queen Victoria, and seek the appropriate remedies set out in it.

In the time remaining, I would like to make two further points. First, the new legislation certainly will increase litigation. Of that there is no doubt. Unfortunately, this is happening at a time when access to the courts is becoming increasingly difficult. The time limit is beginning to grow again and the costs are once more rising. There is a commitment in the programme for Government to set up some sort of forum to discover ways to ease and facilitate access to the legal system. I wish that forum the very best of luck. I do not know whether it has yet been set up but, if not, it certainly needs to be done very quickly. In addition, the powers of the CCPC are going to be massively increased. That will require extra staff. There are several organisations in this country, the Residential Tenancies Board, RTB, being one that springs to mind immediately, where the rules are in place and the people in question are operating those rules as fairly and efficiently as they can, but they are simply overwhelmed. The time it takes to get a remedy or sometimes even an answer from the RTB in these circumstances certainly has devalued the work of the board. I do not want to see that happening in this instance. When the Minister for Finance stands up to announce the next budget, I will expect a substantial increase in provision for the CCPC.

I know I am speaking to the converted but the final point I want to make is that this is a very lengthy Bill, with 163 pages and 173 sections. I ask the Minister of State to be generous in dealing with amendments that are put forward. Despite the wonderful work that has been done by the Parliamentary Counsel and the staff in the Department, nobody has a monopoly on wisdom. As I read through the Bill, I saw several places where the provisions could usefully be amended to strengthen them. For example, section 47, which is a very useful section dealing with transactions involving motor vehicles, is too tightly drawn and could be made much more efficacious if it were made more flexible.

I congratulate the Minister of State on his initiative in bringing this legislation before the Dáil. I wish it a speedy passage and I hope it goes through unopposed. I heard several cribs from the Opposition benches about the fact we are already past time for transposing the relevant EU directives. In fact, these directives have been transferred very quickly, comparatively speaking. I could cite what happened in the past but time does not permit me to do so.

An Ceann Comhairle: I thank Deputy O'Dea for his words of wisdom. We move now to the Regional Group, for whom Deputy Shanahan will give us the view from the sunny south east.

Deputy Matt Shanahan: Indeed I will, a Cheann Comhairle. I enjoyed some of Deputy O'Dea's prescient remarks. As the Minister of State outlined, this Bill will transpose two directives, namely, the digital content directive and the sale of goods directive, which relate to contracts for the sale of goods and contracts for the supply of digital content and services. It also transposes elements of a third directive, namely, the omnibus directive that relates to better enforcement and modernisation of EU consumer protection rules. The Minister of State outlined his hopes that these provisions will provide a more modern legislative framework that will create clearer rules for business and bring about substantial improvements for customers. Once enacted, the Bill will strengthen the protections for consumers provided by the CCPC and

ComReg by creating clearer rules for businesses and ensuring the market works fairly and effectively for both consumers and traders.

Like many others, I welcome the additional consumer protections and remedies the Minister of State has outlined in the Bill, particularly the provision for a price reduction on faulty goods and flawed services. It is long past time that consumers would be entitled to withhold payment for goods or services that have been partially paid for if they are not satisfied with the quality of the item or service received. It is important that the Bill stipulates that any form of redress must be free of charge and must be carried out as soon as possible. Of course, the question then arises as to the whole issue of enforcement.

The Minister of State outlined that there will be new protections for consumers in regard to digital content. As we all know, the Internet already is the global marketplace. It is becoming a marketplace for consumers of all ages, many of whom are easily exploited by unscrupulous sellers. In areas such as audio and video files, computer games, digital streaming services and social media, consumers are open to unfair and substandard sales services. I have a question as to the degree to which this legislation will be able to target international media providers and possibly their Irish subsidiaries. That will remain to be seen as the Bill is enacted and rolled out.

Under new digital rights, there is a right to obtain a full refund, exchange or repair where a good or service is not as described and is not fit for purpose. Unfortunately, I would say that happens quite a lot with Internet purchases. Consumers will be entitled to any required upgrades to the product or service, free of charge, to ensure it continues to work as expected and agreed. Will the legislation pertain solely to Irish purveyors on the Internet and, if not, how does the Minister of State intend to enforce its provisions on foreign companies?

I welcome the blacklist of contract terms and conditions that are automatically deemed to be unfair and which I agree should not be included in any consumer contract. Clearly outlining what is legally binding on a buyer and seller is a transparent right but one that often does not apply. The provision that neither party can change the terms of the contract is welcome. In this instance, it is usually assumed that it would be the merchandising party who might do so. There is a requirement for the proper representation of product, which is difficult, and full transparency regarding final taxes and charges. I would point out that where people are buying online, even through An Post, they often find that subsequent taxes and charges are notified to them of which they were not made aware when they made the purchase.

The Minister of State outlined that the Bill gives extra enforcement powers to the CCPC, which is the body responsible for enforcing consumer law in Ireland. These powers will mean that where traders engage in misleading and aggressive commercial practices, such as posting fake news, or where they do not provide the remedies or reimbursements consumers are entitled to, the CCPC may take such action and compliance measures as going to the Circuit Court or the High Court and requesting declarations or injunctions. How is all this activity to be audited? As I think has been asked already, what is the methodology to trigger this? What resources will the Department give to the CCPC? We had the CCPC before the enterprise committee some weeks ago. One of the main issues that arose at that committee meeting was that that body is already significantly weighed down with work. With the best will in the world, I am not sure it will be able to take this on without significant additional resources.

The Minister of State outlined extra enforcement powers for ComReg in respect of elec-

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tronic communication services and premium-rate services and for the Central Bank in respect of financial resources. Again, what auditing has the Department done in respect of the Central Bank? The Minister of State said the Department has had wide, robust and productive engagement but I am not sure he outlined exactly what the situation is with that. It is possibly he will do that yet.

As for ComReg, I will outline something that happened to me relatively recently. I got a bill for €900 for a mobile phone in the name of my daughter. It was with one of our main providers in Ireland. Obviously, she had not calculated or known she had been running up such a bill. I got in touch with the company concerned and was told that she had unwittingly clicked on a competition which ran for a month and ergo would cost €900. I did not go to ComReg but I took it up with the company concerned. It was very difficult. I would not like to be an average Joe trying to do it. Eventually, I had to settle for half and I paid €450. The company left me in no doubt that, legally, I did not have a leg to stand on. Again, where will the law sit in that regard?

Another thing I will ask the Minister of State about is part exchange, which is now becoming a feature in business. We have been aware of it for a long time in the context of the motor trade. It is also happening in gaming and computer games and even bringing in computer peripherals to exchange them against something else. Sometimes it is a case of buyer beware, as much as we might like to think it is not, and we might like to think this consumer legislation will cover that. One of the interesting transactions that happen in the motor trade is the trading in of cars. There are two exchanges going on. You do not trade in the car. In law, you sell it to the dealership and give an undertaking to the dealer as to the car's quality, what you understand its condition to be, the fact that it has not been crashed and the fact that the mileage is, as best you know, accurate. This has led to many people getting caught out. Sometimes people in the motor trade get caught out and unwittingly sell on a car which turns out to have a significant history. Is there anything in this new Bill the Minister of State proposes to tighten up some of that? Sometimes those who sell merchandise need to be protected in that situation also.

Overall, I welcome the Bill. As I said, we discussed it in the enterprise committee. As Members said, the Minister of State's office and Department have done a great deal of work on this. It is to be hoped it will tighten up a lot of things and give better protections. I have concerns about Internet sales and how we will manage to police them where the companies are resident outside of this State, but maybe there is no simple answer to that, or maybe the answer is just to shop at home, where people have consumer rights and can have them enforced in the courts or legally through other areas. We wish the Minister of State the best of luck and look forward to the his amendments.

Deputy Jennifer Murnane O'Connor: As previous speakers said, the Bill brings with it a number of positive changes for consumers, including stronger consumer rights, protection and remedies. With the explosion in online trading, digital streaming and downloading and the move away from the high street and local traders, this is so important. Once upon a time, if you wanted to buy a television, you walked to your local main street and bought one from the man your mammy would have known or the shop your family would have gone to. If there was a problem with it, you could go back to the main street and get it sorted the next day. We have seen huge change since then. It is important we have this Bill.

Some consumers are getting caught out with faulty goods and breaches of their rights, so it is right and proper that we protect them. Even more important now is protection in the cloud

space, where digital products such as music are bought and sold. It is welcome that the Bill will bring consumer protection to digital goods and services in order that cloud services and downloadable and streamed goods are covered by the same arrangements as a television bought in a shop. That product protection is better when we look at the redress which will come to the customer, and it will have to come quickly. That question has been asked. We need clarification on the timing of it.

There are also long-term issues with the policing of all this and what exactly the laws on this are. I know that the Minister of State will come back to us on that. For too long, products downloaded or streamed from the cloud or other means have been left unregulated, and that has not always been good for the consumer. This Bill will stamp out misleading information on sites. The banning of fake reviews is especially welcome. We have to trust other customers' experiences of services. For too long, suspect reviews have been allowed to go unchallenged and customers have lost out. We absolutely must support this legislation to place a legal obligation on traders to ensure that any reviews on their websites are from real and verified consumers. We cannot allow a business to show only its best side with reviews from friends and family. That is important. For the social media operator, this will be a really important clarification. We have seen during the Covid pandemic the surge in online shopping. This Bill will go a long way towards stamping out bad actors who have surfaced during the surge in online shopping. The one thing I have learned about from the pandemic and from speaking to many of my friends and various other people is the surge in online shopping. I have been taken aback by it. Having spoken even today to a friend of mine, I understand that online shopping for clothes in particular seems to have surged during Covid and seems to be continuing now.

As previous speakers said, this legislation will be so important. We have to do this. In fact, we are late to the game. The digital content directive and the revised sale of goods directive were due to be in force on the first day of this year. Coming down the tracks is the European electronic communications code, which seeks to incorporate new rules which share a similar consumer-first focus with this Bill. Like other speakers, I welcome the Bill. It is so important now, given the surge in online shopping. People have been looking for this. It is important we get it through as quickly as possible. I know that when he comes to Carlow at the end of the month, the Minister of State will visit many people in my constituency and will be able to give them a lot of information on this. Again, I fully support the Bill and its progression. Other Deputies have spoken about amendments and how we will focus on them. While there will be amendments, it is important that the Bill goes through as soon as possible.

Deputy Carol Nolan: Tá áthas orm labhairt ar an mBille seo. It is a very wide-ranging and complex Bill, seeking as it does to consolidate and to update the legislative provisions that regulate the main types of consumer contract. Sections of the Bill are very welcome and will make a real and practical difference to people in everyday life - for example, section 19, which deals with the provision of remedies for the incorrect installation of goods. The Bill makes it clear that an incorrect installation of goods will result in a lack of conformity of the goods with the sales contract where the installation was carried out under the trader's responsibility. I welcome that provision. We are all aware of cases where people have been left high and dry after handing over significant amounts of money only to have the goods they had purchased damaged at the point of installation. Obviously, most decent and conscientious traders look after their customers and reputation is important to them, but there are elements out there that seek to take advantage. Unfortunately, we hear more and more of that. Section 25, on repair or replacement of goods, is a welcome and pragmatic move as it provides that a trader must ensure repair

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or replacement is carried out free of charge, within a reasonable time period and without any significant inconvenience to the customer. Those safeguards are necessary and welcome. This will strengthen people's rights in this area. That is positive, particularly as there is a balancing provision in section 28, which deals with the obligations of the consumer in event of termination of sales contract. The majority of traders are, as I said, hard-working and decent people. They, too, need proportionate protection of the law.

I note the Bill will also amend the Consumer Protection Act 2007 which will strengthen the enforcement powers of the CCPC. This is an approach that was badly lacking for many years, particularly in the agricultural sector, which was left very exposed. If we are to have regulators, they better have teeth and the ability to do their job and make a difference.

In the context of the agricultural sector, I accept that we now have the unfair trading practices, UTP, directive which has been transposed into Irish law but I note from a recent ministerial reply that the directive does not and will not address below-cost selling as it was considered that legislation dealing with this issue had acted against the interests of consumers. I understand that there were also difficulties in terms of enforcement. I have some concerns regarding that particular approach. If the Government is intent on protecting consumer interests, it must do so in the round. Are farmers not consumers? We must remember that farm families also purchase goods and that these costs are increasing all the time as input costs soar. When they go to sell their goods or products, however, they are not protected by the same consumer protections in terms of value for money. Why is that the case and how is it right that we have that type of situation? Why must farmers endure disproportionate levels of below-cost selling by the multiples? This Bill does not deal directly with this particular issue but I want to raise it and to highlight the fact that if we are to be serious about protecting the rights of consumers and traders, we should try to spread the net to include those in the agricultural sector also.

One last issue I wish to raise is dealt with in section 60, which provides for the remedy for failure to supply digital content or digital service. All Members will be aware that many families in rural Ireland continue to endure poor or at best patchy Wi-Fi services and connections. Is it fair to expect a family to pay a monthly fee for a service that should be enabling them to access a digital service or digital content on an intermittent basis? I hope that this Bill will provide some positive remedy for such families, who, more often than not, must endure poor services because of the lack of alternatives.

Deputy Michael Healy-Rae: I am grateful for the opportunity to speak on this important matter of the Consumer Rights Bill 2022.

At the outset, as I always say in situations like this, I have been a small retailer for many years and I try to always ensure that my customers are happy with the goods and services that I provide.

This Bill is important. While the existing legislation on consumer contracts offers consumers necessary protections, it is disjointed and deficient in a number of respects, including the rights and the remedies of consumers in respect of the quality and other aspects of goods purchased under contracts of sale. They are regulated by two separate and not always consistent sets of statutory provisions, namely, the Sale of Goods Act 1893 and the Sale of Goods and Supply of Services Act 1980, as well as the European Communities (Certain Aspects of the Sale of Goods and Associated Guarantees) Regulations 2003. While services now account for an increasingly large amount of consumer activity and expenditure, the statutory provisions on the

supply of services comprise only four sections of the Sale of Goods and Supply of Services Act 1980, compared with the more than 60 sections in the Acts regulating the sale of goods. Moreover, they are silent on key issues such as the remedies for services that do not conform to the contract. When people are working hard and buying goods or services of any type, we want to ensure they are treated properly and fairly. We have seen many of the multinationals that have come into the country using unorthodox procedures and efforts to try to win over customers. I always use the following analogy because it is straightforward to understand and shows what large groups of people can do. A certain town - I will not even say what county it is in but it is in Ireland - had many service stations and a large multinational group came riding in on the big white horse to that town and opened up a massive service station. It significantly reduced the cost of fuel to such an extent that it made more sense to people who had fuel at home, even if they had a large number of trucks on the road, to go to that service station because it was selling it at a price that no one else could provide. One by one, the lovely small family service stations that were in that large town closed until eight of them were gone. There were three of them that they were not able to shake but they did get eight of them closed up. Their tanks under the ground had to be sucked out and filled with concrete, which is a regulation, and those service stations shut. As for this big conglomerate that had come in on its white horse, that had brought down the price and that was the new saviour to the consumer because it was selling very cheap, all of a sudden the price started to go up week by week. There was nothing that could be done about it because it had the monopoly on the town at that stage. Now that town is one of the most uncompetitive places in the country to buy fuel quite simply because the conglomerate closed down everyone else. That is what I would call blackguarding the system and messing with the consumers.

People and families work very hard. I was speaking before coming into this debate at a Committee on Budgetary Oversight meeting and I was talking a lot about mom's purse. I like talking about mom's purse because it is my way of understanding the economy. My attitude is if mom's purse is not right on a Friday evening, the world is very wrong in that household. No Minister for Finance and no person over in Europe can tell mom about her purse. Mom knows about her own purse and if it is not right, it is wrong.

When people must pay for goods, we want to ensure that the goods are proper. Deputy Nolan rightly spoke about technology, for instance, services online, and about technological services that are provided and that are no proper and right, and stated that people are paying a fixed monthly contract for a service that might not be up to what it should be. That is obviously wrong. Those consumers must be protected.

There was a significant increase in online shopping during the pandemic and that, of course, did a great deal of harm. We must ensure that there is a proper balance between the rights of consumers and trying to keep the local shops going as well.

Deputy Mattie McGrath: I, too, am delighted to be able to comment on this legislation tonight. I thank the Minister of State. Indeed, while I am on my feet, we had Mr. Edmund Honohan, former Master of the High Court, in recently and he was fulsome in his praise the Minister of State. I cannot think of the name of the relevant Bill, it had an unusual acronym, but he praised the efforts in that legislation which the Minister of State had brought in to try to bring some clarity to situations regarding families and, indeed, farms and places that found themselves in difficulty. I acknowledge that, on his behalf, because he understands well the intricacies of that. The name of the Bill eludes me now.

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Deputy Robert Troy: It is the small company administrative rescue process, SCARP.

Deputy Mattie McGrath: Yes, it is SCARP. We were calling it “SCAMP” for a while. The Minister of State is right. In fairness, he should take the credit when he is getting it. We are well able to criticise so it is nice to pass on those congratulations.

This Bill is very important because consumers are being ripped off, left, right and centre, especially online. Then there are massive reviews on different media online and they are all one-sided. There is no control or basis. They might be wildly inaccurate. Big companies are powerful. Like Deputy Nolan, I am very concerned about farmers, and it was a very worrying issue for Mr. Honohan as well. They are in no-man’s-land. Why are they not included in this as consumers? They are falling in between. They are important and their work for this country is enormous. They are under savage attack from all sides so they need protections.

I introduced a Bill on behalf of my colleagues to try to bring about some protection in respect of the family home and the farm, to separate the home from the land holding, and to protect spouses and siblings who may accidentally be on leases or whatever else. They need protection in this area as well, because they are consumers as well. There is an attack on them. A few years ago an Teachta Michael Healy-Rae anseo agus mé féin went to Dunnes Stores off Grafton Street with members of the Irish Farmers’ Association, IFA, to support the IFA. The Minister of State remembers it well. They filled up four trolleys with a water level of goods. I think it only came to approximately €20, and we were shocked. I know the value of a bag of spuds, a turnip, a carrot or any of the produce that comes from the land. It does not fall off the trees and grow. Seed has to be bought, the ground has to be prepared, fertilizer is required and one has to look after the crops, spray them and make sure they are good products. Consumers want that for their protection. However, the below-cost selling is beyond all. I know of several farmers who have left the market this year of supplying fruit and vegetables, mainly vegetables and potatoes. They are leaving because it is not viable. What we will be left with is multiples that will be able to charge what they wish because there will be no competition.

Then there are the small shops. By all means, consumers must be protected. The vast majority of them are, and the vast majority of business people are good, decent business people. They want to work and they want to provide a service, but the rogue element must be driven out. However, to catch that rogue element, often with legislation, the impact and pressure it puts on small businesses is unwieldy. One would have to be a legal mind to traverse the amount of paperwork and to understand it. The small business people do not have the time or the energy for it and they cannot afford to hire the expertise, so they are really struggling. This Bill is welcome in many ways, but there are many aspects of it that are leaving people behind.

Another area in agriculture that is under attack is the farm suppliers. They are very reputable. Previously, they were selling medicines, but that has all been clamped on and has been taken back in under the agricultural veterinary products. They are being squeezed every which way. Then there are the single- or two-person sales teams on the roads. They have small businesses and are paying their taxes, rates and everything. There are unintended consequences sometimes, but some of these are intended consequences because there are powerful lobbies that want these people out of the way.

This is Second Stage, but we hope we will be able to table amendments for Committee Stage. We hope the Bill will be practical, user-friendly and consumer-friendly. Also, a correct balance must be struck between the consumer and he or she who delivers the services. It sad-

dens me to see the amount of online shopping. I put my hand up that my páistí do it, but it is a pity. We see the vans on the road and, indeed, they would blow one off the road. The shopkeepers are being denied their bit of business. There is a squeezing taking place all the time. The fabric of not only rural Ireland and but also urban Ireland in the big rural towns is being killed by the big outlets and online shopping. We must try to get a balance even though it is very hard. The lockdown hastened the demise of small businesses because they were closed. They were supposed to be closed, but the big multiples were open and did all the business. The profits they made were enormous.

Deputy Richard O'Donoghue: I welcome the Bill, particularly with regard to buying online and clarifying one's rights as a consumer. However, who will protect the consumer against the Minister of State and the Government? I will outline a small issue I have. Due to the shortage of vehicles in this country, dealerships have to go to the UK and other countries to import cars because the people want to do their bit for the environment. I will take the example of a €22,000 vehicle in the UK, such as a 2018 Volkswagen Passat. Can the Minister of State tell the consumer how much tax the Government takes on the vehicle? It is €5,700 in vehicle registration tax. On top of that, the Government takes VAT. The consumer needs to be protected against the Minister of State and his Government and the amount of tax they take on vehicles when people have no alternative but to drive cars. It is one thing that we are protecting people online, but we also have to provide protections to protect them against the high rates of taxes that the Government is putting on people who are trying to survive and make a difference in this country and who are trying to do the right thing by upgrading their vehicle to a lower-emission vehicle. What does the Government do? It takes almost €9,000 on a €22,000 vehicle. Who is going to protect the consumer from the Government?

I understand the Bill will be especially helpful to SMEs when they purchase goods and services across the EU. It will also help them as they will be able to supply digital services to their consumers without fear when it comes to legal contracts. The rights of a consumer are addressed in the legislation by ensuring that goods conform with the sales contract. I also see that the buyer is protected if the product purchased has full title and is not encumbered in any way. That relates particularly to property and land. I am also glad that the legislation covers after-sale services and availability of spare parts.

We have to look at the tax regime in this country. We must examine how we can lower the living costs so that people can survive. We spoke earlier about wage increases. Regardless of what wage increases are given, it will only drive inflation because businesses cannot sustain what is happening. Consumers are being charged more because of all the taxes that are imposed on suppliers. The suppliers add that onto their price as a running cost, which the consumer pays. I return to my question: who is going to protect consumers in this country from the Government when they are trying to do the right thing?

Deputy Patrick Costello: Given that this is my first time to speak in the Chamber today, I will take a moment to mark the passing of Shireen Abu Akleh, a veteran Palestinian journalist who was shot while trying to cover a raid by Israeli occupation forces in a refugee camp in Jenin. The shooting of a journalist trying to document truth is a tragic and deliberate crime that violates all international laws and norms. However, I will leave that for the moment.

There is much to celebrate and welcome in this Bill, particularly with regard to enhanced digital services and enhanced protection in respect of digital services. There is a bewildering array of services and ways to engage with these services. Many people pride themselves on be-

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ing digital natives, but there are many who are not. Many struggle to understand what is being put in front of them, how to engage these services and how to protect themselves. Anything we can do to protect people who are not tech savvy or *au fait* with some of these services is very important.

7 o'clock

There is an issue if we are to protect and vindicate rights. Giving consumers these rights and protections is very useful and important but they will only be useful and meaningful if we provide full enforcement. Deputies have spoken about how the CCPC struggles in terms of its resources and ability to enforce the powers it has. This is something we need to address. I would love the Minister of State to commit to providing more resources for its enforcement.

I am also quite taken by, and strongly welcome, section 13. This provides an ability to extend some of the regulations to cover services where personal data is given as consideration. This dovetails with the Data Protection Commission. Let us be honest: I could probably fill 20 minutes speaking about this. It is a subject the justice committee has dealt with extensively. It provides a perfect example. If we allow the regulator, which is the watchdog, to slip and if we do not give it the resources it needs, then regulation becomes meaningless. Something that strikes me about this is the recent case taken by the Belgian data protection authority seeking to move against the incessant pop-ups we all get. They have been ruled to be in breach of the general data protection regulation. This comes back to my original point on digital services. Other Deputies have also raised this issue. When end user service agreements pop up in front of people when they are sitting at their computers most people click through them without reading. We need to be much more aware of the importance of consumer protection in this regard. There are deliberate attempts to obfuscate, spin and get in the way of consumer rights. As I have said, these have been held to be in breach of the general data protection regulation.

Another element in the Bill that I found interesting is section 46 on the rights of recipients of gifts. This is a small but important reform of privity of contract. We have danced around the edge of reform of privity of contract for a while. The Consumer Insurance Contracts Act 2019 included some reform in this regard. A very detailed report on the much-needed reform of privity of contract by the Law Reform Commission from 2008 is gathering dust. It provides a suggested Bill in its appendix based on international legislation that has reformed privity of contract.

We are addressing issues with regard to implied terms and unfair terms in these consumer contracts. On the wider issue, if we could address the fundamentals of privity of contract it would be very important. Our courts have done their best. I cannot remember which judge referred to the attempts to address privity of contract as simply judicial subterfuge in the face of a lack of legislative reform. Here we have a report from 2008 with a model Bill. It is sitting there gathering dust. I found one parliamentary question on it from 2015 addressed to the Department with responsibility for trade asking whether it could do something. The Department replied it was up to the then Department of Justice and Law Reform. There did not even seem to be a follow-up question to that Department. I appreciate many of the issues I am speaking about fall into the area between justice, which often deals with regulation, and the Department with responsibility for trade. I stress that we have danced around the edge of reform of privity of contract. We are doing some good work on it here but it needs wider reform. It is a nettle we need to grab.

Overall I believe the Bill will ultimately enhance consumer protection. Consumer protection will only be enhanced in real terms if there is money in the enforcement and if people are aware of their rights. People need the information to know what their rights are so they can ensure their rights are protected and vindicated. This comes back to deliberate attempts to obfuscate and screen people from their rights. I would love to see whether we could resource the CCPC to run an information campaign so people know what their rights are. We are producing the Bill to transpose an EU directive. It is very important that we tell people what their rights are now and what they can do for numerous reasons. It would enable them to vindicate their rights. They would have the knowledge that gives them the power to vindicate their rights. It is important to show the protections the European Union gives to its citizenry and that the EU is out there looking to support people and protect them. It is important to show citizens the everyday benefits the EU gives to put lie to deliberate attempts to portray the EU as doing quite the opposite.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy): I thank all the Deputies who contributed to the debate. I thank them for the points raised. It is fair to say, and I acknowledge, that there has been very broad support for the general purpose of the Bill. The debate has been constructive. The Bill has at its heart the improvement of consumer protection. Its enactment will be good for consumers and responsible traders alike. I will take this opportunity to address some of the points raised during the debate. I will concentrate on the points relevant to the Bill.

A number of people acknowledged that the Bill is overdue and that it should be implemented in a timely manner. This will largely be in the hands of my colleagues but it is my intention to enact it before the summer recess. Given the broad support outlined I do not see any reason we cannot have this. A number of Deputies also signalled their intention to table amendments. We will certainly consider any amendment tabled with an open mind, based on the fact that amendments can enhance the provisions in the Bill.

A number of Deputies, including Deputy Costello, spoke about the enhancement of the CCPC's enforcement powers and whether it would have adequate resources to undertake these functions. Additional funds to facilitate the enhancement of enforcement functions were factored into the Estimates process for the 2022 budget and the CCPC received a significant 9% increase on its annual budget as a result of this. This was on the back of an increase the previous year. Recruitment has begun for additional staff. At present the CCPC has approximately 140 staff and the intention is to increase this to 200. There is a firm commitment and acknowledgement to increase resources for the CCPC in recognition of the additional responsibilities it is undertaking.

There was discussion on the rising cost of fuel and the cost of living more generally. The war in Ukraine has intensified pressures on global commodity prices, including crude oil. This has led to an increase in the prices paid by consumers for essential items such as petrol and diesel. This worrying trend negatively affects all consumers but has a particularly devastating impact on the most vulnerable members of society. While neither the Department or the CCPC can direct businesses on what prices to charge, it is illegal for competing businesses to form a cartel. This is an agreement to fix prices, to agree to a common pricing policy or to carve up a market so they do not have to compete. The CCPC can take action where it considers a trader's action has a wider adverse effect on consumers. With regard to the current situation with fuel pricing, I and most members are aware, because CCPC officials came before the Oireachtas committee on enterprise a number of weeks ago, that it has taken steps to ensure compliance

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with the law. It will be open to it to carry out further investigations, impose sanctions or penalise anybody it feels is breaking the law.

Deputy Sherlock raised a point about Brexit. Since Brexit, consumers buying from the UK can only rely on UK law, not EU law. The new legislation cannot alter that. The Irish Government can only legislate for commerce in Ireland. However, if such commerce involves something purchased from an Irish-based intermediary, Irish consumer law will apply.

Deputy Sherlock also discussed domain names, specifically those ending with .ie and gave some statistics of which I was unaware regarding the number of companies with .ie domain names that are not located in Ireland. While that is a matter for the Minister for the Environment, Climate and Communications, I share the Deputy's concerns. It is an issue I have already raised with the Minister for the Environment, Climate and Communications and I will follow it up with the Minister on foot of the Deputy's points.

Some members of the Rural Independent Group raised the matter of broadband services in terms of outages, speeds etc. This is a matter for ComReg as the statutory regulator and is currently covered by the current licensing arrangements. Deputy Calleary spoke about transparency and clarity for consumers. The Bill introduces new prohibited blacklisted terms and conditions that are automatically regarded as unfair when included in a contract. Examples include any condition that allows a trader to unilaterally change the terms of a contract or any provision that would indemnify a trader from harm caused by a product or service. Businesses will also be required to set out clearly a description of the goods or services being provided, the total price of the item and the cost of delivery before entering into a contract with a consumer.

Deputy Catherine Murphy raised a number of points about the omnibus directive that are not contained in this Bill. These will be transposed by way of secondary legislation, that is, a statutory instrument, which is being drafted. Hopefully, that will reassure the Deputy. The Deputy along with Deputy Calleary pointed out the need for consumers to be informed. I could not agree more. We have already spoken with the CCPC, which has assured us that it will be embarking on an advertising campaign to make sure consumers are fully aware of their rights once this Bill is enacted. In addition to consumers being aware of their rights, it is important that businesses are also aware of their responsibilities.

In my opening statement, I indicated that I would be bringing forward amendments on Committee Stage to clarify the intentions of certain provisions to ensure that the powers of the CCPC and ComReg are sufficient for additional functions they will have as a result of this Bill and to amend section 459 of the Companies Act 2014. As I said at the outset, I am open to looking at any proposals that come from colleagues. Indeed I am looking at some of my own items to see whether they fit in with the Bill but there is that opportunity over the next number of weeks before Committee Stage to look at possible amendments. I look forward to a constructive debate on Committee Stage because it has been very constructive here today. I believe this Bill will enhance and solidify consumers' rights so I hope we can have cross-party support to ensure we can get it enacted before the summer recess at the latest.

Question put and agreed to.

Messages from Select Committee

Acting Chairman (Deputy Cathal Crowe): The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Consumer Credit (Amendment) Bill 2022 and has made amendments thereto.

The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Insurance (Miscellaneous Provisions) Bill 2022 and has made no amendments thereto.

Cuireadh an Dáil ar fionraí ar 7.16 p.m. agus cuireadh tús leis arís ar 8.30 p.m.

Sitting suspended at 7.16 p.m. and resumed at 8.30 p.m.

**Electricity Regulation (Amendment) (Prohibition of Winter Disconnections) Bill 2021:
Second Stage [Private Members]**

An Leas-Cheann Comhairle: I must now deal with a postponed division on amendment No. 1 to the Second Stage of Electricity Regulation (Amendment) (Prohibition of Winter Disconnections) Bill 2021.

The following motion was moved by Deputy Darren O'Rourke on Thursday, 5 May 2022: "That the Bill be now read a Second Time."

Debate resumed on 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."

- (Minister of State at the Department of the Environment, Climate and Communications, Deputy Ossian Smyth)

Amendment put:

<i>The Dáil divided: Tá, 78; Níl, 57; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Bacik, Ivana.</i>	
<i>Browne, James.</i>	<i>Barry, Mick.</i>	

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<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Thomas.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Cannon, Ciarán.</i>	<i>Clarke, Sorca.</i>	
<i>Carey, Joe.</i>	<i>Collins, Joan.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Michael.</i>	
<i>Chambers, Jack.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Collins, Niall.</i>	<i>Cronin, Réada.</i>	
<i>Costello, Patrick.</i>	<i>Crowe, Seán.</i>	
<i>Cowen, Barry.</i>	<i>Cullinane, David.</i>	
<i>Creed, Michael.</i>	<i>Daly, Pa.</i>	
<i>Crowe, Cathal.</i>	<i>Doherty, Pearse.</i>	
<i>Devlin, Cormac.</i>	<i>Donnelly, Paul.</i>	
<i>Dillon, Alan.</i>	<i>Farrell, Mairéad.</i>	
<i>Donnelly, Stephen.</i>	<i>Funchion, Kathleen.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gould, Thomas.</i>	
<i>Durkan, Bernard J.</i>	<i>Guirke, Johnny.</i>	
<i>English, Damien.</i>	<i>Harkin, Marian.</i>	
<i>Farrell, Alan.</i>	<i>Healy-Rae, Danny.</i>	
<i>Feighan, Frankie.</i>	<i>Healy-Rae, Michael.</i>	
<i>Flaherty, Joe.</i>	<i>Howlin, Brendan.</i>	
<i>Fleming, Sean.</i>	<i>Kelly, Alan.</i>	
<i>Foley, Norma.</i>	<i>Kenny, Gino.</i>	
<i>Griffin, Brendan.</i>	<i>Kenny, Martin.</i>	
<i>Harris, Simon.</i>	<i>Kerrane, Claire.</i>	
<i>Haughey, Seán.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Heydon, Martin.</i>	<i>McGrath, Mattie.</i>	
<i>Higgins, Emer.</i>	<i>Mitchell, Denise.</i>	
<i>Hourigan, Neasa.</i>	<i>Munster, Imelda.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Catherine.</i>	
<i>Lahart, John.</i>	<i>Murphy, Paul.</i>	
<i>Lawless, James.</i>	<i>Mythen, Johnny.</i>	
<i>Leddin, Brian.</i>	<i>Nash, Ged.</i>	
<i>Madigan, Josepha.</i>	<i>Nolan, Carol.</i>	
<i>Martin, Catherine.</i>	<i>O'Callaghan, Cian.</i>	
<i>Matthews, Steven.</i>	<i>O'Donoghue, Richard.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Reilly, Louise.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Rourke, Darren.</i>	
<i>McEntee, Helen.</i>	<i>Ó Broin, Eoin.</i>	
<i>McGrath, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	

Dáil Éireann

<i>McHugh, Joe.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Moynihan, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Murphy, Verona.</i>	<i>Ryan, Patricia.</i>	
<i>Naughton, Hildegarde.</i>	<i>Sherlock, Sean.</i>	
<i>Noonan, Malcolm.</i>	<i>Shortall, Róisín.</i>	
<i>O'Brien, Darragh.</i>	<i>Smith, Duncan.</i>	
<i>O'Brien, Joe.</i>	<i>Stanley, Brian.</i>	
<i>O'Callaghan, Jim.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Connor, James.</i>	<i>Ward, Mark.</i>	
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Amendment declared carried.

Motion, as amended, agreed to.

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Rising Rental Costs: Motion (Resumed) [Private Members]

An Leas-Cheann Comhairle: I must now deal with a postponed division on amendment No. 2 on the motion on rising rental costs.

The following motion was moved by Deputy Eoin Ó Broin on Wednesday, 4 May 2022:

That Dáil Éireann:

notes that:

- the rental crisis continues to spiral out of control;
- the latest Residential Tenancies Board (RTB) rent index shows new rents increased by nine per cent State-wide;
- 14 counties experienced double-digit rent inflation;
- rents increased by 18 per cent in Westmeath, 19 per cent in Longford, 25 per cent in Waterford and 25 per cent in Roscommon;
- average new rents State-wide are €1,415;
- average new rents in Dublin are €1,972;
- rents in Dublin have increased 100 per cent since 2011;
- the private rental sector continues to shrink as accidental and semi-professional landlords exit the market; and
- vacant possession Notices of Termination are responsible for half of all evictions and are driving the increase in homelessness; and

calls on the Government to:

- introduce a ban on rent increases for existing and new tenancies for three years;

Debate resumed on amendment No. 2:

To delete all words after “That Dáil Éireann” and substitute the following:

“notes that:

— the Government is fully committed to tackling high rents and ensuring an increase in the supply of affordable, high-quality rental accommodation through continued significant capital investment including Cost Rental and other means and in a manner that respects the security of tenure for renters by ensuring equity and fairness for landlords and tenants;

— the Minister for Housing, Local Government and Heritage has brought forward comprehensive new protections for tenants, in the form of a two per cent cap on rents in Rent Pressure Zones, which are balanced with constitutional property rights;

— the Government is committed to improving the security of tenure for tenants and has legislated for tenancies of unlimited duration, which will commence in June 2022;

— the Government has increased funding to the Residential Tenancies Board (RTB) from €7 million in 2019 to €11 million in 2022 and increased resources for the Board to help further protect tenants;

— the Government’s Housing for All - a New Housing Plan for Ireland (Housing for All) is the most ambitious plan in the history of the State, with in excess of €20 billion in funding over the next five years;

— Housing for All commits to increased supply of new housing, both public and private, up to an average of at least 33,000 per year to 2030;

— Housing for All ensures that the provision of an adequate supply of high-quality, affordable rental accommodation remains a cornerstone of Government policy under the Housing for All plan;

— the Affordable Housing Act 2021 is the first of its kind in the State, introducing a framework for a new type of housing tenure through Cost Rental;

— Cost Rental delivery is being rapidly ramped up to provide 18,000 homes over the course of the Housing for All plan, at an average of 2,000 per year; the first Cost Rental units have been delivered in 2021 and will be significantly expanded by the Government over the coming years;

— the latest figures for housing completions and for building commencements indicate strong construction activity and increased housing supply; in the year to March 2022, commencements outside of Dublin were up 78 per cent and commencements in Dublin were up 139 per cent year on year; and

— the Government keeps the operation of the Residential Tenancies Acts 2004 to 2021 under constant review and will make any necessary enhancement to the legal enforceability of RTB determination orders, in consultation with the RTB.”

— introduce a refundable tax credit to put a month’s rent back in every private renter’s pocket;

— resource the RTB to properly enforce the Government’s rent regulations;

— dramatically increase investment in the delivery of large volumes of affordable Cost Rental; and

— introduce real tenancies of indefinite duration.

-(Minister for Housing, Local Government and Heritage)

Amendment put:

<i>The Dáil divided: Tá, 75; Níl, 59; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>

11 May 2022

<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Colm.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Peter.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Butler, Mary.</i>	<i>Brady, John.</i>	
<i>Byrne, Thomas.</i>	<i>Browne, Martin.</i>	
<i>Calleary, Dara.</i>	<i>Buckley, Pat.</i>	
<i>Cannon, Ciarán.</i>	<i>Cairns, Holly.</i>	
<i>Carey, Joe.</i>	<i>Carthy, Matt.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Clarke, Sorca.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Joan.</i>	
<i>Collins, Niall.</i>	<i>Collins, Michael.</i>	
<i>Costello, Patrick.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cowen, Barry.</i>	<i>Cronin, Réada.</i>	
<i>Creed, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Crowe, Cathal.</i>	<i>Cullinane, David.</i>	
<i>Devlin, Cormac.</i>	<i>Daly, Pa.</i>	
<i>Dillon, Alan.</i>	<i>Doherty, Pearse.</i>	
<i>Donnelly, Stephen.</i>	<i>Donnelly, Paul.</i>	
<i>Duffy, Francis Noel.</i>	<i>Farrell, Mairéad.</i>	
<i>Durkan, Bernard J.</i>	<i>Funchion, Kathleen.</i>	
<i>English, Damien.</i>	<i>Gould, Thomas.</i>	
<i>Farrell, Alan.</i>	<i>Guirke, Johnny.</i>	
<i>Feighan, Frankie.</i>	<i>Harkin, Marian.</i>	
<i>Flaherty, Joe.</i>	<i>Healy-Rae, Danny.</i>	
<i>Fleming, Sean.</i>	<i>Healy-Rae, Michael.</i>	
<i>Foley, Norma.</i>	<i>Howlin, Brendan.</i>	
<i>Griffin, Brendan.</i>	<i>Kelly, Alan.</i>	
<i>Harris, Simon.</i>	<i>Kenny, Gino.</i>	
<i>Haughey, Seán.</i>	<i>Kenny, Martin.</i>	
<i>Heydon, Martin.</i>	<i>Kerrane, Claire.</i>	
<i>Higgins, Emer.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Hourigan, Neasa.</i>	<i>McGrath, Mattie.</i>	
<i>Kehoe, Paul.</i>	<i>Mitchell, Denise.</i>	
<i>Lahart, John.</i>	<i>Munster, Imelda.</i>	
<i>Lawless, James.</i>	<i>Murphy, Catherine.</i>	
<i>Leddin, Brian.</i>	<i>Murphy, Paul.</i>	
<i>Madigan, Josepha.</i>	<i>Murphy, Verona.</i>	
<i>Martin, Catherine.</i>	<i>Mythen, Johnny.</i>	
<i>Matthews, Steven.</i>	<i>Nash, Ged.</i>	
<i>McAuliffe, Paul.</i>	<i>Nolan, Carol.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Callaghan, Cian.</i>	

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<i>McEntee, Helen.</i>	<i>O'Donoghue, Richard.</i>	
<i>McGrath, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>McHugh, Joe.</i>	<i>O'Rourke, Darren.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Broin, Eoin.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Naughton, Hildegard.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Noonan, Malcolm.</i>	<i>Pringle, Thomas.</i>	
<i>O'Brien, Darragh.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Brien, Joe.</i>	<i>Ryan, Patricia.</i>	
<i>O'Callaghan, Jim.</i>	<i>Shanahan, Matt.</i>	
<i>O'Connor, James.</i>	<i>Sherlock, Sean.</i>	
<i>O'Dea, Willie.</i>	<i>Shortall, Róisín.</i>	
<i>O'Donnell, Kieran.</i>	<i>Smith, Duncan.</i>	
<i>O'Donovan, Patrick.</i>	<i>Stanley, Brian.</i>	
<i>O'Dowd, Fergus.</i>	<i>Ward, Mark.</i>	
<i>O'Gorman, Roderic.</i>		
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<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 75; Níl, 60; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	

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<i>Cannon, Ciarán.</i>	<i>Cairns, Holly.</i>	
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<i>Carroll MacNeill, Jennifer.</i>	<i>Clarke, Sorca.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Joan.</i>	
<i>Collins, Niall.</i>	<i>Collins, Michael.</i>	
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<i>Cowen, Barry.</i>	<i>Cronin, Réada.</i>	
<i>Creed, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Crowe, Cathal.</i>	<i>Cullinane, David.</i>	
<i>Devlin, Cormac.</i>	<i>Daly, Pa.</i>	
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<i>Durkan, Bernard J.</i>	<i>Funchion, Kathleen.</i>	
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<i>Feighan, Frankie.</i>	<i>Harkin, Marian.</i>	
<i>Flaherty, Joe.</i>	<i>Healy-Rae, Danny.</i>	
<i>Fleming, Sean.</i>	<i>Healy-Rae, Michael.</i>	
<i>Foley, Norma.</i>	<i>Howlin, Brendan.</i>	
<i>Griffin, Brendan.</i>	<i>Kelly, Alan.</i>	
<i>Harris, Simon.</i>	<i>Kenny, Gino.</i>	
<i>Haughey, Seán.</i>	<i>Kenny, Martin.</i>	
<i>Heydon, Martin.</i>	<i>Kerrane, Claire.</i>	
<i>Higgins, Emer.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Hourigan, Neasa.</i>	<i>McGrath, Mattie.</i>	
<i>Kehoe, Paul.</i>	<i>Mitchell, Denise.</i>	
<i>Lahart, John.</i>	<i>Munster, Imelda.</i>	
<i>Lawless, James.</i>	<i>Murphy, Catherine.</i>	
<i>Leddin, Brian.</i>	<i>Murphy, Paul.</i>	
<i>Madigan, Josepha.</i>	<i>Murphy, Verona.</i>	
<i>Martin, Catherine.</i>	<i>Mythen, Johnny.</i>	
<i>Matthews, Steven.</i>	<i>Nash, Ged.</i>	
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<i>McGrath, Michael.</i>	<i>O'Reilly, Louise.</i>	

<i>McHugh, Joe.</i>	<i>O'Rourke, Darren.</i>	
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<i>Moynihan, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
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<i>O'Callaghan, Jim.</i>	<i>Shanahan, Matt.</i>	
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<i>O'Dowd, Fergus.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Gorman, Roderic.</i>	<i>Ward, Mark.</i>	
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Question declared carried.

Affordable Housing: Motion (Resumed) [Private Members]

An Leas-Cheann Comhairle: I must now deal with a postponed division on amendment No. 1 to the motion on affordable housing.

The following motion was moved by Deputy Eoin Ó Broin on Tuesday, 11 May 2022:

That Dáil Éireann:

notes that:

- house prices continue to spiral out of control;
- a growing section of people are locked out of home ownership;
- the latest Central Statistics Office Residential Property Price Index shows house prices increased by 15 per cent State-wide in the last year;
- the largest increases were in the border region at 27 per cent;
- the median price of a home across the State was €282,000;
- in Malahide the median price was €497,000;
- the highest median price was in Dún Laoghaire-Rathdown at €600,000;
- Government policies, including the Help to Buy (HTB) and the ‘First Home’ Affordable Purchase Shared Equity schemes, have and will continue to inflate house prices;
- the Government delivered zero affordable purchase homes in 2020 or 2021;
- the Government has provided funding for just 550 affordable purchase homes through its Affordable Housing Fund in 2022;
- the Government’s affordable home targets agreed last month with local authorities are not based on objective need; and
- in some schemes, such as O’Devaney Gardens, the full price of so-called affordable homes will be over €400,000; and

calls on the Government to:

- dramatically increase direct capital investment in the delivery by local authorities and Approved Housing Bodies of genuinely affordable homes to purchase;
- urgently revise the affordable purchase home targets agreed with local authorities to deliver on average at least 4,000 affordable purchase homes a year from 2022 to 2026;
- allow all local authorities to access the Affordable Housing Fund;
- scrap the HTB scheme and the ‘First Home’ Affordable Purchase Shared Equity scheme which push up prices, and divert the funding into the delivery of genuinely affordable homes; and
- ensure that all affordable purchase homes are sold at prices that working people can afford.

Debate resumed on amendment No. 1:

To delete all words after “That Dáil Éireann” and substitute the following:

“notes that:

— as recognised in the Government’s Housing for All - a New Housing Plan for Ireland (Housing for All) strategy, there is a housing crisis in Ireland affecting ordinary working people who aspire to the security of home ownership, which demands a response from the Government on an unprecedented scale;

— Ireland is experiencing an acute gap between housing supply and demand, exacerbated by the economic effects of the Covid-19 pandemic and global supply-chain disruption, which requires both short and longer-term State interventions to address it;

— increased supply in the coming years is the fundamental solution to Ireland’s housing problems, along with a targeted range of measures to increase access to affordable homes for those that need this support; and

— it is the ambition of the Government that everybody should have access to sustainable, good quality housing to purchase or rent at an affordable price, with the Housing for All strategy launched last year setting out plans to achieve this;

welcomes:

— the development and implementation of the Housing for All strategy, and the commitment to massively expand the role of the State and to spend unprecedented sums of Exchequer multi-annual funding commitments to achieve the Government’s aims;

— the ambitious targets in the Housing for All strategy of over 300,000 new homes by 2030, including 36,000 for affordable purchase homes and 18,000 Cost Rental homes to provide competitive rents and long-term security of tenure for middle income earners, recognising that delivery will ramp up over time with increases in industry capacity and the effects of Government interventions;

— the successive record levels of State investment in housing under Budget 2021 and Budget 2022, comprised of capital investment of over €4 billion and including funding of €676 million specifically focused on affordability measures this year;

— the enactment of the Affordable Housing Act 2021, the most comprehensive housing affordability legislation in the history of this State, which was passed overwhelmingly by this House and provided the basis for two new affordable purchase schemes and a national Cost Rental scheme;

— the use, for the first time, of a Housing Need and Demand Assessment, which was developed in co-operation with the Economic and Social Research Institute (ESRI) and which supports the identification of the level of housing need for affordability constrained households on a local authority basis;

— the setting of distinct affordable housing delivery targets for local authorities, the Approved Housing Body (AHB) sector, the Land Development Agency (LDA) and the ‘First Home’ Affordable Purchase Shared Equity scheme, which sees the numbers of affordable purchase and Cost Rental homes in the period to 2026 set at almost 29,000; this includes a target of 9,000 homes for local authorities, 8,000

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for the 'First Home' Affordable Purchase Shared Equity scheme, almost 4,000 for AHBs, and almost 8,000 for the LDA;

— the confirmation that measures introduced by the Housing for All strategy are helping to increase housing supply, with 5,669 new homes added to the national stock in Q1 of this year, the most in any first quarter since this official statistic began back in 2011, and 22,219 new homes completed in the last four quarters;

— the clear increase in construction activity visible in the 34,846 new homes commenced in the 12 months to March 2022, the highest rolling 12-month total since comparable data was first published;

— the positive independent forecasts from the ESRI and the Central Bank, despite foreseen disruptions to construction, of housing completions for 2022 and 2023 meeting and potentially exceeding the targets in the Housing for All strategy;

— the passage of the Land Development Agency Act 2021, establishing a powerful new body with a remit to take a strong role in delivering affordable housing for rent and purchase;

— the delivery this year, for the first time in well over a decade, of affordable homes made available for purchase by local authorities, with the first such homes being made available in Cork City, Fingal and South Dublin at significantly discounted prices ranging from approximately €218,000 to €285,000, with more new homes to follow across the country later in the year;

— the planned launch in the coming months of the national 'First Home' Affordable Purchase Shared Equity scheme in the private market, which will help around 8,000 first-time buyers to purchase new homes in the lower half of the price distribution over the years to 2026;

— the Government's reform and expansion of the Local Authority Home Loan, with a budget of €250 million in 2022 alone, to improve affordability for lower and middle-income earners through lower fixed interest rate long-term loans, and broadening of the eligibility criteria to support higher numbers of single applicants struggling to purchase in Dublin, Cork and Galway; and

— the fact that over 32,700 first-time buyers' households have been supported into home ownership by the Help to Buy scheme since 2017; and

fully supports:

— the Government's continuing work under the Housing for All strategy in partnership with local authorities, the LDA, AHBs, and private industry which over the course of the plan will deliver an average of 4,000 affordable purchase and 2,000 Cost Rental homes per year;

— the use of the multi-annual Affordable Housing Fund to support local authorities in delivering new homes for affordable purchase and Cost Rental, with 1,731 new homes approved for funding so far, and further applications from local authorities currently under assessment;

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— the new affordable purchase schemes via local authorities and ‘First Home’ Affordable Purchase Shared Equity, which will support households with affordability challenges to achieve home ownership;

— the further expansion of the Cost Rental sector in Ireland, which has already seen the first homes tenanted at rates of 40 per cent below market through the work of local authorities, the LDA, and AHBs; and

— the LDA’s ambitious plans to deliver affordable homes, with construction to begin this year on over 800 new homes in Cork City and Dún Laoghaire-Rathdown, planning applications recently lodged for over 2,300 more homes on other State lands, and proposals under the Home Building Partnership (Project Tosaigh) to deliver 5,000 new homes by 2026 through engagement with private developers to unlock land with full planning permission that is not being developed due to financing and other constraints.”

- (Minister for Housing, Local Government and Heritage)

Amendment put:

<i>The Dáil divided: Tá, 78; Níl, 57; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Bacik, Ivana.</i>	
<i>Browne, James.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Brady, John.</i>	
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<i>English, Damien.</i>	<i>Harkin, Marian.</i>	

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<i>Feighan, Frankie.</i>	<i>Healy-Rae, Michael.</i>	
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<i>Ó Cuív, Éamon.</i>		

<i>Phelan, John Paul.</i>		
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Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 79; Níl, 57; Staon, 0.</i>		
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<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Brady, John.</i>	
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Thomas.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Cannon, Ciarán.</i>	<i>Clarke, Sorca.</i>	
<i>Carey, Joe.</i>	<i>Collins, Joan.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Michael.</i>	
<i>Chambers, Jack.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Collins, Niall.</i>	<i>Cronin, Réada.</i>	
<i>Costello, Patrick.</i>	<i>Crowe, Seán.</i>	
<i>Coveney, Simon.</i>	<i>Cullinane, David.</i>	
<i>Cowen, Barry.</i>	<i>Daly, Pa.</i>	
<i>Creed, Michael.</i>	<i>Doherty, Pearse.</i>	
<i>Crowe, Cathal.</i>	<i>Donnelly, Paul.</i>	
<i>Devlin, Cormac.</i>	<i>Farrell, Mairéad.</i>	
<i>Dillon, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gould, Thomas.</i>	
<i>Duffy, Francis Noel.</i>	<i>Guirke, Johnny.</i>	

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<i>Durkan, Bernard J.</i>	<i>Harkin, Marian.</i>	
<i>English, Damien.</i>	<i>Healy-Rae, Danny.</i>	
<i>Farrell, Alan.</i>	<i>Healy-Rae, Michael.</i>	
<i>Feighan, Frankie.</i>	<i>Howlin, Brendan.</i>	
<i>Flaherty, Joe.</i>	<i>Kelly, Alan.</i>	
<i>Fleming, Sean.</i>	<i>Kenny, Gino.</i>	
<i>Foley, Norma.</i>	<i>Kenny, Martin.</i>	
<i>Griffin, Brendan.</i>	<i>Kerrane, Claire.</i>	
<i>Harris, Simon.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Haughey, Seán.</i>	<i>McGrath, Mattie.</i>	
<i>Heydon, Martin.</i>	<i>Mitchell, Denise.</i>	
<i>Higgins, Emer.</i>	<i>Munster, Imelda.</i>	
<i>Hourigan, Neasa.</i>	<i>Murphy, Catherine.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Paul.</i>	
<i>Lahart, John.</i>	<i>Mythen, Johnny.</i>	
<i>Lawless, James.</i>	<i>Nash, Ged.</i>	
<i>Leddin, Brian.</i>	<i>Nolan, Carol.</i>	
<i>Madigan, Josepha.</i>	<i>O'Callaghan, Cian.</i>	
<i>Martin, Catherine.</i>	<i>O'Donoghue, Richard.</i>	
<i>Matthews, Steven.</i>	<i>O'Reilly, Louise.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Rourke, Darren.</i>	
<i>McConalogue, Charlie.</i>	<i>Ó Broin, Eoin.</i>	
<i>McEntee, Helen.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>McGrath, Michael.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>McHugh, Joe.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Moynihan, Aindrias.</i>	<i>Pringle, Thomas.</i>	
<i>Moynihan, Michael.</i>	<i>Quinlivan, Maurice.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ryan, Patricia.</i>	
<i>Murphy, Verona.</i>	<i>Sherlock, Sean.</i>	
<i>Naughton, Hildegard.</i>	<i>Shortall, Róisín.</i>	
<i>Noonan, Malcolm.</i>	<i>Smith, Duncan.</i>	
<i>O'Brien, Darragh.</i>	<i>Stanley, Brian.</i>	
<i>O'Brien, Joe.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Callaghan, Jim.</i>	<i>Ward, Mark.</i>	
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		

Dáil Éireann

<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Jack Chambers and Brendan Griffin; Níl, Deputies Pádraig Mac Lochlainn and Denise Mitchell.

Question declared carried.

Cuireadh an Dáil ar athló ar 9.15 p.m. go dtí 9 a.m., Déardaoin, an 12 Bealtaine 2022.

The Dáil adjourned at 9.15 p.m. until 9 a.m. on Thursday, 12 May 2022.