



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Céadaoin, 13 Iúil 2022*

*Wednesday, 13 July 2022*

Chuaigh an Ceann Comhairle i gceannas ar 9 a.m.

*Paidir.*  
*Prayer.*

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## **Planning and Development (Amendment) (No. 2) Bill 2022 [Seanad]: Instruction to Committee**

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I move:

That it be an instruction to the Committee on the Planning and Development (Amendment) (No.2) Bill 2022, that:

(a) Standing Order 233(2) is modified to provide that the Committee has the power to make amendments to the Bill which are outside the existing subject matter of the Bill, in relation to:

(i) the Valuation Acts 2001 to 2020 to enable the Commissioner of Valuation to defer the roll out of the national revaluation programme; and

(ii) the Maritime Area Planning Act 2021, which amendments are technical in nature and include: amendments to Maritime Area Consent provisions; amendments of provisions for the early appointment of the Chief Executive Officer designate by the Minister ahead of the establishment of the Maritime Area Regulatory Authority (MARA); and amendments strengthening the enforcement provisions in the maritime area that will be available to MARA;

(b) Pursuant to Standing Order 187, the Committee has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill in relation to:

(i) short term letting provisions in the Planning and Development Act 2000;

(ii) provisions concerning Ministerial directions regarding statutory plans and related provisions in the Planning and Development Act 2000;

(iii) provisions relating to flexibility in planning applications in the Planning

and Development Act 2000; and

(iv) judicial review provisions in the Planning and Development Act 2000;

and to change the title of the Bill, and for consequential amendment of the long title to reflect the content of the Bill, and make other consequential amendments required to take account of the changes above.

The purpose of this motion is to instruct the Dáil, in committee, that Standing Order 233(2) is modified to provide that the committee has the power to make amendments to the Planning and Development (Amendment) (No. 2) Bill 2022, which are outside the existing subject matter of the Bill and that pursuant to Standing Order 187, the committee has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill. This is required so that I can introduce Government amendments to the Bill on Committee Stage in the Dáil later this evening.

With reference to Standing Order 233(2), the amendments in question comprise amendments to the Valuation Acts 2001 to 2020 and amendments to provisions in the Maritime Area Planning Act 2021. With reference to Standing Order 187, the amendments in question to the Planning and Development Act 2000 relate to short-term letting provisions, provisions concerning ministerial directions on statutory plans, provisions relating to flexibility in planning applications and judicial review provisions.

**Deputy Thomas Pringle:** I am sorry to interrupt, a Leas-Cheann Comhairle; is there a copy of the speech?

**Deputy Peter Burke:** It should be there. We can organise that immediately.

**An Leas-Cheann Comhairle:** It is important to have the speech.

**Deputy Peter Burke:** We can wait until we get it.

**An Leas-Cheann Comhairle:** It is just that the motion is technical.

**Deputy Danny Healy-Rae:** What are we being provided with?

**An Leas-Cheann Comhairle:** A copy of the Minister of State's speech. I remind members to turn off their telephones, which includes my own; I am not looking at anyone in particular. I do not wish to delay proceedings. The speech will be here in a few seconds. We are under time pressure. I do not wish to delay proceedings.

**Deputy Thomas Pringle:** This happens very often now, and has done since Covid, that Ministers arrive without a copy of the speech. The very least we should have is a speech, especially on something as rushed as this legislation.

**An Leas-Cheann Comhairle:** The Minister of State might let me know the timeframe.

**Deputy Thomas Pringle:** The time is going to have to be moved. The very least we could expect is that the Dáil would be respected by the Government Ministers.

**An Leas-Cheann Comhairle:** I will give this one more minute because we are under time pressure in relation to the rest of the schedule. It is unacceptable. The speech is coming.

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**Deputy Thomas Pringle:** I ask that the Leas-Cheann Comhairle's office get on to the Government Ministers because this happens regularly. I do not think it is acceptable.

**An Leas-Cheann Comhairle:** The Deputy has made his point, which I endorse. There should be a copy of the speech. We will give the Minister of State a couple of more seconds and hopefully it will be here. It is very important. We must resume because this debate will stop at 10 a.m. and speakers will be deprived of time. The point has been made; the speech should be here. The Minister of State may continue.

**Deputy Peter Burke:** I thank the Leas-Cheann Comhairle. I apologise; my office is working on it and the speech will be here as quickly as possible. I will continue.

The purpose of the amendments to the Valuation Acts, 2001 to 2020, is to enable the Commissioner of Valuation to defer the roll-out of the national revaluation programme due to the unprecedented impact on the economy and the commercial property market since the beginning of Covid-19.

The proposed technical amendments to provisions in the Maritime Area Planning Act 2021 include amendments to maritime area consent, MAC, provisions, amendments of provisions for the early appointment of the chief executive officer designate by the Minister ahead of the establishment of the Maritime Area Regulatory Authority, MARA, and amendments strengthening the enforcement provisions in the maritime area that will be available to MARA.

The short-term letting amendments recognise the issue of the significant number of residential properties that, having been withdrawn from the long-term rental market in recent years, have instead been diverted for use as short-term lettings, and the associated negative impact this has had on the supply and availability of private residential rental accommodation, with associated knock-on implications for rental prices. Legislative amendments to the Planning and Development Act are, therefore, being brought forward to address this issue.

Since the April 2019 commencement of the Office of the Planning Regulator, OPR, a number of technical matters have come to light regarding the legislative procedures for progressing ministerial directions on statutory plans. Minor technical amendments to the Planning and Development Act are required to address cross-referencing, standardised wording, notifications and consistency in procedure, to benefit all stakeholders including local authorities and the wider public.

Amendments relating to flexibility in planning applications will address a recent High Court judgment concerning the design envelope approach in planning applications that require a degree of flexibility as the final details of the development may be unconfirmed at the planning application stage. The amendments will introduce a pre-application procedure to facilitate a subsequent planning application being made, incorporating flexibility in respect of certain specified details of the proposed development, while providing sufficient clarity to allow planning authorities to consider what level of information is appropriate on a case-by-case basis, while also providing appropriate safeguards for environmental assessment.

The amendments to judicial review provisions in the Planning and Development Act will require the courts to consider whether there is an adequate appeal or other available administrative remedy and if so, it should not grant leave for judicial review. It is also proposed to provide for an effective presumption that the matter can be remitted back to the board at the commencement of the legal proceedings so that errors can be corrected quickly, thereby avoiding delays

associated with such proceedings.

I look forward to our debate on the motion, and I will do my best to respond to any specific questions at the end.

**Deputy Eoin Ó Broin:** I wish to put on the record my objection in the strongest possible terms both to the motion and, more important, to the way these amendments have been introduced at a very late stage with virtually no possibility of Oireachtas scrutiny. That is not only a breach of proper procedure, but it is also treating this House and its Members with appalling disrespect. More important, it shows disrespect to the public, many of whom will be directly impacted by the negative and possibly unintended consequences of some of these amendments significantly.

The Planning and Development (Amendment) (No. 2) Bill is already controversial legislation. We should have had two and a half hours to deal with detailed Opposition amendments to that before concluding that Bill. Late last Thursday, we received 48 pages of amendments to an 18-page Bill. Those amendments cover six other legislative areas that have nothing to do with Planning and Development (Amendment) (No. 2) Bill relating to substitute consent.

One of the areas of potential amendment the Minister of State mentioned, which is the sanctions on platforms advertising non-compliant short-term lets, is a welcome move. I introduced a Bill to give effect to such a proposal, which was passed a few weeks ago. However, because we cannot scrutinise it, we do not know if something that is good in principle will be good in practice. For instance, the former Minister, Eoghan Murphy's, short-term letting regulations, which were also good in principle, turned out to be bad in practice. We do not have adequate time to scrutinise that. Other amendments relating to the Valuations Acts and the Office of the Planning Regulator are not controversial. The real problem the Minister of State will hear from all Opposition Members shortly relates to those amendments to judicial review and to design envelope flexibility for planning authorities particularly with respect to the Maritime Area Planning Act.

When technical and complex changes to planning law are introduced, the potential for negative impacts, unintended consequences or creating further confusion and uncertainty for applicants, third parties and the legal process is enormous. We have seen that year after year when similar last-minute changes have been introduced. That lack of scrutiny is real problem because we take our job as legislators seriously. Even when we are broadly supportive of something the Government is doing, we want to ensure that whatever we are asked to put our names to is fit for purpose and does what it says on the tin. We will simply not be able to do that in two and a half hours and deal with significant issues relating to substitute consent.

How many times have we seen profound changes to planning law have negative and unintended consequences? The strategic housing development legislation is a case in point. We were told the mandatory ministerial guidelines on building height and design standards for apartments were efficiency measures to streamline the planning process, but all they did was undermine public confidence in that process and lead to lengthy and complicated litigation that has been costly for the taxpayer as a result of dramatic increases in judicial review losses by An Bord Pleanála.

Some of these changes also move the goalposts where applicants or third parties are engaging in the judicial review process. Judges are now being mandated to make decisions that will

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have a significant impact of people's access to justice in line with European law and particularly with the Aarhus Convention. I have said this previously. We will be back here in a year or two and we will be saying we told the Government so, pointing out that it has not improved the process but in fact made it worse.

Some of these amendments are not even necessary. The idea of non-consequential amendments, as I understand it, is either to deal with small minor technical drafting things - we have a few of those and that is okay - or matters of great urgency. One could argue that the short-term letting regulations are a case in point.

I thank the Minister of State and departmental officials for providing us with a briefing on Monday. At that meeting I asked how many cases the proposed changes to judicial review proceedings will affect. We were told it was a very small number and they listed some of the types of cases that arose. I asked if there was any urgency in introducing these changes now particularly given that we will have substantial legislation reforming the Planning and Development Act and the judicial review proceedings later in the year. I was told there was not any urgency. I asked why they are being introduced now and the answer was the Attorney General said they could be. Lots of things could be but should they be? Absolutely not. The last time I checked the Constitution, the Minister for Housing, Local Government and Heritage was responsible for policy, not the Attorney General. The Attorney General provides legal advice, but the Government decides when to move forward.

This is, therefore, not about streamlining, improving or assisting much-needed offshore wind farm or good quality residential development. These changes will make things more complex, more problematic, more difficult for the public to engage with and more expensive for everybody. On that basis, I urge the Government to withdraw amendments Nos. 25 and 26 with respect to judicial review changes; amendments Nos. 12, 13 and 40 to 42, inclusive, with respect to the design envelope and planning authorities; and amendment No. 77 with respect to the design envelope and the Maritime Area Planning Act.

The design envelope is a good case in point. I am open to being convinced of the merits of that. If it is designed in the right way, it could be useful. However, the Minister of State has given us no time to consider whether this has been done in the appropriate manner and consistent with good planning practice in line with Irish, EU or international legal obligations. On that basis, I oppose the motion and urge the Government to withdraw those amendments. Let us get on with important business we have of the substitute consents legislation later today.

**Deputy Aodhán Ó Riordáin:** The Labour Party will oppose this motion. In recent weeks, the Minister for Housing, Local Government and Heritage has driven a coach and horses through the long-established process for bringing legislation through the Houses of the Oireachtas. He rammed through the mica redress Bill, and every Stage of the Electoral Reform Bill 2022 has brought complex and substantial amendments outside the original scope of that legislation. Later today, 72 Government amendments made in the Seanad to the Electoral Reform Bill will be dealt with in 45 minutes of debate before going to the President for signature. It is an appalling way to make law that will determine the future of our democracy. Now the Minister is introducing, at a very late stage, six sets of complex amendments to the Planning and Development (Amendment) (No. 2) Bill that run to 48 pages. The original Bill was only 18 pages long and dealt with some technical issues. He will triple the length of the Bill with his new proposals.

One of the sets relates to short-term lettings. While potentially welcome, the Labour Party

has warned for years of the need for stronger regulation of so-called Airbnbs. As far back as 2017, my former colleague, Mr. Kevin Humphreys, introduced a Bill to provide for a register of properties, with fines for those who do not comply. It is good to see the Government finally catching up now, five years later, but it should not be rushed through like this. There has been no scrutiny of the proposals at committee and no engagement with stakeholders or teasing out of how these new laws will work in practice. Many of the proposals being legislated for also relate to the Minister cleaning up mistakes previously made by proposals passed by this Government and its predecessor. Some of these are technical in nature and relate to ministerial directions and the OPR, flexibility in planning applications, maritime area planning and the Valuation Acts. What is not clear is why these could not have been progressed in the Seanad or introduced when the Bill was originally published.

The most controversial set of amendments relates to judicial review. It was the Department of Housing, Local Government and Heritage under Fine Gael, and supported by Fianna Fáil, that created the crisis in An Bord Pleanála and the avalanche of judicial reviews when it introduced the strategic housing developments legislation, bypassing the normal two-stage planning process. We warned at the time that this would result in a significant increase in court activity, and that has been borne out. There was no compelling reason to bypass local authority planning, as it has done nothing to speed up the planning process, and An Bord Pleanála was clearly not equipped to deal with the massive increase in large and complex housing developments that require local planning expertise. However, now, without any pre-legislative scrutiny or Second Stage debate, the Government is planning to limit the ability of people to take judicial reviews and even when the courts find mistakes made by An Bord Pleanála, it will allow it to fix its own homework to pretend it never happened.

Planning law solicitor, Mr. Fred Logue, has helped to highlight the problems with the Minister's approach. It effectively moves the goalposts for anyone who legally challenges a planning decision. He said in the *Irish Examiner* yesterday: "Under European law, the system has to be fair, equitable and not prohibitively expensive." I wonder where the St. Anne's campaign would be now if this legislation had been in place before the campaign began. With the sudden resignation of the deputy chairman of An Bord Pleanála at the weekend, it is crucial that the Minister now fast-tracks the publication of the report by senior counsel, Mr. Remy Farrell, in full. It is essential that people have full confidence in the planning process and if the report reveals more systematic and seismic issues in An Bord Pleanála, they must be addressed. Transparency and fairness are the bedrock of any democracy, and trust in the planning system is vital.

The amendments being forced through raise serious questions about the crisis at the heart of our planning system. These changes raise serious questions of European law and constitutional concerns about the restriction of access to the courts. That is why we oppose the motion. If the Minister wants to understand why there are so many successful judicial reviews of planning decisions, it is because a dysfunctional Department and a willing Minister keep bringing forward last-minute legislation. The actions of the Minister also raise serious constitutional questions about the level of scrutiny afforded to our legislation. He has a proven track record now of bypassing the processes and Standing Orders of the House to get his plans put into law. Rushed law is bad law, and the Labour Party opposes this motion.

**Deputy Cian O'Callaghan:** First, there are media reports this morning that one of the amendments is being withdrawn. Is that the case? Are any of the amendments being withdrawn? Perhaps the Minister of State will let us know in his concluding remarks.

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**An Leas-Cheann Comhairle:** There are no concluding remarks, just to clarify the procedure.

**Deputy Cian O’Callaghan:** Thank you, a Leas-Cheann Comhairle. Can the Minister of State let us know if any of the amendments are being withdrawn?

**Deputy Peter Burke:** Amendment No. 25 is being withdrawn.

**Deputy Cian O’Callaghan:** I thank the Minister of State for clarifying that. I would have thought that the courtesy that should have been given to the Dáil is that we should have been told that in the opening statement rather than relying on media reports. That is just the latest in how this has been very poorly handled by the Government.

I oppose and object to the approach by the Government in the strongest possible terms. As Deputy Ó Broin said, we were told at the briefing on Monday, which took place after the deadline for submitting any amendments to the Government’s amendments, that these amendments relating to judicial reviews only relate to a small number of cases and there is no urgency with them. Why, therefore, are they being rushed through in this manner? Why is no time being given for scrutiny? In fact, detailed scrutiny is needed because these are complex, detailed matters regarding planning and judicial reviews. Why is the Government and the Minister avoiding scrutiny of this? That is what we need to hear from them.

A deeply cynical approach is being taken. The original Bill is problematic in respect of the issues relating to substitute consent. The housing committee was asked to do its pre-legislative scrutiny of that as quickly as possible last September. It was concluded a long time ago and then the Bill appears to have just sat with the Government and appears to have been deliberately timed to come to the House right at the end of the legislative process. If that is not the case, why have we not heard any explanation from the Government? Then in a highly cynical move we get these 48 pages of amendments that are not consequential to the Bill. We heard from the Department during the briefing that many of them are not of an emergency nature and relate to a small number of court cases. It is welcome that amendment No. 25 has been withdrawn, but I call for amendment No. 26, which also relates to judicial review, to be withdrawn too. If the Government has seen sense and seen fit to withdraw amendment No. 25, it should do the same with amendment No. 26, which relates to similar issues in respect of judicial review, and just give the democratic process, the Oireachtas and the people of Ireland the courtesy of having it scrutinised and debated. If the Government is going to make profound changes in planning law, it should at least allow them to be scrutinised. Why not do that?

I also call for amendments Nos. 12, 13, 40 to 42, inclusive, and 77, which relate to the design envelope, to be withdrawn, again to allow time on that. There could well be merit in some of the proposals, but let us try to get them done right by having them scrutinised.

Regarding the changes in planning and judicial reviews, this is being done in the context of multiple allegations being made with respect to An Bord Pleanála that are currently under investigation and the reports on which have not been published. At the very time a key allegation is being made that there has been a concentration of power by a small number of individuals, that files were not randomly allocated and that a significant number of planning decisions in An Bord Pleanála were made by a tiny number of individuals with no explanation as to why they were allocated the files and why the files were not randomly allocated, the one safeguard people had in that respect over the past number of years had been their ability to try to hold An Bord

Pleanála to account through the courts process. That has been a limited safeguard, incidentally. Most people and communities simply have not had the resources to exercise that. Some have, and in the cases where people have been able to do that, most of the cases were either conceded by An Bord Pleanála or won. It is in that context, with all those questions hanging over the board, that the Government is proceeding with amendment No. 26, even though amendment No. 25 has been withdrawn, and with other amendments that will curtail the ability of people to hold An Bord Pleanála to account. That is quite shocking.

All the wording about this in terms of flexibility, streamlining and so forth makes it sound as if these amendments are of no consequence when, in fact, they are profound. If the Government is going to make profound changes to planning law, it should do the people of Ireland the courtesy of not trying to brush them off as being merely streamlining or merely about flexibility. Do not treat people as if they do not understand what is actually afoot here. People are well able to understand, when language is being abused and misused to try to brush off profound changes, that is not what is at stake here; there is much more at stake. I urge the Government to stop treating the people of Ireland with contempt and allow those who are elected to represent them to engage in proper scrutiny and detailed analysis of any changes to the planning law it is trying to bring forward that will have profound effects in this country.

This is no way to enact legislation. The President of Ireland has commented on it. The Irish Council for Civil Liberties has analysed it and shown the vast bulk of legislation brought forward by this Government was brought forward in the last couple of weeks of December and the end of June and into July. Members of the Government and others in this House are quick to criticise poor process in other democratic countries, and countries where democratic norms have been eroded, but this is an erosion of the democratic process. Measures that seek to undermine judicial discretion in respect of court cases is also an erosion of judicial independence. If the Government wants to bring forward any amendments, it should withdraw everything that is now on the table, bring them back at a later stage to allow for scrutiny and await publication of the reports into An Bord Pleanála and the planning review.

**Deputy Richard Boyd Barrett:** This is incredibly sharp practice on the part of the Government. It makes a mockery of any sort of proper oversight of legislation. We had a briefing on Monday from officials on these 48 pages of amendments. These are substantial amendments in the areas of planning that will affect the rights of people to access justice through judicial reviews and will affect what is, broadly, a good objective as regards short-term lettings but, as others have said, the objective and the actual translation into legislation may not be the same thing. Everything of that sort needs to be scrutinised properly. I had to ask for an explanatory memorandum at that briefing. As with all legislation, we get an explanatory memorandum to try to translate what is often and, in this case, is, quite dense legislative language into relatively plain English so we can understand what we are looking at and voting on. I received this explanatory memorandum on these 48 pages of last-minute amendments from the Government to a Bill that is being guillotined so in reality we will not have time to look at and scrutinise it properly at 8:58 a.m., two minutes before the debate started. That is just an absolute joke. It is the Government laughing at the Opposition, and showing utter contempt for the legislative process, democracy and the public.

The amendments the Government is bringing forward are far outside the scope of the original Bill we started to deal with on Second Stage. If we tabled amendments that were anything even remotely similar in being outside the scope of a Bill, we would just be laughed out of court. They would be ruled out of order and would not be allowed. The Government, however,

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can do it by putting forward this motion, ramming it through and then guillotining the debate on the Bill later so we do not have proper time to scrutinise the amendments.

The substantial amendments that are of particular concern relate to planning matters and the question of judicial reviews. These are important issues. I wonder about the timing of the amendments. I suspect they result from lobbying by the private offshore wind industry. That is what I think. It has lobbied the Government to do this and that is why it is being done. It is so that industry can get flexibility in planning applications for offshore industrial wind turbines. In essence, the amendments amount to, from the perspective of planning and the public, buying a pig in a poke because they will give the industry the flexibility to apply for one development, but for the development it actually develops to be a different development. That is what the flexibility amounts to. The height and design of the wind turbines can change.

The Government will say there are safeguards and the industry has to show the different options and so on and so forth. All of that should be subject to serious scrutiny but in actuality we are dealing with a serious matter, namely, the ability of private developers because that is what we are talking about here - probably most particularly on these legacy projects or relevant projects as they are described - to be able to put in a planning application for offshore industrial wind turbines, where the public has to respond to a particular type of planning application. However, what is actually developed later may be something completely different and the ability of people to take judicial reviews against developments that are being applied for, which may affect them or the environment and so on, will then be limited. That is unacceptable.

I am sure the Government does not give a hoot that we think it is unacceptable. There is laughing. That is what it does at this time of year.

**Deputy Peter Burke:** I was not laughing. The Opposition is laughing.

**Deputy Thomas Pringle:** No.

**Deputy Richard Boyd Barrett:** No, but in a more broad sense the Government is laughing.

**Deputy Peter Burke:** The Opposition is laughing.

**Deputy Richard Boyd Barrett:** The Government is trying to make fools of people as it does every year at this time as we head towards the summer recess. It barrels through a deluge of legislation, and guillotines it to get through and smuggles in matters that, if they were scrutinised properly, could be of serious import and concern to people. We will not have the chance, and the public will have no chance whatsoever, to have any look-in on these issues or to express any opinion on them because they will be done and dusted before they get sight of them. That is pretty outrageous. For that reason, we have no choice but to vote against this motion. We will have two and a half hours to scrutinise these matters later, which include substitute consent issues, short-term lettings, judicial reviews and maritime area planning. There is no chance of any of that being scrutinised properly on Committee and Remaining Stages. It is pretty disgraceful, totally undemocratic and shows contempt for the public and this House.

**Deputy Seán Canney:** I add my voice of concern to the fact that so many of these amendments are coming in at such a late stage and are very much outside the scope of the original Bill. At last week's Business Committee meeting, we allowed an extra hour for discussion and debate on the Bill but that was before these amendments came in. There is a case to be answered regarding why this is being done in such a ham-fisted way.

I agree with the amendments to the Valuation Acts and to short-term lettings. I also agree we need to do something about judicial reviews and having more inclusive and co-operative planning processes so we can do things quicker. If we push through legislation in this manner, it will be like manna from heaven to the people who want to object and employ lawyers to bring this legislation through the courts. The fact that it has not been sufficiently scrutinised and is being put through the House in such a ham-fisted manner is a concern.

On planning and the examples of planning at a local level, Galway County Council has not had any pre-planning meetings for the last two years because the planning department does not have the resources to deal with pre-planning meetings. The reason is that the council has been starved of funding for a number of years. Council staff are now dealing with up to 90 applications per day. It is absolute mayhem. The planning department has a statutory process to go through and timelines to meet. The risk of making a wrong decision is there all the time when planners are working under pressure like that.

To be fair, we must start off by asking how we get our planning system right. We must ensure the local authorities have the resources required to deal with the planning applications. For example, Galway County Council does not employ an architect or ecologist. It is processing planning applications in a very seat-of-the-pants manner. Some applications are simple enough while others are highly complicated, with the result that there is a huge amount of confusion within Galway County Council as to how planning will be delivered. The very simple and basic pre-planning meeting is a must. We need to have such meetings. The only way to ensure we have them is for the Government to provide the funding for local authorities, such as Galway County Council, to enable them to employ the cohort of staff they need. That is very important.

We have to do something about objections and the issue of people appealing planning decisions to An Bord Pleanála. I will provide an example. The HSE was building a new community nursing unit in Tuam to replace the existing Áras Mhuire community nursing unit. The building was no longer deemed fit to house patients or long-term residents. Galway County Council granted planning permission for the development. An objection was subsequently submitted by an individual living in the midlands, whose ground for objection was the idea that the nursing unit should not be based in Tuam, but in Galway city. The objection was submitted to An Bord Pleanála, delaying the whole project for over seven months. Thankfully, An Bord Pleanála upheld the decision of Galway County Council and the project is now proceeding. Hopefully, it will be completed by the middle of next year. We must stamp out the practice of permitting vexatious objections.

There is also a problem with serial objectors who object to anything and everything. I do not know from where or how they are being funded, but they are creating mayhem in the planning system and An Bord Pleanála. I do not know what is behind it. I can see it in different aspects of projects that are being planned. Objections are being put in and we expect them to be put in. An appeal has to be based on merit or there must be something about the process or development, in particular, that the objector feels is not right. Objections cannot just be vexatious. It is too simple, currently, to put in an objection to a planning application on the basis that the objector does not like or is jealous of the developer or does not want to see a particular development in his or her neighbourhood. It is important we get this right.

On the flexibility of our planning system, one of the biggest areas affected by the lack of flexibility is housing. There are so many processes in our planning system that it is delaying the delivery of social housing. I am sure it is a frustration for the Department that houses cannot

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be built quicker. I spoke about the issue yesterday. It is important we build social housing as a matter of urgency. We should be able to fast-track the planning of social housing so that units can be delivered quicker. We cannot be looking for an opportunity to object to developments and shout about and ask for social housing to be built at the same time. We need to build social housing units. We must deliver them rather than just talking about doing so.

On flexibility within the planning system, I believe that if there is engagement within the planning system between the applicant and the planning authority, we will get better, more efficient planning and fewer objections because it will be done right. There has to be greater flexibility in that. There must be joined-up thinking regarding the objectives of a planning application when it is submitted. We must consider whether the planning, in principle, is good. If it is good, we must ensure that planning permission is granted in a way that meets the legal requirements.

There are many issues to consider here. As I said, I am concerned at the manner in which this legislation is being rammed through. I am concerned that Deputies have learned, through the media, that an amendment has been withdrawn, rather than being told about it by the Minister of State in his opening remarks in the Dáil. Perhaps the Minister of State was not aware that the amendment had been withdrawn. However, it is important that we are clear with one another as to what is going on.

**Deputy Michael Healy-Rae:** I highlight how disappointed, shocked and upset I am at the manner in which the guillotine procedure is being used today. There is a lack of confidence in the whole planning system and the process around the granting of planning permission that is compounded by a number of factors. On top of everything else, the manner in which this legislation is being passed is going to further erode people's confidence in the system. If the Government seriously believes it is right and proper for us to come in here and to have less than one hour to debate, scrutinise and go through 48 pages of amendments, it is totally wrong. It is completely unfair. This is politics at its worst. The job of legislators is to go through legislation and amendments properly. I have no problem in the world with Members or the Government bringing forward pages and pages of amendments. However, we must be given the opportunity to go through them. The Government is not doing that.

There is a significant lack of confidence in An Bord Pleanála. Even though I would be entitled to do so, I will not go into the details of what I would refer to as the shenanigans of An Bord Pleanála. However, I wish to make this point on record. An inspector from An Bord Pleanála can go out and inspect a project, produce a report and put it before the members of the board. People might think that meetings of the board are well organised, convened and structured. They are no such thing. The meetings involve a few people turning up willy-nilly if they are on time. Meetings can take place at 7 o'clock or 8 o'clock in the evening. Members can be in whatever state they wish to be in because there is nobody there to scrutinise or oversee what they are doing. An inspector can lay a proper report before the board. If there are three people attending the meeting, including two board members and the inspector, the two board members can reject the inspector's report and overturn the findings of it. These board members may have never been in the county, town or village of the planned development that is up for discussion. The members may not have read the inspector's report. However, if they do not like the individual developer or something about them, they can overturn the decision of the inspector. How can that be right and proper?

**Deputy Richard O'Donoghue:** I am a member of the Joint Oireachtas Committee on Hous-

ing, Local Government and Heritage, along with other colleagues who are present. The manner in which these amendments have been brought before us at such short notice, with the use of the guillotine procedure, is another insight into the state of the Government. I am involved in a lot of planning in County Limerick. The granting of planning permissions in the county is being held up by serial objectors. There is also a lack of clarity in the process. Businesses that have put structures on their premises during the pandemic still have not get clarification as to whether they are exempt even though special circumstances pertained. SMEs and other companies that put up solar panels to bring down their electricity costs still do not have clarity on the size of array they may have. On the lack of infrastructure, local development plans now specify that there will only be development in areas where there is infrastructure. That wipes out two thirds of County Limerick because the infrastructure in the county is at its maximum capacity. Under the new housing regime, the Land Development Agency is only going to build in Limerick city and in towns and villages that are within 15 minutes of it because of transport issues. This again takes out two thirds of Limerick. There has been a massive surge of planning permissions in County Limerick but no houses are being built because of cost inflation and the lack of builders. Planning permission should be granted to any person who wants to return to their home locality whether on a site they own or within their home town or village. It is the responsibility of the Government to ensure the infrastructure is in place to allow people to return home. That is how planning permission should operate to ensure the future of the people of Ireland.

**Deputy Danny Healy-Rae:** I want to voice my opposition to the ramming through of this very important motion this morning, when only a handful of Deputies will get only a couple of minutes to talk. We certainly did not get time to deal with all these extra amendments. I am sure they will adversely affect many people who are trying to create employment. Ramming this through without any proper scrutiny reflects poorly on the Minister of State. Deputies are being denied the right to properly scrutinise what will be voted on here later. It is being rammed through by the Government and that is totally and absolutely wrong.

One of the things that worries me is the denial of a right to judicial review. No one took a judicial review lightly because they are very costly but the option was there. It worries me that the Government is going to deny certain people the right to seek a judicial review. I am also very worried about the utterances of the Planning Regulator with regard to the county development plan passed in Kerry. The broad view of the councillors when discussing the plan was that people in Kerry did not want turbines close to their houses. I am worried that this Bill will in some way override the view and voted policy of Kerry County Council with regard to planning for wind turbines. It was the council's view that Kerry has more than its fair share of turbines and that there was nowhere left for them that was not close to houses.

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**Deputy Danny Healy-Rae:** I have one more thing to say. It relates to objectors. Deputy Canney raised the question of where the money was coming from-----

**An Leas-Cheann Comhairle:** I am sorry but no. We are over time.

**Deputy Danny Healy-Rae:** -----to help those objectors. The Government is giving money to-----

**An Leas-Cheann Comhairle:** I am really sorry but I am moving on to Deputy Pringle.

**Deputy Danny Healy-Rae:** -----An Taisce and these environmental groups to object to

planning applications and I totally object to that.

**Deputy Thomas Pringle:** It is shocking that we are discussing a motion to allow the Government to table a set of amendments covering more than 50 pages to a Bill that is to be dealt with later on today. It is mind-boggling when you say it like that. The contempt the Government shows for this House really is shocking.

Yesterday, we saw a Bill rushed through to enable the ratification of a treaty we signed 50 years ago. This treaty regarding outer space was only moved for ratification yesterday. There must be something coming up in that regard if the Government wanted to make sure all the i's were dotted and all the t's crossed to prevent any challenges.

This motion is being moved today without any amendments even being taken. The Government really does not care about democracy. It will railroad these changes through anyway. Some of these amendments have been around since last summer so there was plenty of time to move a Bill but I do not think the Government wants people to see what it is at. That is why these amendments are being pushed now. It is because there will be no scrutiny of them as there physically is not time. The Government will push them through, which shows a shocking disregard for this House, the democratic process and the citizens of this country.

To add insult to injury, the Minister of State arrived in the Chamber without copies of his speech. We have to wait for these to be delivered. We then find out from Deputy Cian O'Callaghan that amendment No. 25 has been withdrawn. I would say the Minister of State knew that because he answered very quickly that it was withdrawn but he was not going to tell the House before this debate. We were having a debate on these amendments but the Minister of State was not going to tell the House that one of them was not going to be put forward. That says a lot about the process and about the Minister of State and his Government's view of it. What is really shocking with regard to this legislation is the way the Minister of State views the whole thing.

Obviously, it is about hiding things. One of the amendments relates to judicial review. I am looking at some of the statistics. In 2020, An Bord Pleanála decided 2,600 cases, of which 83 or 3% of the total number of applications went to review. The Government's proposals will benefit that 3%. It would be very interesting to look at who makes up that 3%. I am sure it includes big-money developers. That is who the Minister of State's Department and Government represent. They are the only people who benefit from this. Some Members spoke about the number of cases that go to judicial review. I am no legal expert but, as far as I know, the courts determine whether legal processes were followed before they allow a judicial review to be taken as these reviews are taken on legal matters. The court therefore recognises that there is a *prima facie* case that the legal processes and the law were not properly followed. If An Bord Pleanála and the planning authorities actually followed the law and did what it says, there would not be judicial reviews because they would not be allowed to be taken in the first place. People could apply for them but they would not be allowed to be taken because the law was followed. That would say a lot more.

If the Minister of State wants to make the planning process work properly for people, he should push a system whereby developers are required to obtain consent. There are three parties in the planning process, namely, the developer, the planning authority and the community that has to host the development. If they were all treated equally and with respect, an awful lot more planning applications would go through the process with the consent of the people. That

would do an awful lot to streamline the planning process under the Acts. However, it is not in the Minister of State or the Government to do that because they represent private developers and money. That is what they are all about. Unfortunately, that is also what all of this is about. These amendments will be rushed through today and this Bill will be law tomorrow without any scrutiny. That is what the Minister of State wants and what he is going to achieve.

Question put.

**An Leas-Cheann Comhairle:** The division will be taken immediately prior to Committee Stage. I thank Members for their co-operation. We are back on track with regard to time.

*10 o'clock*

### **Rent Reduction Bill 2022: Second Stage [Private Members]**

**Deputy Richard Boyd Barrett:** I move: “That the Bill be now read a Second Time.”

I am sharing time with Deputy Paul Murphy. The Title of the Bill should make clear what we are trying to achieve here. For the vast majority of people who are impacted by the current housing crisis, the need for a Bill that will reduce the extortionate, frankly obscene and completely unaffordable rent levels is more than patently obvious, and this Bill attempts to do that. It seeks to bring rents back to levels that will be affordable for ordinary working people because they have reached an utterly unaffordable level. The consequences of that are utterly disastrous for some, with record numbers of families, individuals and children forced into homelessness, overwhelmingly because they simply cannot find anywhere that is affordable within the housing assistance payment, HAP, limits if they are eligible for the HAP, and of course, huge numbers of people who desperately need help meeting the extortionate rents they are being charged are not even eligible. Because they have crept a few euro over the income eligibility threshold, they are not entitled to any support and are expected to pay rents that are off the Richter scale in terms of affordability for the vast majority. I refer not just to low-earning workers but even to people who earn pretty decent wages and salaries.

That is what the Bill is trying to do. It is a matter of absolute urgency that something of this sort be done, and I will now set out the manner in which we will do it. We propose that a national rent authority be set up and that this authority ensure that landlords cannot charge more in rent than 25% of the median household income, whether the national or local median household income, whichever is the lower, given we do not want people in low-income areas to be charged rents based on incomes in high-income areas. The broad principle is that people will not spend more than 25% of their income on putting a roof over their head. We propose that any newly constructed house or apartment, once the Bill has passed, that is going to be rented out will immediately be subject to this rent control and the landlord will not be able to charge more than the median household income, as set by the national rent authority. For rental property that already exists and that, almost invariably, costs considerably more than that, the landlord will have one year to bring the rent back to that level, after which all rental property will be subject to that rent control. We make an exemption for luxury properties because, frankly, we do not want to control the rents that are paid by the super-rich, where they might rent luxury penthouses. We have no particular interest in protecting them against those rents or ensuring they will pay rents that would be far lower than their income would allow. We are interested in protecting rents for ordinary people.

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The need for this is self-evident. Average national rents are now in excess of €1,500 a month. That means a person needs to earn about €17,000 a year just to pay rent, which is about 45% of the median income. They are the national rents; the picture gets far worse when we look at Dublin, where the average rent is now €2,000, or €24,000 in after-tax income required just to pay rent. More than 50% of the national median household income is what is being asked for. It gets even worse in my area, where in the past six months average rents were €2,600. That is absolutely obscene. This is totally unsustainable and we can see the consequences, with the homelessness figures rising week on week. Of course, the main feature of the surge in homelessness we are seeing at the moment, in almost all the cases I am dealing with, is that it is people who are working who are being made homeless. They are often two working people in one household and still they cannot afford the rents out there.

In many cases, such people are not eligible for social housing support because the Government and previous Governments, for ten years, have refused to raise the income eligibility thresholds in what is clearly a deliberate strategy to make it look as though fewer people are in need of social housing support when, in fact, it is self-evident that more people than ever before need social housing support. The proportion of households that are entitled to social housing support, as the Economic and Social Research Institute, ESRI, recently documented, has dropped dramatically. Whereas 47% of households ten years ago were eligible for social housing support, that figure had fallen to 33% by 2019, and while we do not have figures for what it is now, it is clearly well south of that. The number of people who are getting help is lower than ever before and is being reduced constantly in a stealth cut, whereas the need for that support is greater than ever and we are facing a dire situation for huge numbers of families.

It is equally evident that this is a uniquely disastrous failure of the Government in this country. ICTU, in its recent publication on the social wage, showed that accommodation costs in this country are 78% higher than the EU average. While rents have gone up by about 13% across Europe over the last decade, here they have gone up by over 70%. In my area, they have gone up by over 100%. This is a unique failure of Irish Governments, way beyond the failure of governments in other countries.

When we raised this issue yesterday with the Taoiseach, he said the legislation would not fly, was “illiterate” and could not be done. Strangely enough, they do it elsewhere in Europe. Is it not very odd that they have succeeded elsewhere in preventing this kind of dire housing crisis and these extortionate, obscene increases in rent levels? It is not that rents have not gone up in Europe, but they have not gone up to anything like the levels they have reached here. That is because other countries have rent controls. In France, they have recently introduced further rent controls whereby if they see rent reaching levels beyond what is affordable for ordinary people, they cap them with maximum rents. In the Netherlands, where rents are too high there is a legal power to reclassify housing as social housing and charge social housing rents. Germany has a rent control regime in place whereby if rents in particular areas are way out of sync with other parts of the country, they can be controlled, capped and brought back down to reasonable levels. The United States has multiple forms of rent controls. The idea this cannot be done is not true. Are we open to amendments that would tweak how we do this? Of course we are, but we want to establish the urgent need and viability of introducing a regime that ensures people can afford the rents being charged. It is done elsewhere and can be done here.

The reason the Government does not want to do it is the same reason we have a housing crisis in the first place. It is because its housing and rental policy is being dictated by propertied interests, including developers, speculators and investors, rather than by the needs of our people

for secure, affordable rental accommodation.

**Deputy Paul Murphy:** Yesterday, when questioned about this at Leaders' Questions, the Taoiseach said if we passed this Bill to reduce rents for ordinary people, there would be no landlords left in Ireland. Across the country, thousands, maybe tens of thousands, of people who are struggling to pay €2,000 or €2,500 of rent per month and others who live at home well into their late 20s or 30s because they cannot afford to rent are thinking "Taoiseach, don't threaten us with a good time". The Taoiseach's comment encapsulated in one sentence the ideology and approach of the Government to housing, which is that the only conceivable way to provide homes for people is not to consider housing as a basic right but as a commodity that must be provided for profit in the market. That is the essence of the Government's approach to housing. We have to incentivise developers to build homes for profit by shovelling public money at them and we have to incentivise landlords to provide the service they provide by not saying rents should be linked to what people can afford to pay but that landlords are free to charge whatever the market says they can get away with. That is the essence of the Government's approach.

It begs the question of what service landlords provide. What wealth do landlords produce in this economy? What added benefit is created by having a class of landlords? Nothing. That is the truth. There is no benefit in having this layer of corporate landlords in our society. Big corporate landlords, as a class, are parasitical on the economy. They take money generated by workers creating wealth out of the economy and keep it for themselves. Almost €1 billion per year in various State supports - public money - goes into the pockets of landlords. Billions of euro from ordinary workers go into the pockets of landlords, and that amount of money has exploded over the past ten years.

Let us say, hypothetically, that the Taoiseach is right and if we pass a law providing that rents should be at a level people can afford to pay, which is a very radical idea, the Taoiseach's nightmare scenario transpires and every landlord in the country leaves the market. What will they do? Will they pack up the apartments into their bags and go off to wherever they go? Will they strap the houses to their backs and go to America or Germany where the corporate landlords are based? They cannot take their properties with them.

The key point is what will happen to the tenants. We have no problem with small landlords but if small landlords cannot afford to operate on the basis of renters being able to afford to rent and not being crucified, then the State should agree to buy those homes at market rate from the small landlords who want to get out and turn that into public housing, keeping the tenants *in situ*. There you go - there is no longer a crisis. When it comes to corporate landlords, IRES REIT, Kennedy Wilson and the rest of them, we should follow the example of what the people in Berlin voted to do by expropriating and nationalising this housing. It does not provide any social use for ordinary people. We should take it into public ownership and turn it into public housing on the basis of affordable rents. We should create a universal model of public housing where housing is not treated as a commodity for profit but as a basic right for people. That is the difference of approach between us, thinking about the interests of ordinary people, and the Government, saying we have to shape the market in such a way as to enable these people to make as much profit as possible.

There is a happy coincidence between the ideology of the Government and the self-interest of the class of landlords it represents, including the landlords in the Government and on its backbenches. Their interests all happen to coincide. This is not just a Government for landlords; it is a Government by landlords. Last night, the Government won the motion of confidence by 19

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votes. By my calculation, if the landlords of this House had not voted, the Government would have lost that vote. The same will presumably apply when we vote on this Rent Reduction Bill this evening. If the landlords in the House absented themselves and said, as they should, that they cannot vote on this because this is voting about whether-----

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** Does that include those from the Opposition?

**Deputy Paul Murphy:** All across the House. The vast majority of the landlords are on the Fianna Fáil-Fine Gael side and among the Independents who voted with the Government. If those landlords absented themselves tonight, as they should, and said it is too much to do with them, will impact their income and that it is clearly inappropriate for them to vote, there is every chance this Bill would pass.

It is worth looking at who these landlords are. Rory Hearne did very good work recently outlining the reality of these corporate landlords. IRES REIT, the largest private landlord in Ireland, owns close to 4,000 homes. US property corporate Kennedy Wilson owns close to 3,300 rental apartments. Irish property investor Urbeo is developing build-to-rent units, advertised as studio units, in Citywest in my constituency for €1,500 per month and two-bed apartments for €2,000 per month. US fund Greystar pre-bought 342 apartments being built in Griffith Avenue and advertises for a one-bed at €2,140. Rory Hearne also cites CSO data on new-build activity in Dublin in the first three months of this year showing that 1,151 newly built units were sold. Of these, first-time buyers bought just 217, or 19%. Non-household purchasers, overwhelmingly investor funds and REITs, bought 726, or 63% of all new builds in Dublin in the first quarter of 2022. These corporations are getting massive public funds. IRES REIT got €8.7 million in rental income from the State via HAP in the first half of 2021. Fine Gael and Fianna Fáil have turned the Irish State into a vast funnel through which it can direct public moneys to landlords.

The Housing for All plan is completely dependent on the private market and on global investor vulture funds in particular. Of the €12 billion a year required to build the planned 33,000 homes each year, €10 billion will come from private capital sources. Of this, the “majority will be required from international sources”, coming from well-established investors. The private market and investors are to provide 83% of new homes, with the State playing a small role and providing less than one fifth of all new builds. This encapsulates the disaster of the for-profit market and the commodity-driven approach to the housing crisis, which is why the crisis gets worse and worse day by day, week by week and month by month.

I presume we will hit the Government bingo later on and that the Minister of State will say this is unconstitutional as it interferes with the right to private property. We dispute that. We think the Government should do this and should then defend the case in the Supreme Court if that is where it goes. Even if the Government is right, that is precisely why we have introduced a Bill to insert the right to housing into the Constitution. We think the vast majority of people out there would agree that the right of ordinary people to housing comes before the supposed right of vulture funds, cuckoo funds and others to maximise their profits.

The Government won the confidence motion last night but I still do not think it has the confidence of ordinary people. As the slogan of the Arab Spring goes, what the Parliament does the streets can undo. This is now a weak Government. It is a Government that can be pressured and pushed from below if we manage to build a cost-of-living and housing movement like we did with the water charges. Such a movement, which will be holding a protest at 5 o'clock today in

front of the Dáil and a major national protest on Saturday, 24 September, can force concessions out of this Government. At a certain time it will bring this Government down and open the possibility of a Government that does not govern in the interests of the big corporate landlords but instead in the interests of ordinary renters.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I thank the Deputies for bringing forward this Bill. However, the Government will be opposing it. Aside from its technical and practical operational shortcomings, it would in all likelihood quickly face significant risk of legal challenge and is likely to have a severely detrimental effect on the supply of much-needed rental property. The Government is acutely aware that rents are very high in many areas as a result of pent-up pressures and supply constraints. The most effective way to assist renters is to increase supply and accelerate delivery of housing for private renters, including for cost rental and social housing. While supply builds, the Government has in place legally permissible and targeted measures to control rents.

It is not clear to me from this Private Members' Bill but I suspect the potential impacts of this Bill have not been adequately considered or proofed from a legal or economic perspective. The reduction of rents in an arbitrary fashion is not going to increase the supply of rental accommodation and is highly likely to fall foul of the Constitution. Supply is our constraint. Rents rise if demand outstrips supply. This Bill will not stop landlords leaving the sector or encourage new landlords to enter the market. We all want affordable rents for people but we must recognise the need to secure the provision of additional supply of rental accommodation. The Government has to strike a balance between restricting the level of rents tenants are paying and keeping ordinary landlords in the system. The Government seeks balance and fairness in residential rental accommodation. We will carefully examine and consider any impending proposals from the Housing Commission, including from a housing tenure perspective. The simple fact is we need residential rental accommodation. We need landlords. The Deputies proposing this Bill will be aware of the exodus of small landlords from the market and the effect this is having on tenants and tenancies. We are all aware of people seeking our assistance as their landlord has served them a notice to quit because they are selling their house. We need to support small landlords to remain in the market while we increase supply. Unfortunately, this Bill would do the opposite.

We need strong regulation and enforcement to deal with any unlawful activity in the sector, including the setting of unlawful and unaffordable rents. Only 2% of all tenancies become subject to dispute resolution in the Residential Tenancies Board, RTB. Redress is available to all tenants and all registered landlords through the RTB. The Government has a proven record in quickly addressing pressures on rents. The Residential Tenancies (No. 2) Act 2021 introduced measures last July to extend the operation of rent pressure zones, RPZs, until the end of 2024 and to prohibit any necessary rent increase in an RPZ from exceeding general inflation, as recorded by the harmonised index of consumer prices, HICP. From 11 December 2021, the Residential Tenancies (Amendment) Act 2021 caps rent increases in RPZs at 2% per annum *pro rata*, when the HICP inflation rate is higher. The 2% cap remains necessary and effective in the context of fast-rising inflation. Data from the Central Statistics Office, CSO, for May 2022 show HICP inflation of 8.3% while the flash estimate for June 2022 is 9.6%. Therefore, under the current law, a potential rent increase of 9.6% in line with inflation is capped at 2%. This cap has resulted in far lower rent increases, where they were sought, for the estimated 75% of all tenancies covered by rent controls. These Government measures are legally sound. I do not believe the same can be said for the measures in this Bill.

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I will address the substantive issues with this Bill. The key aim of the Bill, via section 2, is to reduce rents by limiting them to not greater than 25% of local monthly nominal median household disposable income for households of the relevant size or 25% of local national nominal median household disposable income for households of the relevant size, whichever is the lower, as determined by a national rent authority. The Bill seeks to establish this new State body at additional cost to the Exchequer. I am not clear on how the body is to interact with the RTB or whether any interaction is proposed. The Bill provides for the State body to be comprised of tenant and employee representatives. I do not see the necessary balance, independence or fairness in the Bill generally but the proposed composition of the new State body is of particular concern.

The Bill also seeks within 12 months to reduce, if necessary, existing rents to no more than 25% of disposable income. An exemption to the blanket rent restriction is to be provided for luxury accommodation. The Bill proposes to empower the Minister for Housing, Local Government and Heritage to make regulations to establish a new State body whose functions will include determining the criteria for the designation of certain properties as luxury accommodation. No more than 5% of all accommodation can be so designated in any local area. Other Deputies across the House would agree it would be more appropriate to establish any new State body through primary law debated in the Houses of the Oireachtas. Costs to the Exchequer will arise in the operation of a new State body and its establishment would need to be on a sound legal footing. The proposed method of determining rent price ceilings by linking them to household size could incentivise landlords to favour larger households and would bring a risk of overcrowding.

I stand over the Government's actions to date to enhance the operation of the rental market. Our interventions and the actions we are taking are comprehensive, targeted and legally sound. As Deputies will know, a key element of existing policy centres on the designation of RPZs in areas where rents are highest and increasing most. The Planning and Development (Housing) and Residential Tenancies Act 2016 introduced a rent predictability measure to moderate rent increases in those parts of the country where rents are highest and rising fastest. The Residential Tenancies (No. 2) Act 2021 introduced measures in July 2021 to extend the operation of RPZs until the end of 2024. The current rent pressure zone rent increase cap of 2%, where the inflation rate is higher, is a considerable advancement since 2016. No rent set can exceed market rent. The RTB continues its work in resolving tenancy disputes. Lawful rent setting is being enforced. The Government will be addressing the rising costs in the upcoming budget and is fully aware of the affordability challenges being faced by people throughout the country, including by renters.

I do not believe that the Bill before us would ultimately help renters. Forced rent reductions would negatively impact on the supply of rental properties, ultimately building further pressure on rent levels. It would drive many small landlords out of the market and it would direct more tenants into homelessness. The measures introduced by the Government to date provide timely, effective and proportionate responses to help all tenants in rent pressure zones. Tenants outside of rent pressure zones can have their rent increased every second year, which provides rent certainty for at least two years. Aside from the legal issues, the Government believes that a blanket reduction of rents could be counterproductive. It puts a significant risk on the investment in the supply and upkeep of rental properties.

I genuinely thank all the Deputies for their contributions on the matters put forward in this Bill. The Minister, Deputy O'Brien, and the Government are working very hard to try to put

forward a comprehensive response, through Housing For All, to this huge challenge being faced by the State.

With regard to comments made at the start by Deputy Boyd Barrett and Deputy Murphy, they will be happy to hear that I am not a landlord. I do not know what data the Deputies have on the Opposition Members and where the largest landlords in the State are among representatives in this House. It is absolutely incredible to state that a majority of this Dáil, which last night voted confidence in this Government, is anything to do with the composition of its Members and their backgrounds. All of us in this House are elected by the people. They have the ultimate control around who represents them in this democracy. I hear the Deputies, week in and week out, elegantly talking about the rental issue. I wonder how many more housing units the Opposition will object to for visual amenity reasons? It is more than 1,000 at this stage in their own communities. This really prevents people trying to get stable housing and stable tenancies. As a Government, we are trying to increase supply while the Deputies opposite are trying to stop it. It is the reverse of what we are trying to do. We are all meeting people in our clinics and our constituencies throughout the country who are very frustrated. The Opposition is focused on sound bites and coming in here to shout every single week-----

**Deputy Richard Boyd Barrett:** Not shouting; projecting.

**Deputy Peter Burke:** -----but they are putting forward no solutions. At least they are consistent in one thing: object, object, object.

**Deputy Bríd Smith:** The Minister of State's intervention is totally illogical. He has just said the Government's interventions in housing are targeted, legally sound and effective. Is this why, when polled and asked, the majority of people in the State say that housing is the number one issue for them? Is this because the Government has been so successful in its targeting, its legally sound legislation, its timeliness and its effectiveness? It does not add up.

There is a theme in this Government that any alternative proposed by the Opposition is a fantasy, unrealistic, unworkable and, worse, is not politically real or serious, unlike the great statesmen and women of Fianna Fáil and Fine Gael. There is a phrase, TINA, which means "there is no alternative". Margaret Thatcher used this frequently. She meant there was no alternative to capitalism, no alternative to the market, no alternative to mass unemployment or to the devastation of people's living conditions. I believe the Government and its Deputies are the children of Thatcher's politics, which is the political and economic view that says we cannot interfere in the market or in the need of corporations to make profits. Today we say loudly and clearly that there is an alternative; there must be. Whether it is housing, the health crisis or the climate crisis, the market is not the answer. The market is often the cause of the crisis. There is an alternative, and there must be, for the more than 60,000 renters who are spending more than 30% of their income on rents, for those in Dublin who now routinely spend 60% of their income on rent, and for the more than 300,000 people in private rental accommodation who are dreading the next rent hike or a possible eviction notice.

A proposal to reduce by law the rents inflicted on people may be greeted by the Minister of State and the Deputies in Fianna Fáil and Fine Gael with fainting and gasps of horror. They may say the Opposition is illiterate and that it will drive the poor suffering landlords out of the market. This is odd when daily we are told they are already leaving the market and at a time of historically high rents. The Minister of State might need smelling salts when trying to rubbish this proposal. Horror of horrors, we want to set rents by interfering with the market.

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In 2016, we proposed a law that would set up fair rents, would ban increases and would reduce rents by linking them to income. One year later, the Fine Gael-led Government brought in rent pressure zones, but what has happened? We have had total failure. We repeatedly brought proposals to ban evictions during the housing crisis. Again, there was widespread fainting and gasping by the Government. We were told this would risk the utter destruction of the market, as we are being told again this morning. Then, in 2020 the Dáil legislated to ban evictions during the Covid crisis. I have a newsflash for the Minister of State: the sky did not fall in.

The Deputies opposite say we cannot interfere in the market. We can improve the lives of the people in this State. We can interfere in the rights of property and the rights of profit and, guess what, the Earth will keep spinning. What may happen and what should happen is that life becomes a little bit better and a little less unequal for tens of thousands of people. The world does not end with rent reductions or rent controls.

This is not 1980. This is not the era of Thatcher and Reagan. We can intervene in the market and we must do so, especially when it is inflicting huge misery and poverty on the people in this State. This proposal only appears revolutionary to the Government because it has a limited way in which it places the corporate landlords and their profits at the heart of what society does in a housing crisis.

We do not allow education provision to be determined by the market, nor should we. We do not allow access to life-saving medical care to be determined by the market, although we do to a certain extent. In Ireland, however, the right to access decent shelter and accommodation is determined in the private sector and the market. It is enshrined in laws of the State that the rents should be set and guided by the market. We must demystify the market. Currently, the market rent is not what people can afford and it is not about what people can voluntarily contribute. The market is about what landlords can extract. Unlike other products where prices are determined by the choices people make, people have no other choice in this regard. People need shelter as a basic for being able to live.

Rents have increased by 76% in the past 12 years because they can. This is a housing crisis where the State has failed to provide decent public housing for its people, and where the private rental market has forced up those rents and extracts every penny it can from ordinary, decent workers. While rents have gone up by 76% in 12 years, what has happened to wages or to welfare? The Government and the Minister of State would attack with glee any group of workers who would put in a pay demand for 76%. The Government would say those workers wanted to wreck the economy and bring down the State. The Government would talk of treason and of holding the State to ransom. When workers demand a pay rise of 10% let alone 70% or 80%, they are lectured on the perilous state of the country's finances and told sternly that the Government could not give in to such blackmail. It is, however, no issue at all for the Deputies on the opposite benches if Hibernia, Irish Residential Properties REIT, or some corporate landlords boost their investor profits and expect returns that are multiplies of that sum. There appears to be no problem with profits or rents that hit the stratosphere.

In these 12 years when rents have risen by 76%, landlords have crammed people into sheds, into corridors, and into double beds with strangers. State subsidies of private landlords by HAP, rent supplement, and RAS has hit €1 billion annually. Stories of websites advertising sex for rent are commonplace. We have not seen a single substantial or real improvement in tenants' rights or security of tenure. What has happened elsewhere? Did wages rise by 76% during this 12 years? Not according to the Central Statistics Office, which says the average industrial

wage rose by less than 20%. Did welfare rise by 76%? Not at all. According to the Department of Social Protection, welfare has risen by 10% in the past decade. What is so mystical about rents that the thought of controlling them by linking them to people's actual earnings evokes such a visceral reaction from the Minister of State and Deputies on the opposite benches? We need to provide decent public housing that is administered and that has rents linked to people's income, to what workers can actually afford. This Bill is more realistic, more grounded, and more based on real life than the ideology posing as *realpolitik* that I hear from the Government and its supporters.

In Dublin, one estimate is that a single person trying to rent would need a net income per month of €6,574. That is more than an annual gross salary of €100,000. Those in government are the real fantasists when they think that is a realistic option for the vast majority of workers today, or that the centre can hold when the centre is based on that sort of rental market.

It is an interesting question as to why this crisis has happened. The Minister of State has talked about various ways, but he did not mention the war in Ukraine. Members of Fianna Fáil sometimes like to say it is because they had to make very tough and brave decisions when they decided to bail out the banks. Fine Gael often likes to blame Fianna Fáil. It could also have been when the Labour Party and Fine Gael changed the laws to lure in real estate investment trusts, REITs, and vulture funds with promises of tax breaks. Alternatively, it could have been when Fianna Fáil rewrote the tax laws to allow various tax fugitives and exiles to rest their money here. Another possibility is that it was when the Government stopped building public housing. The simple answer to explain the housing crisis is that it is not really a crisis. It is policy - the very definite, thought-out result of political, economic and social decisions taken by Fianna Fáil and Fine Gael through the decades to placate the corporate sector. The profits are not an unintended consequence of the housing policy. They are the intended consequence of commodifying housing, changing laws to lure investors and halting and denigrating public housing.

We have the consequences of policies that are entirely predicted by the politics of Fianna Fáil and Fine Gael with their occasional little mates in the Labour Party or the Green Party. That amounts to 10,000-plus people in emergency accommodation, tens of thousands on the social housing list, and another 60,000 in receipt of HAP or other State support so as to have shelter tonight. These are victims of an entirely planned and thought-out economic and social policy. If that is allowed to continue, the future disaster awaiting the next generation is also foreseeable. The ESRI recently looked over the hill and was able to tell us that for those aged 44 to 55 currently in rented accommodation, the future is absolutely dire. They will be in insecure and unaffordable accommodation when they near retirement. They will be unable to carry the burden of renting. The home ownership rate is dropping. If we continue down this road, the adults in this room, the Minister of State and his fellow Deputies, will be responsible for the failed policies that will deliver insecure rented accommodation, leaving tens of thousands of ordinary people and pensioners prey to the market and the whims of corporate landlords just to have shelter in old age. That is the future unless we challenge it. Unless we challenge the logic of the market and those who kneel before it like it was some god, we are in for big trouble for future generations. I remind the Minister of State that we live in a society, not a market, and that society needs shelter and decent accommodation as a basic right for all people.

**Deputy Eoin Ó Broin:** Renters desperately need a break. Renters are paying rents that are far too high, and they are continuing to rise. Tenancies are increasingly insecure and there is a very significant rise in family homelessness, as evidenced in Dublin. The most recent *daft.ie*

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rent register shows that the cost of an average rent for a whole year is €24,000. In Cork city, the Taoiseach's constituency, the cost of an average rental is €16,000. In the Minister of State's constituency of Longford-Westmeath, in Westmeath it is €14,000 a year and in Longford it is €11,000. In those two counties we are seeing faster increases in rent in the past 12 months than in some of the larger urban areas.

Sinn Féin has long argued for a package of measures that would not only address the spiralling cost of rent but would ensure genuine affordability is built into the housing system in the medium to long term. We desperately need a ban on rent increases for all private sector tenancies, existing and new, for three years. After that, we need to link private rents to an index such as wages so that it follows the movement of people's earnings. We need to cut rents. Our proposition is to put a month's rent back in renters' pockets and to do so through a refundable tax credit. Crucially, we need a level of investment in affordable cost rental to deliver at least 4,000 cost rental units a year at prices that are genuinely affordable, not the €1,200, €1,300 or €1,400 a month proposed under the Government's plans.

We are supporting the Bill today. It has the same objective as ours, although it is trying to achieve it through a different mechanism. I wish to respond to the Minister of State's point about whether what is being proposed is legally sound. When we were developing our policy package, we looked at a set of proposals not unlike the ones in the People Before Profit Bill. We took extensive informal legal advice. The advice was that it could be constitutional unilaterally to reduce rents. However, there are some problems. One is that it would have to be in line with the proportionality requirements in the Constitution. Another is that there would have to be an appeals mechanism for landlords and that would be potentially cumbersome and slow to set up, which could lead to long delays before the reductions in rent could be introduced. We were also advised that even if we could get around those constitutional challenges with a formal appeals mechanism for individual landlords, we could run into breach of contract issues for existing tenants and, therefore, there could be a whole plethora of litigation against tenants in the Commercial Court. For those reasons, we took the view that the quickest and most effective way to give renters the relief they desperately need is through a refundable tax credit. Having said that, I think anybody on this side of the House who makes a proposal to try to assist renters deserves to have it properly scrutinised. While we do not necessarily agree with the same mechanism as our colleagues in the Opposition, we think it deserves to be considered in the committee, as well as for there to be further legal consideration. On that basis, we are more than happy to support the Bill.

The Minister of State used the word "effective" a little too much in his speech, and he did so with a straight face. The difficulty is that a private renter's response would be that nothing the Government has done in the past two to six years has been effective. That is why rents are continuing to spiral upwards and security of tenure is ever more precarious. That is also why landlords, in particular semi-professional and accidental landlords, are leaving the market in droves, leading to an increase in notices to quit and homeless presentations.

The Minister of State also said the most effective way to help renters is to increase supply. That is not the case. A third of renters should be in social housing. They are subsidised by HAP, RAS and rent supplement. They do not want to be in the private rental sector. At least another third of the 300,000 private rental tenancies should be in affordable housing - affordable purchase and cost rental, so if we were trying to design a proper housing system, our private rental sector would not be 20% of the total housing system but probably around 10%. In fact, what two thirds of renters need today is social and affordable housing, not more high-end, high-cost,

build-to-rent supply.

The Minister of State says supply is our main constraint. That, again, is not the case. That is a woefully inadequate way of understanding the housing system. To fix the housing crisis, we need the right kind of supply at the right price in the right place. Allowing the private rental sector to determine the answers to those questions is the reason we are in the current crisis. A far greater level of direct State investment in social, affordable rental and affordable purchase homes, as outlined in the Raise the Roof motion, tabled by the Opposition last night, is the way to go. That would require 20,000 public homes, between social and affordable housing need, every single year for a decade, not the far lower number that is being provided for by the Government.

We are happy to support the Bill. We urge the Government to realise it is getting it wrong in the private rental sector. The sooner it realises that, the better, not just for us but, crucially, for renters who need that break.

**Deputy Mark Ward:** I thank People Before Profit for the opportunity to discuss rents today. Already put to the pin of their collar, renters struggling with exorbitant rents are now even worse off during this cost-of-living crisis. Families simply cannot afford high rents on top of the increases in the cost of childcare, food and energy. What is the solution to reduce sky-high rents? One solution is to increase the supply of social, affordable purchase and affordable rental homes - public homes on public land. I listened to the dog whistles from Government Deputies last night, with more guff coming out of the Minister's mouth today about Sinn Féin and others objecting to developments. We are opposed to sweetheart deals with developers for the building of private homes at unaffordable prices on publicly-owned land. This week, South Dublin County Council announced plans for the development of 266 public homes on public land as part of the Clonburris strategic development zone, SDZ. This development in Lucan will be broken into a mix of social, affordable purchase and cost rental homes. While some details relating to affordability need to be ironed out, it is a welcome step forward.

Before the Minister, Deputy O'Brien, gets out his yellow hard hat and shovel for the obligatory photograph, I want to give him some facts. The Clonburris strategic development zone includes 8,500 homes, built on a mixture of private and public land in the Clondalkin and Lucan area. There will be a phased process of construction infrastructure such as schools and transport links. I was the Sinn Féin lead on this development when I was on the council. I tabled a successful motion that would see more than 2,500 public homes be built. This was supported by People Before Profit and other members of the council. Government parties only wanted 850 public homes in this development. The Fianna Fáil party did not support the Clonburris SDZ for 8,500 homes. The Minister of State's party, and a current Fine Gael Deputy, went even further. Not only did she oppose the building of 8,500 homes, but the party went to An Bord Pleanála and delayed the process. It stood alongside developers and NAMA like an unholy trinity, delaying the building of these homes during a housing crisis. When the Minister, Deputy Darragh O'Brien, dusts off his hard hat and brings out the shovel for the publicity photograph, I ask the Minister of State to remember that his party and Government colleagues were against these 8,500 homes.

**Deputy Johnny Mythen:** There is a perception that the rental crisis is just in cities and larger towns. I can categorically say that every town and village is impacted by this crisis. The Government's failure to tackle the escalating disaster is causing social and economic upheaval among our younger generation, leaving people with no chance ever to own their own home

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or save for a deposit. The latest reports on the rental market in Ireland show that my county, Wexford, had a staggering 14.2% year-on-year increase in rental prices. The report from the previous quarter showed a 15.7% increase. There is a clear upward pattern. These increases are piled up along with the cost-of-living crisis currently being borne by working people and their families. They are facing extortionate heating costs, with gas prices increasing by 29% and electricity prices increasing by 10.9% in August, as well as increases in carbon tax, rip-off insurance and soaring childcare costs, which are the highest in Europe. Grocery bills have increased by more than 20%.

Rents are continuing to rise. Logically, this will result in even more people returning to living in box rooms in their family homes or becoming homeless. The Government has failed to get to grips with this. Ordinary people, both young and old, are suffering the soul-destroying consequences. We look forward to debating this Bill further and working out the detail of how best we can achieve protection for renters and homeowners. Sinn Féin's solution to the rental crisis is a three-year ban on rent increases, followed by linking rents to an appropriate index, such as wages, coupled with a refundable tax credit to put a month's rent back in every private renter's pocket. We would combine this strategy with the delivery of 4,000 affordable cost rental units annually, through a significant increase in capital spending in budget 2023.

We believe these proposals would bring relief as soon as possible to citizens who are in dire need. They are hostage to a private rental market that is spiralling out of control. There are only so many times that Opposition Deputies can stand up in the Dáil to warn of these increases and their disastrous impact on the families who we represent. A change in policy is desperately needed. A true Government that really cares would take immediate action before another generation is let down. I thank People Before Profit for tabling this Bill. My party fully supports the principle of reducing rents and consolidating ways to do so in legislation.

**Deputy Martin Kenny:** We support the Bill. We see spiralling rents in every part of the country. I raised Knocknashee and Tobercurry with the Taoiseach a couple of months ago. People there were paying €800 a month in rent, then the landlord increased it to €1,500 a month overnight. That happened to ten people in a housing estate, because the landlord owned many houses there. The Government made an excuse that it is not part of a rent pressure zone, so there was nothing it could do about it. That is the situation for people in many parts of the country, with rents spiralling out of control. There are many decent landlords who keep rents at a reasonable rate, provided they have good tenants who look after the property with no problems. That is the case for many people.

There are landlords who will use every excuse they can to push rents through the roof. They are mainly doing that because of the example set by corporate landlords, which drives rents to exorbitant rates, especially in our cities. Many people are trying to rent in the city of Dublin, including people from the country looking for student accommodation, which is totally unaffordable. They might also try house shares, which have also become unaffordable. It is a serious crisis. The Government needs to recognise that soft talk will not solve this problem. We need real, determined action from the Government. The proposal in the Bill may be part of the solutions needed to drive change in this situation.

The other clear problem in the country that the Government has promised to address for so long is the income threshold for people to get on the housing list. It is very low in many parts of the country. It is absurd that a person has to be earning less than €25,000 per year to get onto the housing list in many counties. It is ridiculous and the Government needs to recognise that.

We have to take action on these issues. If we do not take action on them, we will be left with a situation where matters continue to get worse. That is the experience of the vast majority of people across the country.

The Government has a choice to make. I hear the dog whistles about objections to houses. In the town of Ballinamore in my constituency, there is a little housing estate called Lahard. It is an old, county council housing estate, which has been there for years. Leitrim County Council proposed building ten houses on land at the far side of Lahard. Two councillors on Leitrim County Council opposed those ten houses being built. One was a local Fine Gael councillor and the other was a local Fianna Fáil councillor. All the other councillors supported it. In fairness, some were from Fianna Fáil and Fine Gael too. That is the problem. We hear here that Sinn Féin is opposing the building of houses. In the vast majority of cases, Fianna Fáil and Fine Gael stand in the way of progress with social housing.

**Deputy Pauline Tully:** I thank People Before Profit for tabling this motion. Reducing rents in the private rental sector should be central to the Government's aims but it seems that a continuation of pro-developer subsidies is the main concern. The option of renting is impossible for more and more people. The latest report from daft.ie states that rents increased by 11.7% across the State in one year, from the first quarter of 2021 to the first quarter of 2022. In my constituency of Cavan-Monaghan, rents increased by 18.6% in Cavan and 12.6% in Monaghan in the same period. The number of evictions has risen dramatically since the start of the year. My constituency office has been inundated with people who are extremely distressed and have few or no options open to them because there are very limited options in the private rental market. Many of these are housing assistance payment, HAP, tenants, but the maximum HAP that can be received in Cavan is €490, for a couple or individual with three children. The council is not even sanctioning that, because the rents are too high, making it unsustainable for renters to pay the remainder of the rent, since it would drive them into poverty. Renters then go to the landlords to ask them to declare a lower rent so that they can claim HAP and pay the difference in cash. It is unbelievable and driving people into poverty.

Middle-income families are even worse off because they do not qualify for any sort of housing support. I agree with my colleague that the social housing thresholds must be raised. They have not been updated since 2011. It would give further relief to those close to the current thresholds who are unable to access social housing or housing supports. Sinn Féin tabled a proposal similar to this in May. We proposed a three-year ban on rent increases and linking rents to an appropriate index, such as wages, along with a refundable tax credit to put a month's rent back into private renters' pockets. Action needs to be taken now to address the rental crisis. It can be done. It just requires political will. This Government does not have that political will, let alone a plan.

**Deputy Patricia Ryan:** This Bill amends the Residential Tenancies Act 2004 by limiting rents to a maximum to a quarter of monthly household incomes. Sinn Féin supports the objective of this Bill and has proposed a number of different ways to achieve it. Over the last decade, average rents have more than doubled. In the last year alone, rents in Kildare have increased by almost 8%, and by a whopping 112% since the crash. I note the Minister who sat there before the Minister of State said he wanted to see affordable rents. I wonder where because they are certainly not affordable in Kildare. They have long since exceeded the bounds of affordability. The average rent in Kildare is now €1,565 a month.

*11 o'clock*

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The *daft.ie* report shows the average monthly mortgage payment is just half the average monthly rent.

The Government has chosen to subsidise private landlords through the HAP scheme instead of funding local authorities to build homes. It just does not make sense. Rental yields on one-bedroom apartments for landlords in County Kildare exceed 10%, yet the Government is rolling out the red carpet for international investment funds. It is tripping over itself to make things easier for its developer friends. What about using the same initiative to find real solutions for struggling workers and families? Sinn Féin in government will stand with those who are struggling. We will introduce a tax break that will put a month's rent back into renters' pockets. We will ban rent increases for three years and introduce legislation to prevent evictions into homelessness.

There is an epidemic of homelessness. I am helping a large number of people who have received notices to quit in recent months. The situation is only going to get worse. I am dealing with a young woman who is living with her six-month-old child in emergency accommodation above a pub. There is a couple with four children aged under eight living in a single bedroom in a relative's home. I know of a single woman in homeless accommodation in Carlow who lost her job because she had no way to get to work on time. An abused spouse and her child were sent from Kildare to a refuge in County Louth. There are countless single men with addiction and mental health issues who have been abandoned to Kerdiffstown House to keep them out of sight and out of mind.

Homes should be for need, not greed. A home is a place to live, not something from which a profit is squeezed. The current situation is a disgrace and it needs to change. The Government is a disgrace for doing nothing about it.

**Deputy Donnchadh Ó Laoghaire:** I thank People Before Profit for the Bill bringing forward. We agree it should proceed to Committee Stage and we, of course, support the principle of reducing rents in the private rental sector. There are issues to be teased out in committee but I urge the Government to allow the Bill to proceed.

Rents in Cork in the first quarter of this year were more than 10% higher than in the same period in 2021, with the average rent in the county up 111% from its lowest point. This is scandalous and it makes it extremely difficult for individuals and families to cope. In Cork city, rents have risen by 10.2% in the past year, with the average rent now €1,607 per month. How are ordinary workers and families supposed to survive and manage with rents like these? It is shocking that the average rent for a one-bedroom apartment in Cork city currently stands at €1,112 per month. Is it any wonder that young people are considering whether they will stay here or how they can make a life here? The cost of renting a single room in Cork city centre is now €516 a month, on average, which is up 2.4%, with an increase of 10.6%, bringing the cost to €479 per month, in Cork commuter towns.

My generation of young people are locked into a permanent trap whereby they cannot afford either to rent or buy. This cannot continue. Renters need immediate support because people are being put to the pin of their collar. The Government is not putting forward serious solutions to solving the housing crisis. It is not committed to providing affordable rents for ordinary workers and families. Sinn Féin wants a three-year ban on rent increases and a month's rent put back in every private renter's pocket. We would combine this with the delivery, crucially, of 4,000 affordable cost rental units. The social housing thresholds, which have not been updated since

2011, must be raised. The cost of everything has gone up since then. Many people are being cut off by the thresholds, which I have raised with both the Minister and the Minister of State, Deputy Noonan. Many people on modest incomes are being pushed off the list, even when they have been on it for ten or 11 years. They are losing that time, which is like money in the bank to those families. They are being cut off and put at a loss.

The Government does not have the ambition to solve the housing crisis. Sinn Féin has the solution that will provide affordable cost rental homes to ordinary workers and families in Cork and across the country.

**Deputy Aodhán Ó Ríordáin:** Rents in this country have reached record levels and the situation in Dublin is a crisis. Rents are more than 50% higher than they were at the peak of the Celtic tiger in 2008. This is causing misery for my constituents in Dublin Bay North. We must conclude that the housing market has failed. We need much stronger State intervention to increase supply through the direct building of social and affordable housing. We need stronger controls on rent increases and we need to limit the causes of evictions. Even at this late stage of the rent crisis, the whole country still has not been designated a rent protection zone.

It is not too late for the Government to take some action. Tax rates on speculators need to rise rapidly. The calls for rent relief for landlords already enjoying record rent levels must be firmly rejected. The State needs to take on those engaged in land hoarding and speculation. Use must be made of compulsory purchase orders, the windfalls on development land must be heavily taxed and the LDA must be transformed into the dominant provider of affordable housing. If we want to reduce rents in this country in the long term, there is one clear way to do that. The Government must build tens of thousands of State-owned cost-rental units and destroy the business model of those who expect to make rack-rent profits from the rents paid by ordinary workers.

Since 2016, this House and the Seanad have debated a multitude of housing Bills and motions, many of them dealing with the issue of renters and the protections they need. The Labour Party in government froze rent increases for two years in 2015 but, since then, Fine Gael and Fianna Fáil have allowed record rises. In our Social and Affordable Housing Bill 2016, my party proposed to limit increases for new properties for lease to align with prices for comparable properties in a particular area. This would have stopped landlords evicting tenants or terminating leases in order to get a new renter in to pay the latest market rent. Fine Gael in government voted that Bill down in December 2016, with the abstention of Fianna Fáil. As rents got higher and higher, we repeatedly called for a freeze on increases for a minimum of three years to allow supply to catch up. That was one of the key issues in the 2020 general election. Fine Gael and Fianna Fáil refused to act. Landlords were allowed to set whatever rent they wanted for a new tenancy and to increase it by 4% a year for existing tenants.

The refrain from the Government parties was that our proposal was unconstitutional, despite it having been implemented by the Labour Party in government for two years from 2014. Whenever the Constitution is invoked on property rights, we should always remind ourselves what it actually states. It recognises a right to private ownership but it goes on to state in Article 43.2°:

1° The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.

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2° The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

The principles of the common good and social justice are set out in the Constitution in reference to private property. When people can barely afford to live, when Irish rents are out of kilter with those in the vast majority of similar European countries and when more than 10,000 people are homeless in the State, we can all agree that a case for protecting the common good could be strongly made.

Our Residential Tenancies (Tenants' Rights) Bill 2021, which we introduced last September, would have massively restricted the grounds for eviction and frozen rent increases. The Minister made soothing noises at the time about working with us on it but nothing substantial happened. As a result of his failure to act, there is a plague of evictions now happening across the country as landlords seek either to sell properties at the top of the market or use any excuse to get their existing tenant out in order to put a new one in place. A commercial tenant has more rights if the shop he or she leases is sold than does a family when its home is sold by an investor. Why is this? It is because, for some reason, the Government believes the investor must be allowed to achieve the maximum price he or she can. Where is the common good in that, as laid down in our Constitution?

We all know the result of this lack of action. More than 10,000 people, and rising, are homeless, including 5,054 single people, 3,028 children and 1,366 families. A modern tragedy is happening right in front of us. Simple changes to the laws covering evictions would shield a lot more people. If the Minister wanted to change the law today, he could do so. He has no compunction about rushing through changes on electoral reform and planning but God forbid he do something to stop a family being evicted or a child going into homelessness. Why not change the law to make it binding that any landlord who wants to sell a house with an existing tenant must first offer it to the State? We should put in place a default compulsory purchase order law for people's homes whereby the seller would get the market price, the family would get security and the State would save on having to deal with another homeless case. As I said during the debate on our Residential Tenancies (Tenants' Rights) Bill 2021 last September, it just makes us all wonder what is the priority of this Government. Whom in the housing market is it trying to protect? There is no equivalence between the danger the renter faces and the danger a landlord faces. We are constantly told that landlords are fleeing the market, but the number of households living in rented accommodation was more than 500,000 in 2020 and that figure has doubled over two decades. The State is subsidising the mortgages and profits of tens of thousands of landlords and investors through the HAP, rent supplement, RAS and other schemes because of decisions made by Fianna Fáil in the late 1990s to get out of the direct building of social housing. The consequence of that is that more than €1 billion of current spending now goes to vulture funds and private landlords instead of towards investment in assets that could provide multigenerational security. We can change that, but it will not happen through the continuous outsourcing of provision to developers that Fianna Fáil is once again engaged in. The State must build and it must challenge the for-profit driven housing model. We can change things, but it is clear that it will not happen under this Government or under this Minister.

**Deputy Cian O'Callaghan:** The Social Democrats will support this Bill going on to Committee Stage. Any issues with it, technical or otherwise, can of course be engaged with then. While we would take a somewhat different approach in respect of solutions in this regard, we very much support the direction, intent and principle of this legislation.

There is a real lack of urgency from the Government on this issue. It seems to stem from a lack of a fundamental awareness of what is happening right now. We are probably within days of reaching a record in the number of people homeless. The official figures do not reflect the reality. It is becoming increasingly difficult for people who are homeless to get into emergency accommodation. With regard to the official figures for emergency accommodation, I am hearing reports from all around the country from people who are homeless and looking for emergency accommodation but who are being turned away by local authorities. They are being told that emergency accommodation is simply full and that they cannot access it. Some local authorities are coming up with a myriad of different criteria, which are all new and grossly unfair. Those local authorities are using these criteria to avoid providing emergency accommodation, as they are obliged to.

People living in tents are being refused access to emergency accommodation. Recently, I was assisting someone and Dublin City Council, DCC, stated this person could not prove homelessness. This was a person living in a tent and who had had this certified by one of the homeless outreach groups. Yet DCC was trying to say that the person had not provided proof of homelessness. This is how ridiculous this situation is getting and, therefore, the numbers for those in emergency accommodation do not in any way reflect the reality of the situation. Even regarding those numbers in emergency accommodation, however, we are probably within days of those reaching record levels. People are becoming homeless primarily because rents are so high and because of a lack of affordable supply and affordable rental supply. This is causing great misery and trauma. Children are living miles away from their friends and their schools. They have no stable home life, with their parents doing the best they can to support them and to hold down jobs in the middle of all of it.

We get the sense that this human trauma does not seem to impact sufficiently on the Government. It seems to be only economic arguments around housing that impact. It is only when we see the knock-on effects in respect of childcare providers not being able to provide places anymore for children, which means people not being able to get into the workplace or withdrawing from it, and when we see the issues affecting teachers or those working in the hospitality industry - and much of that sector is simply not opening at certain times because it cannot get workers - that we wonder if the Government will act urgently as a response to these issues. We do not, however, see urgent action from the Government on this issue.

I will address a couple of the points the Minister made. He spoke about landlords exiting, which is a real problem. There are two key drivers in this regard. One of them is capital appreciation and the rise in house prices. We heard news again today that house prices increased by more than 14% in the past year. This of course is driving many landlords to exit because this is a good time for them to realise the capital appreciation in the value of their homes and, therefore, if we want to stop them exiting, we must do something about rising housing prices and affordability in that context. Of course, though, one of the key drivers of landlords exiting in the past few years, which the Government does not mention when it addresses the problem, have been the measures that Fine Gael, and indeed the Labour Party, brought in between 2011 and 2014. There was an exemption to capital gains tax, CGT, for people who bought in as landlords or investors. That exemption could only be availed of if the landlord sold up before the end of 2021. Therefore, Fine Gael brought in these CGT exemptions that have been helping to drive landlords out. More than €500 million of CGT exemptions incentivised landlords to sell up and get out. No mention is made of this of course. When we are told that rent regulation is a problem, then, I feel that such an attempt to blame rent regulation for landlords exiting is a

form of gaslighting, when in fact these CGT incentives have been a key part of it.

Let the Government not pat itself on the back too much in respect of RPZs and the associated regulations. There are two key problems with this aspect. The first is that all over the country those areas not in RPZs are not included in those measures. People have been faced with rent increases of up to 75% and 80% outside of RPZs. These people are living in areas that will never become rent RPZs because of the way the rules are written. In rural parts of the country, it is unlikely there will ever be a rent level that will exceed the average outside the greater Dublin area. This is how the rules are constructed. Therefore, for an area in County Donegal, for example, to become an RPZ, it would have to achieve an average rent level above those we see in Galway city, Cork city and Limerick city. Is it the Government's policy that it will undertake no rent regulation in those parts of the country until the rents exceed the average, which include those city areas? That is absurd. Equally, however, many of these areas will never qualify as RPZs because there is not sufficient data. They do not have more than 30 new rental tenancies registered each quarter, which must be the case to qualify as an RPZ. These rules are, therefore, designed to fail. Regarding those areas where we have RPZs, let us be clear that a great number of breaches are occurring. Greystar was this week reported as seeking double-digit rent increases. It is already charging rents of between €2,140 and €5,220 per month in Dublin. Those are phenomenal rents.

Let us not kid ourselves that more and more supply at the higher end is doing any good. We can walk out of here, go down the quays and look at some of the high-end supply any evening. Later in the summer and during the winter evenings, we will see lights on in approximately one third of the apartments in those developments. We will never see lights on in the other sections of those buildings because they are empty and vacant. That can be seen in my constituency. There are high vacancy rates in the newer developments on Griffith Avenue. People on incomes of more than €80,000 have been turned away. Those people have been told they do not meet the financial criteria for those developments. Therefore, we need affordable supply and not high-end, high-rent supply that is left vacant. Data from the CSO told us that 20% of our rental supply was empty on census night. More than 35,000 rental properties were completely empty so what we need is affordable supply.

**Deputy Seán Canney:** I welcome the opportunity to contribute on this legislation. When we are talking about rent reviews, we must discuss several aspects. Before I go any further, I must state that I have a vested interest. I have properties that I have rented out. We do, however, need to regulate rents. We need to set standards that are fair for both the renter and landlord. A rent authority would probably be a good mechanism whereby someone with a fair-minded view could look at this and make sure that the rents being set are affordable and that landlords, especially accidental landlords, are not being pushed out of the market or forced to sell their property. When a property is put up for rent in my constituency, a significant number of people want it and that creates a supply-and-demand issue, which is not good. It is creating a false economy as well because it will not be sustainable for landlords to continue to receive these type of rents going into the future.

Some landlords and people with a second property are exiting the market and selling their properties. They have told me that there is no real glory in renting out a house, meeting all the regulations and dealing with tenants and all of that. We have to keep this argument balanced. I am aware of a few tenants who have not been fair when renting a property. The way they treated the property and landlord was not great. I have seen pictures in one case that show how they treated a house in which the landlord was left with a bill of approximately €14,000 to get the

house back in rentable condition. That is a fact. It has happened on a number occasions and, therefore, the landlord is not the devil. Landlords are trying to do their best. Extortion is going on in terms current rents and how they are increasing and we need to do something about that.

I have received many complaints from landlords about the RTB in recent months. The fee is now to be paid annually as opposed to every three years. People find the payment system to be cumbersome and they say it is failing because properties are not being registered. If a cheque is sent in, the board denies that it was received. If the fee is paid online, the payment is taken from landlords' accounts but does not seem to be arriving in the RTB account or the system does not show that the landlords have conformed by paying their fee. Properties are not being registered properly by the board and it is creating angst among landlords. Will the Minister of State bring this back and look at what is going on because it does not look right? The RTB should do things properly. The board brought in a new system that it cannot use so how can it expect landlords to use it?

Going back to the basic point, rents should be set in a fair way for both the tenant and the landlord. Rents should be based on some sort of indexation so that rates do not fire ahead when supply becomes tight. This comes back to the original question of why we have high rents. It is because we are not delivering houses quickly enough in this country to make sure the supply is available. We need to do more on that.

**Deputy Peadar Tóibín:** I support the premise of the Bill. The idea that people are paying 30%, 40%, 50%, 60%, and sometimes 70%, of their income on rent is incredible. There needs to be a tight relationship between the income people earn and the rent they pay for accommodation. This proportion is way out of whack in terms of people's ability to live. The Bill seeks to reduce rents by limiting them to a maximum of a quarter of the monthly income of a household. That would be a fair level across society in terms of what people should be paying and it is not the case now.

Rents are on average €250 per month higher than they were at the peak of the Celtic tiger era. That is an incredible legacy and record for the Minister of State and his political party to have. What that does is it radically reduces the spending power of the families for a generation. Money going towards paying rent is money that is taken away from other elements of those families' lives. We in Aontú have been calling for a rent cap for a long time as an emergency measure to make sure that rents do not increase further. The Government has pushed back over and over again on the idea of a rent cap. Any measures it has brought in allow for continuous rent increases to happen, even in RPZs, which is also wrong.

In my county, Meath County Council provide a discretionary fund for people who are homeless so that they can get emergency accommodation. What is happening is that landlords see this discretionary fund as a cheque and are looking to increase the charges for those rooms and houses so that they can gouge the council for the rental of those rooms for individuals who need emergency accommodation, which is wrong.

In times of crisis, protections need to be put in place so that the average citizen and those most exposed are protected. However, the Government is not treating this housing crisis as a time of crisis. It is not treating it as a national emergency. In all the aspects of Government housing provision regarding vacant homes, Airbnb and REITs, the Government is allowing business as usual to continue in the housing market. We have to get to a situation where it is understood that homes are considered to be shelter for families, yet the major element of Gov-

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ernment policy is to allow homes to be speculative investments. That is what is wrong at the core of Government policy.

**Deputy Mattie McGrath:** I thank the Deputies for putting forward the Bill. It is a very important issue but how many more times will we debate it? This huge problem is becoming more acute by the week literally. It is an awful situation. We then come into the Chamber and start demonising landlords and painting them as bad. The vast majority of landlords are decent people and there are some rogues.

The Government seems to be infatuated with the big conglomerates and entities that have multiple properties. We see that on a daily basis. I do not know but it is very difficult. It is so hard on people but, then again, there was a clamour in Dublin when 1,000 bedsits were closed down in one day with the stroke of a pen. Therefore, we cannot have our cake and eat it. We cannot just close down such places. I am sure many people would be very glad of those bedsits if they were available now, especially the homeless people. I am not saying that they should live in inferior accommodation or anything like that but the Government keeps pruning away and driving landlords out of the market with taxation. I am not a spokesperson and I do not have any second properties let or anything else. Looking at it from the outside, if the Government keeps taxing and burning landlords, they will exit the market.

I thank my staff in my office, which is overrun every day by people with notices to quit because of market reasons. Above all, the reason is it is not viable for landlords or they do not find it tenable anymore to remain in the market. Accidental landlords, or whatever you want to call them, are fed up with it. There are some very bad tenants. There are lots of good tenants but there are some very bad tenants who have done enormous damage to properties.

**Deputy Michael Collins:** Every weekend my clinics, like those of all Deputies, are full of people looking for help with housing, including families who work hard but will never be able to afford to purchase a home of their own and families who do not qualify for any State help. These are the people falling between the cracks. The Government's Housing for All plan is nothing more than a rebranding of old Fine Gael policies and does nothing constructive to tackle pressures in the rental market in the short term or to address longer term supply needs. It does absolutely nothing to tackle the exorbitant taxation charged on small Irish landlords. Instead, the policy favours only the large institutional investor model.

A functioning housing policy must include the following. All tenants should have access to a good quality, safe and secure home. All tenants should be able to treat their houses as their homes and be empowered to challenge poor practice. All landlords should have information on how to comply with their responsibilities and be able to repossess their properties when necessary. Landlords and tenants should be supported by a system that enables effective resolution of issues. Local councils should have strong and effective enforcement tools to crack down on poor practice. Councils must get back to the model of building social housing. That is not occurring on the ground.

More than half of households renting the home receive some form of State support. A recent ESRI report showed that almost 300,000 households received support for their housing costs in 2020, up from 134,000 in 1994. That works out at 16% of Irish households overall and 54% of all renters. That support comes in the form of a combination of HAP, RAS and rent supplements used to assist one in three supported renters today, compared with one in five in the early 1990s.

**Deputy Michael Healy-Rae:** First, I will declare that for many decades I have been involved in the rental market. That puts me in a good position to talk about this very important subject.

I welcome the debate, but some of its content will not help to solve the problem. What we have heard from an awful lot of the Deputies to the right is the demonisation of people who have properties they rent out. They are doing nothing wrong. The majority of people who own property are highly respectable, and this is a highly regulated sector. They pay mortgages on properties and they rent out those properties. Of course there are foreign investors who set themselves up not to pay tax. The one fact that is forgotten about, however, which I have not heard anybody to my right-hand side acknowledge, is that if the majority of people who rent out property bring in €1,000 in rent, €520 of that goes to the Government. I would like to hear that discussed today but it is not spoken about. Less than half the rental income is left to buy property, insure and maintain it and pay to fulfil all the necessary obligations.

While I would be delighted if the State could provide the accommodation that is required, not only this Government but successive Governments have failed to do so. There is a place for the private rental market. Of course it has to be regulated. Of course we want to see affordable rents that people can live with. It is wrong that people would have to rent forever. If people can get on the property ladder at some stage, that is the ideal scenario and that is what we all wish to see happen. Again, however, if a landlord outside the Chamber were to hear a lot of what has been said here today, all it would do is add to the 26,000 landlords who have already left the private rental market and sold their properties, which are no longer available to rent. That is making the problem worse and worse.

**Deputy Danny Healy-Rae:** I thank People Before Profit for allowing us this discussion. I appreciate that everyone is trying to do their best but, sadly, I see in this proposal a lot of nonsense that just will not work. The Bill does not state whether it is referring to local authorities or otherwise. In my view, the local authorities assess income and treat people on lower incomes accordingly. Those people pay less rent. Those who tabled the Bill must be referring to private landlords.

To add to what the previous speaker said, many landlords pay 52% tax, and maybe something could be done about that to ensure that landlords will stay in the market and continue providing housing. I suppose the Government has a role in this. It could give more money to the local authorities to purchase more land and build more houses in places like Gneevgullia and Rathmore, for instance. The Government, however, is now putting on pressure to ensure that Airbnb is ruled out of order. There is a reason landlords opt for that market, and that is that they have control over their houses. I deal with many people looking for houses to rent. I also know many decent landlords who want to get out of the market but cannot do so because the Residential Tenancies Board is more in tenants' favour and will not allow landlords to get out. Many tenants are staying on in their houses and refusing to go even though they have been given proper notice. That is why landlords are getting out of the market. They do not have control of their houses. The Government needs to do something about that if it thinks private landlords are going to stay in the market.

**Deputy Joan Collins:** I thank People Before Profit for introducing the Rent Reduction Bill, which I support. I think many will consider the proposal in the Bill to reduce rents in the private rental sector revolutionary, but a revolutionary approach, a practical and realistic proposal on behalf of renters, is what is required. The right to a secure, affordable place to live, a home, is

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an essential human right that has been denied to an increasingly large proportion of the population. We have a housing crisis, and none of the measures taken by this Government and previous Governments have come close to tackling the problem. I remember the then Minister with responsibility for housing, the Minister for Foreign Affairs, Deputy Coveney, stating in 2016 and 2017 that there would be no homeless families in hotels and bed and breakfasts by July 2017, and we still have a crisis.

A key factor in the crisis is the unaffordable rents demanded in the private rental sector. Rents have risen by 100% in the past ten years. There is certainly no evidence of a 100% rise in the cost to landlords of maintaining a property or of a 100% increase in workers' wages over that period. We now have a year-on-year inflation rate of 10%, but there was nothing like that in the past ten years. Building costs have risen, particularly for apartments, with the cost of buying a new apartment now ten times the average wage of €47,000 a year. The only people who can afford to buy or build are major international investment funds as long-term investments. When people cannot afford to buy, they are forced to rent in a market dominated increasingly by such big investment funds. I got an email just yesterday from a renter in Lansdowne Gate. IRES REIT has notified him that a further 2% rent increase will come into effect from 1 October 2022. That follows a 4% increase last year. He feels the residents are being manipulated by the vulture funds in the interests of their shareholders.

In 2021, two-bedroom apartments in Dublin were being advertised at €2,250 a month. Even for somebody earning €50,000 a year, which is above the average wage, that equates to 70% of their take-home pay. For the majority of working people who earn below the average wage, this is an intolerable situation. Even with an effective rent freeze, which we do not have, rents will remain unaffordable. For example, for someone earning €30,000, a rent set at 25% of take-home pay would be approximately €480 a month; for someone earning €40,000, it would be approximately €625 a month. Those are affordable rents. At a minimum, therefore, rents in the private sector need to come down by 50% to be affordable. There would be a hue and cry from the usual suspects that that would force the individual or so-called accidental landlords out of the system, but that is already happening, mainly to cash in on extremely high property prices. The Government should fund local authorities and approved housing bodies, AHBs, to buy those properties and let them back to tenants at affordable rents and with security of tenure.

The problem of supply will be met only by a State-led programme to build on already zoned public land 100,000 public housing units in a mix of traditional council housing and cost-rental housing. That should have been initiated years ago. If it has been, we would not be in the situation we are in now. We need a sea change in our approach to solving this crisis. It is an emergency. If that means a revolution in thinking and approach, that is what is required.

**Deputy Thomas Pringle:** I am grateful for the opportunity to speak on this important and necessary Bill. I absolutely support this legislation establishing a national rent authority and reducing rents to affordable levels by limiting them to a maximum of a quarter of households' monthly incomes.

As we all know, this is the last week the Dáil will sit before the recess. Although we have unnecessarily rushed through a lot of very important and heavy legislation, we have actually done very little to help to ease the cost of living for families. People are struggling to get by and keep up with continuous spiralling costs and it seems disingenuous of us to pass Bill after Bill without any of them addressing this. I welcome that People Before Profit has introduced this legislation to address properly the everyday struggle that people are facing. This legislation

would have a huge impact on the many in this country who are part of Generation Rent. Due to the failed housing policies of successive Fianna Fáil and Fine Gael Governments, facilitated by the Labour Party and Green Party, which keep them in power, people do not have the option to buy their own homes and as a result are being forced into the rental sector. Renters make up a considerable number of today's population and the rises in rents they have been subjected to are completely unacceptable.

In my constituency, Donegal, the average rent increased by almost 20% in 2021 alone, and this has only got worse in 2022. The latest report from daft.ie shows that rents in Donegal rose by 23% in the first three months of 2022 by comparison with the same period last year, with the county's rents rising at a rate beyond those of any other major city in the country. There is a serious scarcity of homes in the area. On 1 May, there were just 36 homes available to rent between Donegal, Monaghan and Cavan, which is a drop of nearly 40%. What is more, we will now have many more pushed into the rental market in Donegal due to homes being affected by mica. I have discussed in depth the many issues with the defective concrete blocks Bill and I know this will also be discussed in the Seanad this afternoon, but I want to point out again that the Minister for Housing, Local Government and Heritage is not only failing mica-affected homeowners through that legislation, but he is also failing them by not implementing the legislation before us, that is, by not ensuring that rents cannot increase any further. I strongly believe rents should be linked to people's incomes and to ability to pay. It is only fair. We cannot go on allowing for rent to take up most of a person's income. It is not acceptable and it certainly is not sustainable.

I would like to condemn the Taoiseach's remarks on this Bill. He said it would undermine the capacity of many working people to afford many things. This type of thinking is completely ridiculous and nonsensical. Is the argument that people want to pay more? I can assure the House that this certainly is not the case. If the argument is that people would like to afford to pay their own rent then that is of course the case and that is why this legislation is so important. It is to allow people to do just that.

The Government has prioritised helping developers and vulture funds over their own citizens for far too long, but it is them that it really represents. It does not represent the citizens of this country but the vulture funds, developers and foreign companies. It is they that it wants to represent. In that case, it is doing it very well. It is doing a very good job of it. We are starting from the wrong place because we are giving the Government credit for actually wanting to help citizens. That is not what it wants to do. We are starting from the wrong place all the time and expecting the Government to come to us. We should actually be starting where the Government is starting from and then we would see that, probably in its own mind, it is doing a good job. This process needs to end. Government Deputies need to remind themselves who they are here to represent: citizens, not vulture funds. They need to start listening to their constituents, who are crying out for help. It is time for their voices to be prioritised. The Government now has the opportunity to do that by passing this Rent Reduction Bill. We know it will not do it. Even though the Minister of State who is present, Deputy Noonan, is a Green Party Minister of State and is probably sympathetic to what is in the Bill, he will not accept and pass it. That is the reality because Fianna Fáil and Fine Gael have decided that the vulture funds are the ones they are looking after. Those are the ones the Government will pursue.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** Ba mhaith liom buíochas a ghabháil leis na Teachtaí go léir. I thank all the Deputies. I do not have time to respond to all the issues raised.

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Deputy Gino Kenny raised the issue of income thresholds. The review is now complete and the Minister of State, Deputy Peter Burke, and the Minister, Deputy Darragh O'Brien, are considering the findings with a view to making recommendations. Deputy Canney raised the issue of the RTB in respect of systems of payment. We will take that up again. I apologise again because I cannot address all the issues raised.

I thank Deputies for their contributions. I am grateful for the opportunity to close the debate for the Government on People Before Profit's Rent Reduction Bill 2022. The Government is opposing the Bill for the reasons outlined by the Minister of State, Deputy Peter Burke, earlier.

The Government is keenly aware of the challenges that tenants face. We know that rents are unaffordable for many people and that rent increases can exacerbate financial difficulty. We know that many would prefer to own, and not rent, their home. We know that people want a secure home. We know they need a residential rental sector with an adequate supply to ensure rents are affordable. The Government has implemented and will continue to implement measures to promote equity, fairness and security of tenure in the private rental sector.

Increasing the supply of housing of all types is the key to relieving the pressure on the existing rental stock. The Government's plan Housing for All sets us on a path of delivering 300,000 new homes between now and the end of 2030, including 90,000 social homes, 36,000 affordable-purchase homes and 18,000 cost-rental homes, as referred to by Deputy Joan Collins. It is a plan with genuine ambition, guaranteed investment and fresh ideas to deliver housing for people to create a long-term sustainable housing system. Housing for All is backed by €20 billion in State investment in housing to the end of 2026. It gives certainty and stability to those who want to finance and build homes. To deliver housing at the substantial scale we need across the country, capital from all sources, including private investment, is required. Housing for All focuses on tackling supply and affordability issues in the rental market. Guaranteed State investment in housing of over €4 billion per year is aimed at increasing supply, and the increased supply of all properties, including purpose-built rental accommodation and cost-rental accommodation, will relieve the pressure on the existing rental market stock.

Through a range of measures, we are incentivising the supply of different tenures – social, affordable and private rental, including cost rental, and private ownership. The investment of €4 billion in Exchequer funding in 2022 will provide approximately 9,000 new-build social homes and help to fund the provision of 4,100 affordable homes to rent or buy.

Affordable-purchase schemes are coming on stream. These schemes, along with the first home shared equity scheme, will increase access to homes for first-time buyers. Housing for All is working. The Government is making progress. The numbers of new dwellings, completions, commencements, permissions, home purchases, first-time buyers and mortgage draw-downs are all increasing. This year, the Government's target is the delivery of 24,600 homes. In the year to the end of March 2022, 22,219 new homes were completed. We received 44,491 planning permission applications for residential units in the same period. Commencement notices for the construction of almost 30,233 new homes were received over the past 12 months. This is 18.5% higher than in the previous 12-month period, June 2020 to May 2021. Notices for 2,746 homes were received in May alone.

Some €250 million has been allocated for a local authority home loan, which is available for first-time buyers and other eligible applicants for the purchase of new or second-hand residential properties or for self-builds. Eligible applicants can borrow up to 90% of the market value

of a property or purchase price.

The first home shared equity scheme was launched last week, on 7 July, and will support approximately 8,000 affordable home purchases by 2025, primarily for first-time buyers in the private market, with overall funding of €400 million. The scheme delivers on the programme for Government commitment to progress a State-backed affordable home purchase scheme to promote homeownership.

The Government has acknowledged that many families are currently facing housing affordability issues. To address this, it has committed under Housing for All to the delivery of 18,000 cost-rental homes by 2030, or an average of 2,000 homes per year, which will make a genuine difference for families experiencing affordability issues. The intention is initially to target cost rental in more urban areas where the affordability issues are most acute and where the most significant reductions in market rents can be achieved. Not only does cost rental provide security of tenure but it also targets rents at a discount of 25% below market rents for comparable units. As the rents are based on the cost incurred in the provision of a cost-rental home, State subventions can help to reduce starting-cost rents that are ultimately charged to the tenants, taking into account long-term maintenance needs. The Government has put in place a cost-rental equity loan scheme to assist approved housing bodies with cost-rental delivery and local authorities can avail of supports from the affordable housing fund to deliver cost-rental units.

Ireland's first 50 purpose-built cost-rental homes were completed in quarter 1 of 2022 at Enniskerry Road, Stepsaside. These were delivered by Tuath and Respond approved housing bodies in collaboration with Dún Laoghaire-Rathdown County Council and with €4.5 million in funding provided through the serviced sites fund, the precursor to the affordable housing fund. The cost-covering rent for the two-bedroom apartments is €1,200 per month, which represents a very significant discount on market rents in the area for the same type of unit. To date, approval in principle has been confirmed for approximately 900 cost-rental homes to be delivered by approved housing bodies under the cost-rental equity loan scheme in the period to 2023. The Government has committed €70 million for cost-rental equity loan scheme funding this year. The scheme funds 30% of the cost of acquiring cost-rental homes. The remaining 70% is also committed by the State through loans from the Housing Finance Agency. This commitment is given on a multi-annual basis in line with the Housing for All targets.

The first 65 cost-rental homes under the scheme were tenanted in Ireland by Clúid in 2021, with 25 in Taylor Hill, Balbriggan, and a further 40 at Barnhall Meadows in Leixlip, County Kildare. Both developments delivered cost-covering rents at least 40% below comparable open-market prices. The second quarter of 2022 saw a further 119 cost-rental homes tenanted at Barnhall Meadows in Leixlip, Parklands in Citywest, The Paddocks in Newbridge and Kilcarbery Grange in Clondalkin. Funding from the cost-rental renewal scheme covers up to 30% of the capital costs of each development. The Housing Finance Agency provides support for the remaining 70% of capital costs. This will bring the number of cost-rental homes in Ireland to 234 less than 12 months since the passing of the Affordable Housing Act last July. As the model continues to be rolled out, it will provide long-term secure rental accommodation for thousands of renters. It will also add certainty to the rental market and provide more options for people. It is also expected that the development of the cost-rental sector will have an impact on the wider rental market, reducing rents over the longer term.

Any proposed measure that would impact on private property rights requires detailed consideration and scrutiny, having regard to the provisions of Article 43° of the Constitution and

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associated legal complexities. Rent pressure zones are a targeted instrument the Government has enhanced over the past 12 months, taking into consideration rising inflation, whereas the rent restriction proposed in the Private Members' Bill would apply to all areas regardless of the level of rent pressure.

The Government will oppose the Bill. I recognise the intent is to help tenants. The Government also seeks to help tenants. I assure the Deputies the programme for Government recognises the important role the private rented sector plays in housing many people and will continue to do so. The Government is addressing the challenges in the sector, including with standards. The Department continues to work hard with the Residential Tenancies Board to continue to strengthen its function and delivery of assistance to tenants and landlords. The board is highly responsive, particularly in the fast-moving context of Covid-19 in recent times, to the needs of tenants. The Government is continually providing up-to-date assistance. I record the Government's sincere gratitude to the RTB for its continuing efforts in this regard and for the help of MABS, Threshold and all other NGOs, approved housing bodies and local authorities that help to deliver in addressing the evolving housing crisis.

The Government is committed to supporting an adequate supply of residential tenanted accommodation to ensure equity and fairness for landlords and tenants alike. Improving standards, security and affordability for renters is a priority for me and the Government. We are making significant changes in recognition of the fact that tenants continue to face challenges in the rental and housing markets. Our approach to any necessary legal change will continue to be carefully balanced.

**Deputy Gino Kenny:** Landlords have never had it so good, to coin a phrase. Corporate landlords are having it really good. Corporate landlords were brought here after the crash by Fine Gael for one reason only, which was to make huge amounts of money. This is what they are doing. They own huge portfolios of apartments and houses throughout the State. In some cases they are getting paid by the State after getting a huge reduction in the cost of some of these houses. It is sickening to see it. There is a terrible legacy with regard to landlords in this country and there is the psyche of the Irish people. We fought against landlords when the Brits were here and we drove them out. That psyche and legacy are still here.

A total of €1 billion per year is given to private landlords. This is indefensible. This money is going to private landlords. Half of it could build hundreds if not thousands of houses but we continue this policy. The Minister of State is a member of the Green Party. This policy is ideologically driven. We have a housing crisis and 11,000 people in emergency accommodation because of ideology. It is because of the decision to leave housing to the market and forget about the ideology of public housing. This is what it comes down to. This is the reason we have a housing crisis and all of the by-products and misery that come with it. I do not know whether the Minister of State can defend that. He is swimming with sharks in Fine Gael and Fianna Fáil. These people are maniacs who have no social conscience when it comes to people in situations such as this. In the South Dublin County Council area I am from, the average three-bedroom house costs €2,400 to rent. Who the hell can afford that? Average working people who can afford that will be pinned to their collar and will have very little money for anything else.

What is wrong with rent control? It is a good idea that in a particular area if rents are very high, the State can say that rents must be certain level. It is a good idea. Other countries have done it. Why can we not do it? Otherwise we will let the free market run wild. The invisible hand cannot be touched. I do not understand why this is being allowed to happen.

Rent pressure zones were introduced five or six years ago. Even though rent pressure zones do not really work, they are an acceptance by the Government that we have to interfere somewhere on rent control. The rent pressure zones have failed. We need to go beyond rhetoric and have rent controls where people have a standard of living and not situations where people are homeless or cannot find a place. It is not acceptable. The Minister of State has to look at his position in government in defending these policies. This is what Fianna Fáil and Fine Gael have been all about. It is why we have a crisis. It is because of ideology. I do not know whether the Minister of State believes in that ideology.

**Deputy Richard Boyd Barrett:** We have an absolutely dire rental and housing crisis. For a Bill that we table to try to address these extortionate rents we get sent the Minister of State with responsibility for heritage, electoral reform, local government and planning. The Minister with responsibility for housing does not even bother to come in. I find that really sickening. Yet again, I do not get an answer, although I am not surprised, on why the Government broke its promise to tell us what is happening with the review of the social housing income eligibility thresholds. We were promised they would be announced before the summer recess. The promise has been broken. Many people are suffering as a result. Rents have reached €2,000 and €2,200 a month in Dublin. This year, rents have increased by 10% in Dublin and Cork, 13% in Galway, 15% in Limerick, 16% in Waterford and 24% in Leitrim. Record numbers of families and homeless people are on the street. The Government will go off on its summer holidays while people are suffering misery.

The Minister of State reeled off statistics. I will give him statistics. He mentioned Dún Laoghaire-Rathdown. There are 4,000 households in need of permanent secure homes in Dún Laoghaire-Rathdown. Over the next five years that are covered by the plan, another 2,825 will join the list. The Housing for All plan the Minister of State said will work will deliver 2,318 homes. There will be more people on the housing list in Dún Laoghaire-Rathdown at the end of the plan than there are now. The situation now is that people on the housing list are waiting for 20 years. People cannot get a house from the council. The HAP rates are not high enough. In many cases, people cannot even get on housing list or become eligible for housing support. Amy, who has a family of three, was homeless once five years ago. She is overholding and will be evicted in the coming weeks. She will not go back into homeless accommodation.

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Shauna is over-holding on her lease, has three kids, serious mental health issues and nowhere to go. She is faced with homeless accommodation. Joanna, who has three children, is faced with eviction at the end of July and there is nothing within the HAP limits in the area. Maria actually works for a housing charity and faces eviction in October. She cannot find anywhere to rent. Karen faces eviction on 3 September. She has a child with a severe ASD diagnosis. Emily has one child and has been put into emergency accommodation in Dublin city centre. "D", whose full name I will not mention, is working, was previously homeless, is being evicted from a HAP tenancy, cannot find anywhere else and will be back into emergency accommodation. Another mother with two children was removed from the housing list because her mother works part time. She has gone over the limit by €400 and is entitled to absolutely nothing. Jason works for the council and lives in his car. Helen is sleeping rough in Glasthule. I could go on and on. There is nothing for them and the Minister cannot even bother to come in to address it.

**An Ceann Comhairle:** We are out of time.

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**Deputy Richard Boyd Barrett:** We are not. I have one minute and 30 seconds.

The Government says it is not possible to anything about all of this and yet, Berlin did it. Berlin brought in rent-cap legislation in 2020 to do precisely what we are looking to do, which is not to allow rents go above levels that are affordable. It was brought in throughout Germany in 2020. In Paris, it was brought in in 2018. If there is a tense situation, we can introduce extraordinary rent controls, but the Government will not do it. We have declared an emergency, but the Government still will not do it. No matter how much human misery there is, the Government will not do it. It is not possible.

Then, as Deputy Paul Murphy said, we hear the real reason. The landlords would not like it. They would flood out of the market. If the landlords cannot deliver rents that are affordable, they should not be landlords. If they exit the market, as Deputy Murphy said, they cannot take the houses and apartments with them. The local authorities should step in and buy them. One of the reasons we have the highest levels of rents is that we have the lowest levels of social housing. We have 9% social housing in Ireland, against 25% in Austria and 19% in Denmark. We would get a lot of extra social housing if all the landlords exited and the State just went in and bought the houses and charged affordable rents. There is no problem. In fact, it would bring down the excessive rents and house prices in the market. The Government does not want to do it because it is only representing the landlords and vulture funds.

Question put.

**An Ceann Comhairle:** In accordance with Standing Order 80(2), the division is postponed until the weekly division time this evening.

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**Deputy Mary Lou McDonald:** Last year, the parents of 18 babies born at Cork University Maternity Hospital were informed that their children's organs were sent to Belgium for incineration, without their knowledge or consent. This happened on two occasions between March and April 2020. The bereaved parents had believed that the organs of their babies, who had been subject to autopsy, would be cremated or buried in a sensitive and dignified manner and that they would be contacted before this happened. As we now know, none of that happened. These revelations were met with understandable public outrage and we can only ever imagine the extreme hurt and distress that these families have experienced.

A review of practices at Cork University Maternity Hospital was commenced at that time and a HSE internal audit to establish the organ-retention and disposal practices at public hospitals across the board. That audit, according to media reports, reveals that the inappropriate disposal of organs was still in use at that time, at University Hospital Limerick and our Lady of Lourdes Hospital in Drogheda. Incredibly, the same month that the review got under way into the scandal at Cork University Maternity Hospital, the organs of two babies born in University Hospital Limerick were sent for incineration, again to Belgium.

The investigation has also uncovered that multiple public hospitals across the State have retained organs from children for more than the one year specified by HSE policy. This happened in hospitals in Dublin, Tullamore, Limerick, Waterford and Port Laoise. At Crumlin children's hospital, the organs of one child were kept, it seems, for more than 20 years. The breaches of

care and dignity with regard to the treatment of organs are widespread and these revelations have emerged when the families affected by the initial scandal at Cork University Maternity Hospital are still waiting for answers.

These parents have been told on four separate occasions that there will be a delay in giving them the report of the review team despite the fact that the review is complete. These are parents who lost their babies in tragic circumstances and had to endure the heartache of hearing that their child's organs were disposed of, alongside medical waste. Ms Katie Quilligan is one of those. Her son, James, was one of the 18 babies and she says:

we are still waiting for answers... I don't think I'll be able to fully accept or process what happened until we get those answers. Waiting is like going through the grieving process all over again ... the HSE is letting us down.

I am sure that the Taoiseach agrees that all of this is unacceptable. It is unacceptable that these parents are still kept in the dark. They were also promised the speedy delivery of legislation to protect the legal guidelines around the retention and disposal of human organs and tissue. The human tissue Bill was due to be published by the end of last year, but this too has been delayed and has caused stress and frustration. Tá teaghlaigh ag streachailt agus tá an Stát ag teip go dona orthu. Tá freagraí ag teastáil ó na teaghlaigh seo agus caithfidh an Rialtas reachtaíocht a chur i bhfeidhm atá ag teastáil chun a chinntiú nach féidir lena leithéid tarlú arís.

I am certain that everyone in this Dáil wants to make this right. I am certain that we need absolute assurances that these practices have ceased and that this is not currently happening in our hospitals. When will the parents affected by the scandal at Cork University Maternity Hospital be given the review report, which is now complete? When will that wider audit of hospitals beyond Cork be published?

**The Taoiseach:** I express my deepest sympathies to the families involved who, having experienced the tragedy of losing a beloved child or loved one, have that grief compounded by the wrong and inappropriate disposal of organs. It is unacceptable and very distressing for the families concerned. In many respects, it is incomprehensible given that there was a major inquiry nearly 20 years ago which covered every single hospital in the country in terms of post-mortem practice. Guidelines were established.

It is difficult to comprehend that hospitals are still, albeit not the same scale as prior to that inquiry, nonetheless engaging in practices such as incineration or retaining organs beyond the timelines that they are required to retain organs and that in certain instances, again, there was no proper consultation or engagement with parents or family members. This is unacceptable. The HSE did the audit. At least I take something from that in that it did a robust audit and has revealed the latest incidence with regard to hospitals in Limerick, Drogheda and elsewhere. That should be published without delay. On the review in Cork, the need of the family for transparency should be absolutely prioritised by the HSE. I understand the review team is currently engaging legal opinion on the draft report before sending it to participants, in accordance with factual accuracy checking and fair procedures, and I am told the final draft will be shared with the families for input on factual accuracy checking and so on. That needs to be accelerated because much grief and stress has been caused to the parents in Cork University Maternity Hospital case. This should not be happening in today's world. Arising out of the audit, a variety of work is under way on the national women's and infants' health programme. It is leading a review of the provision of perinatal pathology services. A post mortem examination services

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group has been established to review and update the current standards by December 2022 and a project group has been established to monitor the implementation of this audit's recommendations.

The human tissue Bill needs to be published. I spoke to the Minister this morning and I have spoken to the Attorney General. I made it clear I want that legislation published in September. There are complexities applying to this legislation but the general scheme was published a number of years ago. It has been ongoing now for a long time. There are implications for transplantation because of significant new policies in respect of facilitating the retrieval of organs in respect of transplants and we want that to be a positive dimension to this. That said, the Bill must be published and needs to be debated in this House. We need, with the co-operation of all Members of this House, to get that Bill enacted. That is a commitment I am making. I spoke to the Minister for Health this morning and I have spoken to the Attorney General as well about it being all hands on deck now to get this done once and for all.

**Deputy Mary Lou McDonald:** I very much welcome that. I think we are of one mind across the Dáil that all this is completely unacceptable. As the Taoiseach has described, the families have been through losing a precious child, a loved one, and then experienced the horror of discovering that their organs were disposed of in this manner, alongside, as I said, medical waste. This can never, ever happen again. We need to have an assurance here in the Oireachtas, and in turn to reassure the public, that this is not current practice in any hospital in the State. People deserve that reassurance.

For the purposes of clarity, the Taoiseach is calling for the report of the review to be shared with the families without further delay, for the publication of the audit by the HSE without delay and for the publication of the legislation by September. All of that is very welcome. By the way, we are aware of the complexities around transplantation and the absolute necessity of getting the law right. The Taoiseach will, I am sure, have the full co-operation of the entire House but we need speed now. We need to sort this out for those families.

**The Taoiseach:** Aontaím leis an Teachta. Tá sé dochreidte go bhfuil sé seo fós ag tarlú sa lá atá inniu ann. Déanaim comhbhrón arís leis na teaghlaigh go léir atá ag fulaingt de dheasca an mhéid a tharla. Caithfidimid dul i ngleic leis seo agus an scéal a réiteach.

On the review being shared with the families in Cork, I have asked that be done as quickly as possible and that the audit by the HSE be published. I understand it has been released via freedom of information requests. That is one understanding I had this morning. I can confirm that or clarify that, but it should be published in full. The Minister is very anxious the human tissue Bill is published, notwithstanding the complexities and so on, and that we get this done this autumn.

**Deputy Catherine Murphy:** This week we are seeing a new low when it comes to rushed, reckless, haphazard and confused legislation from the Government. Last September the housing committee was asked to do pre-legislative scrutiny of the Planning and Development (Amendment) (No. 2) Bill 2022. It ran to 18 pages. More than ten months later, late last Thursday, an amended version of the Bill was circulated by Government. It ran to 60 pages, with the addition of 48 pages of amendments. The Bill, which the Government has sat on for almost an entire year, had mysteriously tripled in size.

Some of the proposed amendments on challenging decisions of An Bord Pleanála in the

courts were extremely far-reaching. For example, one provision would allow An Bord Pleanála to change retrospectively decisions that were wrong in fact or in law after the court challenge to the decision had been lodged. A person or group would take a High Court challenge, which is a highly onerous and expensive undertaking, and discover mid-proceedings that An Bord Pleanála had changed the decision on which the entire proceedings were based. The *Irish Examiner* informed us this morning that particular provision has been withdrawn. The Government did not bother telling the Opposition that. My colleague, Deputy Cian O'Callaghan, had to prise that information from the Minister of State, Deputy Burke, in the House this morning.

Other changes to the manner in which the courts deal with planning challenges remain in the Bill, along with a host of other problematic amendments. The fact the Government would try to shoehorn these kinds of planning amendments into a Bill that is supposed to deal with non-consequential issues when there are three separate investigations under way into An Bord Pleanála really beggars belief. The controversy swirling around An Bord Pleanála has already resulted in the resignation of the deputy chair, Mr. Paul Hyde, late last Friday. While he is a central figure to the three current investigations, his resignation will not end the problems of An Bord Pleanála, some of which have their origins in the bypassing of the planning authorities, thereby changing the nature of the planning appeals board. That change also happened before a recess in December 2016, when the then Minister, Deputy Coveney, introduced strategic housing developments, SHDs, which were an idea brought to him by the construction industry. The industry commented afterwards that he had introduced their ideas lock, stock and barrel.

Why is the Government ramming this legislation through the Dáil when its own review into the planning laws has not yet been completed. Will he tell us why the Government sat on this Bill for an entire year and only brought forward the 48 pages of amendments this week, just before the recess? Given the scandal that has consumed An Bord Pleanála, does the Taoiseach think it is wise to progress these changes before the reviews into its operation have been completed?

**The Taoiseach:** I thank the Deputy for raising the issue. There are two separate issues here but I accept there is a connection in terms of overall planning. On the amendments coming forward to the Planning and Development Act, four sets of amendments were initially considered for inclusion by Government in the Planning and Development (Amendment) (No. 2) Bill. All four sets of amendments were identified by Government for inclusion in the next available planning Bill, which was the Planning and Development (Amendment) (No. 2) Bill, and these amendments were flagged in the Minister's Second Stage speech on the Bill in Seanad Éireann on 6 April. The legal drafting of the specific amendments was not ready for inclusion in the Bill when it was before Seanad Éireann and therefore the amendments are being introduced on Committee Stages in Dáil Éireann.

Two further amendments were more recently identified for inclusion where the Government is anxious to introduce new regulatory rules on short-term letting and a number of streamlining-type amendments to judicial review provisions in the planning Act as soon as possible. There is a current supply shortage in the private rental sector. Many people in the House have raised the issue of short-term lettings and the need to tighten that up to create a greater availability of supply in the rental sector, specifically in rent pressure zones, which are the areas of highest housing demand, thereby delivering increased units to the sector and stabilising rents. There is also a need to improve efficiencies in terms of the way in which judicial review cases are handled in the courts.

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There will be a more comprehensive planning Bill in the autumn, but the consistent call in this House has been for rapid action on housing to enable greater supply in the housing market. Department officials briefed Members of the Seanad on the proposed amendments, except for the short-term letting one, on 25 May and latterly briefed the members of the Oireachtas Joint Committee on Housing, Local Government and Heritage on the proposed amendments on 11 July in advance of Committee Stage in the Dáil set to take place today.

The issue relating to An Bord Pleanála is serious but we must allow for due process in that regard. The Minister has commissioned a review by Mr. Remy Farrell, senior counsel, into certain allegations made against an individual in respect of his previous role as deputy chairperson of the board. The senior counsel is now due to report to the Minister by 29 July 2022. As the Deputy knows, An Bord Pleanála is also undertaking its own internal review, and the Office of the Planning Regulator has announced it is commencing a review into An Bord Pleanála's systems and procedures. We are going to consider legislation in respect of how ordinary members are recruited into An Bord Pleanála.

**Deputy Catherine Murphy:** The Taoiseach talks about due process in An Bord Pleanála. Regarding the amendment the Government has now withdrawn under pressure, and it is not the only one, why would the Government even think of bringing that forward? It beggars belief when the Taoiseach is talking about due process. This is not the proper way to deal with legislation. We have a Second Stage, a Committee Stage and a Report Stage for very good reason. The idea that a Bill would triple in size after Second Stage and we get very late-stage amendments is absolutely outrageous. There is permission for 70,000 units under strategic housing development plan, only 13,000 of which have commenced. The CSO figures for 2005 show that 86,000 dwelling units were delivered that year. That did not require strategic housing developments. The cutting out of the citizens from a process or restricting their access to that process is highly problematic. It is a part of the reason some of the judicial reviews are happening. This is no way to deal with the issue. Will the Government withdraw the more offensive amendments, particularly amendment No. 26?

**The Taoiseach:** Many of these amendments are not offensive and are quite pragmatic. We should always work to streamline our planning system and make it more efficient. Most people are saying it takes too long to get anything through the planning system. Judicial reviews need streamlining. That does not stop anybody having the right to go to judicial review. We need to examine the system because everybody in the House is talking about supply. Everyone wants projects built quickly, including the Deputy, when it suits.

**Deputy Catherine Murphy:** That is true of affordable housing.

**The Taoiseach:** The Deputy is the first person in the House to ask why this and that have not been done. Any State agency asked about the vital infrastructure that is needed in the country will say planning delays are the most significant ones. It can take two or three years. In maritime area planning, it will take eight to ten years to get an offshore wind energy project done. That is too long. Collectively, we need to work our way through this because projects are taking too long. We have changed the strategic development provisions. The Minister has changed how that works and we learn lessons as we go on. Let us not escape the reality of how lengthy our planning process has turned out to be.

**Deputy Michael Healy-Rae:** Over the weekend, I met with members of the Kerry wing of the Irish Farmers' Association, IFA, Mr. Kenny Jones, chairman, Ms Mary Fleming and Mr.

Darren Sheehy, to discuss the sector emission ceilings for the agricultural sector. Irish agriculture is one of the most sustainable in the world despite media commentary suggesting otherwise. Irish farmers produce food of the highest quality with a low environmental footprint. Farming and the wider agrifood sector are the backbone of economic activity in rural Ireland. It is Ireland's largest indigenous sector, providing employment to more than 300,000 people, directly and indirectly. Despite wider economic challenges, exports from the agrifood sector were €14.5 billion in 2019.

The Government has indicated the sectoral emissions ceiling range for agriculture will be the equivalent to a percentage emissions reduction of between 22% and 30% compared with 2018. Achieving a reduction of 22% will be extremely challenging for the sector but any higher than 22% is likely to have a devastating economic and social impact on rural Ireland. The IFA is adamant that the ceiling for agriculture should be set no higher than an equivalent of a reduction in emissions of 22% compared with 2018 levels. The climate action plan provides a pathway to achieve a 22% emissions reduction through improved efficiencies and the adoption of new technologies and new practices. There is no pathway to a 30% emissions reduction that does not result in a significant reduction in cattle numbers at the level of individual farms. A 22% emissions reduction would recognise the technical challenges associated with the monitoring, reporting and verifying of emission reductions in agriculture, the timeframe required for the wide-scale adoption of new technologies, and the unique ability of the sector to sequester carbon and offset emissions through on-farm renewables that would support other sectors to meet their emissions reduction ceilings. The IFA report shows that an emission reduction of 22% could have very significant consequences for the sector with a need to reduce the numbers of livestock, even if the mitigation measures set out in the climate action plan are adopted. However, the consequences of a 30% reduction would be devastating, with a 12% reduction in livestock numbers, a drop of €3.8 million in output and a loss of more than 56,000 jobs, predominantly rural-based.

As set out in the Food Vision 2030 report, there must be a balance between economic, social and environmental sustainability. This is most important because we must ensure we protect our family farms and that, whatever happens, it will not lead to a reduction in our cattle numbers, because that would be devastating to the industry.

**The Taoiseach:** I thank the Deputy for raising the issue and accept the sincerity of the case he is making in respect of the climate action plan and the need to reduce emission ceilings. I think the Deputy agrees there is an overall need to create emission ceilings and to reduce emissions in all sectors of the economy, including agriculture. It is important the Irish Government supports the Irish agricultural industry. We also need balance in the debate and should consider words such as “devastating”, “catastrophic” and so on. The dairy industry has grown exponentially over the past decade or so. It has been going extremely well since the removal of the milk quota. This year will be significant for the dairy side of the industry, given the global situation. That is the reality of where we are coming from. That is the base.

We are providing substantial funding. We recently announced a new and pioneering €1.5 billion agri-climate rural environment scheme, ACRES, that will pay farmers up to €10,500 per farm, on average. There is funding for biodiversity, for example, and the introduction of results-based actions and the proposed ACRES will allow for qualitative payments for biodiversity, which is anticipated to reward high-quality habitats and support the delivery of improved outcomes from lower-quality habitats over time. The scheme will address water quality. There are farm sustainability planning processes. ACRES will target action in various areas, such as

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riparian margins, unharvested cereal margins, planting new hedgerows and trees, results-based low-input grassland, extensively grazed pasture and environmental management of arable fallow. It will also touch on climate measures around water quality and reducing chemical nitrogen usage. Actions to be taken through ACRES will include catch crops, low-input peat grassland and the planting of trees. All of that will make a significant contribution to the achievement of the agricultural measures under the land use change and forestry chapter of the climate action plan. A lot is being done and much investment is going into agriculture to assist the industry.

I agree with my colleague, Deputy Cahill, who has said we should have a specific technology fund to help agriculture, and farmers in particular, to adapt to new technologies that would also help in the reduction of emissions. That has to be worked out a bit more but it is an interesting idea that the Deputy has championed.

Deputy Healy-Rae is correct that there is work under way in respect of emission ceilings. In the coming weeks, sectoral emission ceilings will be established for the agricultural sector and all sectors, and that will give clarity to the sector. I understand where agricultural interests want the baseline to be and what level they want it set at. The Government's objective remains that, whatever the ceiling, it will allow for the sector to maintain food production in our beef, dairy, sheep and pig sectors. The Minister for Agriculture, Food and the Marine, Deputy McConalogue, has been very consistent in this regard. I think the Minister, Deputy McConalogue, has approached this in a very balanced, effective way in terms of marrying the challenge of food security in the world with doing it as efficiently as we can from a carbon emissions perspective.

**Deputy Michael Healy-Rae:** I also wish to point out that 2,000 ha of land was planted last year – it should have been 8,000 ha. There is over a two-year delay in getting planting permits due to a backlog in the felling licences being issued. Farm forestry nationally has collapsed. Recently, Deputy Cahill, who is an excellent Chairperson of the Committee on Agriculture, Food and Marine, told members that the Government would be lucky if it hits 20% of its own planting targets. This is absolutely ironic, as the Green tail is shaking the Fianna Fáil and Fine Gael dog to death.

**The Taoiseach:** The Deputy means “wagging”.

**Deputy Michael Healy-Rae:** Between all of them, they are doing nothing positive for the forestry sector.

I am delighted that the Taoiseach thinks it is funny. The foresters and the people who want to plant land in Ireland do not think it is one bit funny. They think the Taoiseach and the Minister of State with responsibility for forestry, Senator Hackett, are failures. They think they have done nothing positive for their sector, and they actually have not.

**The Taoiseach:** We are only two years in government. We inherited a massive backlog. Why? Be honest and tell the truth now and again and stop the political nonsense. There were individuals out in society that objected to every planning application on forestry, including felling, planting and harvesting. The Deputy knows that as well as I know that. He should not be trying to blame Government or politicians or scapegoating the Minister of State at the Department, which is a wrong thing to do. The Minister of State, Senator Hackett, is two years in office. Suddenly, certain people politically want to scapegoat her wrongly. We all know what happened.

We are in a democratic society and people can challenge every single application in the

courts. What we did was we changed the legislation and the backlog has eased considerably. The Deputy is a reasonable man and should have acknowledged that the backlog has eased very significantly because of the measures we have taken. I acknowledge, that said, we have an awful lot more to do to get the planting up to where we want to get it to. However, one has to work with the basis one came in with. This Government is determined to do everything we can to increase afforestation dramatically and planting properly in terms of native tree woodlands and so on. We need more of that. However, people were literally objecting right, left and centre to every application for planting and that was wrong too.

**Deputy Mattie McGrath:** The Minister of State, Senator Hackett, was the biggest one.

### **Visit of British Delegation**

**An Ceann Comhairle:** Before proceeding, I want to recognise that we have been joined in the Distinguished Visitors Gallery by H.E. Paul Johnston, the British Ambassador to Ireland. We should extend a warm welcome to him. He is a frequent visitor to this House. He has the challenge of representing his country at a time of great flux. We appreciate his engagement with the Members of this House and his presence here today. He is very welcome.

### **Ceisteanna ó Cheannairí (Atógáil) - Leaders' Questions (Resumed)**

**Deputy Michael Lowry:** Once again, I wish to raise the issue of the Dean Maxwell Community Nursing Unit in Roscrea. I have raised this issue on numerous occasions with Ministers in the Department of Health and with the Taoiseach, both publicly and privately. I will not give up on the fight to maintain long-stay care for the elderly people of Roscrea. The people of Roscrea deserve the security and comfort of knowing that their own and their family members' lives can be lived out in their own town. This has been the case for generations.

As I speak, a group of elderly people are worried and anxious about what the future holds for them. Older men and women are being reduced to tears of despair at the thought that the place they call home will be snatched away from them. They are troubled and unsettled at the idea of being moved to a different town, to a place that is some 20 miles away from family and friends and will end lifelong connection with their home town.

Loyal and committed staff have been kept in the dark. The HR department has convened a meeting of staff for next Wednesday, presumably to advise them on their options of redeployment. The voices of these people have remained unheard since all of this began. They have no desire to move to a unit in Nenagh. The voices of those who have spoken out for Dean Maxwell and petitioned their case feel ignored and abandoned. They are now ready to take to the streets and protest in solidarity with the patients and staff of Dean Maxwell.

The Government and the HSE will see true community spirit and the fierce loyalty Roscrea is renowned for. The people are united in defiance of this HSE plan. We have been through all the glib explanations and excuses. The truth is that the 25 long-stay beds were covertly transferred from Roscrea to justify the building of a new 50-bed nursing home unit in Nenagh. The elderly patients from Roscrea were just used to make up the numbers. The human cost was irrelevant.

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The HSE has never engaged in a transparent fashion. Queries were met with evasive responses. The HSE stonewalled approaches for information and refused point-blank to admit the true position. The HSE has been implementing a policy of closure by stealth. It had neither the courage nor the honesty to admit it.

We have one last opportunity to redeem the future of Dean Maxwell. It can only be saved through political intervention and political direction. I am requesting the Taoiseach make a personal intervention to remedy this injustice. I suggest that the Taoiseach, the Minister for Health, Deputy Donnelly, and the Minister of State, Deputy Butler, would meet with the representatives of the local action group. At that meeting, the local committee will outline the footprint of an alternative viable proposal to protect and enhance services and supports for the elderly population of Roscrea.

**The Taoiseach:** First, I want to thank the Deputy for raising this issue. He has been consistently raising this issue for quite some time along with Deputy Cahill, who has been very persistent on it. We are aware of the depth of feeling among the people in Roscrea associated with the Dean Maxwell Community Nursing Unit. The Deputy gave the background to the decision making that led to where we are. It serves the community very well. Its location is right in the centre of the town, which facilitates all who wish to visit those who live in the facility. Access is important to relatives.

It is registered for 27 beds, of which 20 are long-term residential care beds. It also provides seven palliative, respite or short-term care beds. They are counting 19 long-term residents who live in Dean Maxwell and there is currently one respite bed in use now. As the Deputy knows, HIQA has had concerns about the current design of the building. It is very old and work is ongoing to redress these issues.

To be fair to the Minister of State, Deputy Butler, she has worked with the Deputy and local representatives to make sure that nothing happens in the immediate sense and the HIQA registration for beds in Dean Maxwell was renewed in 2020 will remain valid until 2023. The HSE intends to continue to admit residents to Dean Maxwell when there is bed availability. The Minister of State, Deputy Butler, is fully committed to exploring all available options. She has been meeting with public representatives, as the Deputy knows, and engaged on 21 April last when she invited public stakeholders to accompany her on a visit to CareBright at Bruff, County Limerick just to see the potential. She has put much work into this, to be fair.

I would be happy to meet the local action group with the Ministers in question to hear its presentation. As I said, Deputies Lowry and Cahill have asked for this and that is something I will be prepared to do. The Minister of State, Deputy Butler, has committed to exploring and proposed options in conjunction with the HSE. She had a meeting with public representatives in Tipperary and community stakeholders last April. As the Deputy knows, there have been discussions on the construction of dementia-specific independent living centre on a greenfield site, coupled with the development of new facilities on the current Dean Maxwell site. Both, by the way, would represent very significant capital allocations. It will have to meet, obviously, the needs of the local community.

In short, I would be prepared to meet them and I accept that there is a depth of anger and concern. We have to work communities to effect change. We also have to ensure compliance with HIQA standards, because the HSE has to adhere to, abide and comply with the standards that are laid down by it.

**Deputy Michael Lowry:** I welcome and thank the Taoiseach for acceding to my request for that meeting. I hope we can have that meeting shortly, because time is of the essence. We certainly would like to have the meeting before he goes back to his native Cork for the summer break. The committee will welcome that opportunity. I want to get to the kernel of the issue. I accept that the Minister of State has been working hard and has had several discussions with us. What has been on offer from the Minister in the latest proposal is very welcome but it stops short of what we want. The central element of any new plan and the nub of the issue is that we want to retain a complement of long-stay community nursing home beds in Roscrea. If that was added to the additional plan, we could move forward. I appreciate the response of the Taoiseach and his willingness to intercede to see if we can find a resolution to the problem and move forward.

**The Taoiseach:** Whatever summer break I get will be a relatively short one. I am not going anywhere in a hurry due to pressing demands on our time. We can make arrangements to set up that meeting. The Minister of State has put a lot of work and thought into this. We will engage with the HSE as well to get a workable solution that can meet the needs of the community.

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

**Deputy Matt Carthy:** The Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, told the Dáil last week that, out of respect for the House, he planned to publish before the summer break the regulations banning the sale of turf. We still have not seen those regulations. We are told the Cabinet has approved the new restrictions. Are we going to see them before the break? Will we have an opportunity to debate them? Have Fianna Fáil backbenchers seen them? Does the Taoiseach's party intend to support this proposition? Given his acknowledgement that the cost-of-living crisis will continue for some time, does he really believe this is an appropriate time to prevent people who have no affordable alternative from purchasing turf to heat their homes? Why does he refuse to do the one thing that is proven to reduce turf use, which is to provide households with affordable alternative sources of heating?

**The Taoiseach:** The Government is finalising regulations relating to measures to enhance air quality. The Deputy did not mention air quality in his presentation. Does he have any-----

**Deputy Matt Carthy:** I asked a question.

**Deputy Mark Ward:** Deputy Carthy had 50 seconds to ask it.

**The Taoiseach:** I know that but the Deputy cannot be just defending the coal industry all the time because that is what goes to the-----

**Deputy Matt Carthy:** I asked about alternatives. Why is the Taoiseach not putting alternatives in place?

**The Taoiseach:** The issue in terms of these regulations is smoky coal, which is killing people. That is the big picture.

**Deputy Matt Carthy:** The way to resolve that is to provide people who use solid fuel with an alternative.

**An Ceann Comhairle:** Let the Taoiseach respond, please.

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**The Taoiseach:** The Deputy's party just keeps ducking and diving. He refuses to accept responsibility, which he should, as a legislator, in respect of the need to protect people. Chronic obstructive pulmonary disease is one of the biggest killers in Ireland. The town of Enniscorthy had air quality measures similar to those of New Delhi in the middle of winter because of smoky coal. That is the real target of these regulations.

**Deputy Matt Carthy:** The Taoiseach should provide alternatives.

**The Taoiseach:** In respect of turf, representatives of my party and others have made very sensible ideas and suggestions and those will be reflected in the regulations in the context of the traditional turbarry rights of bog owners being protected.

**An Ceann Comhairle:** Thank you, Taoiseach. The time is up now.

**Deputy Pearse Doherty:** Are they going to be published?

**The Taoiseach:** Yes.

**Deputy Matt Carthy:** Before the summer break?

**Deputy Ivana Bacik:** Yesterday, I spoke of the Government being long on ambition but short on delivery in a number of areas, notably on the climate catastrophe. Europe's temperatures are reaching record highs this week across the Continent. Human activity has warmed our planet at a rate not seen for 2,000 years. The consequences are unthinkable and the imperative to act is indisputable. Last week, I asked the Minister, Deputy Eamon Ryan, if negotiations on sectoral emissions targets were being jeopardised, specifically by the Department of Agriculture, Food and the Marine. I reminded him that a reduction in emissions targets for one sector would raise targets for other sectors to what Professor Hannah Daly has called implausible levels. We now know that the long-promised sectoral emission targets will not be published this week, as previously thought. Our concern is that in the last sitting week of the Dáil before the summer recess, we do not yet have clarity on when those targets will be published or whether we will have an opportunity to scrutinise them and, in particular, to see whether the targets for one sector will be set at a level so low that it will jeopardise the possibility of targets being reached in other sectors.

**The Taoiseach:** The setting of such levels is extremely challenging. The Deputy heard the remarks of the previous speaker. She and I are at one on the climate crisis. I am not sure that is true of those seated to her left in the House because all I get from them are reasons we should keep delaying doing anything. It is urgent. We are very late to the table. In a global sense, climate change is happening before our very eyes at a much more rapid pace than people even predicted. I was struck recently by the US envoy, John Kerry, saying in Davos that people should be reminded that the measures we take now will not protect us from negative consequences of climate change; they just protect us from the worst consequences. There will be consequences. We see it all over Europe. We hope, however, that the work on the ceilings will be completed before the end of the month.

**Deputy Jennifer Whitmore:** The Taoiseach says all the right things when it comes to climate. He talks about the stark challenges and urgency. Where is the urgency when it comes to setting the sectoral targets? The longer it takes to set those targets, the more onerous it will be for us to meet them. Is his Government too afraid to deal with the issue of agriculture? Are discussions with the agriculture sector and the Department of Agriculture, Food and the Marine

holding up the establishment and setting of these sectoral targets? We need each sector to play its part when it comes to meeting our climate targets and our climate challenge. Is the Taoiseach up for that challenge?

**The Taoiseach:** Yes. The Government has demonstrated that it is up for the challenge. In the two years it has been in office, it has done very significant work-----

**Deputy Jennifer Whitmore:** It has been one year since-----

**The Taoiseach:** -----in terms of legislation, the funding allocated to active travel and re-wetting our bogs. There are huge resources going into biodiversity now, contrary to what was happening before, in terms of the National Parks and Wildlife Service being established as an agency by the Minister of State, Deputy Noonan. There is significant work going on across the board, including the agri-climate rural environment scheme, ACRES, initiative that has been announced by the Minister for Agriculture, Food and the Marine, which will address climate, biodiversity, sustainability, water quality, farming practices and the remuneration of farmers to protect and act as guardians of biodiversity. All of that is important. It is important to bring people with us. No one was in any doubt that there would be significant challenges but also negotiations and engagement between the different sectors-----

**Deputy Jennifer Whitmore:** One year.

**The Taoiseach:** -----and calculations because these ceilings have serious implications for every sector. It is not like switching on and off a light.

**Deputy Gino Kenny:** The *Business Post* reported that there was a lack of oversight in regard to procurement of personal protective equipment, PPE, in 2020. The figure referenced in the article was €770 million. In the HSE response to a parliamentary question I tabled last year, the figure was €1 billion spent on PPE. We all understand that, at that time, PPE was very difficult to get and it was needed in the health system. In the reply to the question I tabled, it was broken down that most of the PPE was unsuitable. It cost the State €8 million a year to store some of the unsuitable PPE. Surely there has to be an inquiry in respect of the money spent on unsuitable PPE.

**The Taoiseach:** I will get a more detailed reply from the HSE on the issue of the procurement of PPE. It is important to point out that, in the midst of a pandemic, actions were taken on a set of principles and making sure that we would have a sufficiency of supply of PPE.

**Deputy Mattie McGrath:** A lot of rubbish.

**The Taoiseach:** I will get a more detailed response from the HSE on the matter.

**Deputy Peadar Tóibín:** Thousands of people marched in Navan last weekend to protect the emergency department in Navan, which provides life-or-death treatment and services for the people of County Meath. There was palpable anger that, at a time of key overcrowding, the Government was going to take capacity out of the system. Amazing data that blow the HSE figures out of the water have been provided by 23 hospital consultants. The HSE states that five patients travel from Meath to Drogheda every day but the 23 hospital consultants in Drogheda have used the hospital's own data systems to show that up to 47 patients could travel from Navan to Drogheda every day. I received a reply from the Minister for Health, Deputy Stephen Donnelly, to a question I tabled on this matter who stated that the review into the closure of Na-

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van emergency department would take just a couple of weeks and that preparations for closure can proceed in parallel with that review. Is it not outrageous to review something but continue to close it at the same time?

**The Taoiseach:** I have long enough experience in health to know that different consultants can produce different perspectives.

**Deputy Mattie McGrath:** Just like different Ministers.

**Deputy Peadar Tóibín:** The data come from the integrated patient management system.

**The Taoiseach:** The Deputy asked a question; I am trying to make a point in reply. As he will be aware, other consultants were arguing very strongly for actions in respect of Navan and they argued differently from the consultants to whom the Deputy has spoken. That is fair enough. That is the way the world works. There is no one uniform view in respect to the configuration of services from the medical community in Navan or the north east. I have said before that we need to learn lessons from previous configurations. The centralisation of cancer services, for example, was opposed left, right and centre up and down the country by protests. As Minister for Health, I experienced protests in many locations. Ultimately, some of the decisions taken proved to be beneficial and had better health outcomes. That said, in other areas we learned as well that it led to too much activity or overcrowding in certain other locations so there has to be balance and we have to learn lessons from previous reconfigurations to make sure that we can get the optimal-----

**An Ceann Comhairle:** Time is up please.

**The Taoiseach:** -----treatments in Navan and other locations across the north east.

**Deputy Mattie McGrath:** There is much concern about the level of policing in our cities, towns and villages or the lack thereof. People feel intimidated by gangs of young people taking drugs and engaging in antisocial behaviour of all kinds. Indeed, in many cases people are afraid to walk down the main streets of their towns and villages. This is a pity. The lack of gardaí is staggering. We never had such a scarcity. I salute the work they do but there are not enough of them and they do not have not resources. The public feel we are not serious about dealing with this issue here. We get pious platitudes but people are being intimidated in many towns in County Tipperary and throughout the country. An Garda Síochána seems unable to deal with it. There is no willingness on the part of the Government to deal with it.

**Minister for Justice (Deputy Helen McEntee):** I assure the Deputy that this is an issue we are prioritising. We had a budget of €2 billion for An Garda Síochána last year. A significant amount of that went to increase Garda numbers. Templemore college has reopened. We have had three attestations this year already and from September and October we will have 200 gardaí coming out of Templemore every 12 weeks. This will significantly increase our numbers. We had a competition that yielded 11,000 applicants interested in joining An Garda Síochána.

Separately, the new operating model will mean, where we have a consolidation of various different types of work within An Garda Síochána such as human resources or finance, more gardaí who are in the system to go out on the beat on the front line. That will make a huge difference and will impact communities throughout the country as well as the significant increase in numbers.

**Deputy Marian Harkin:** Just over two years ago there was a serious mudslide at Shass Mountain, Drumkeeran, County Leitrim when approximately 55 ha of agricultural land was completely destroyed. It is unusable. Approximately 15 farmers were affected. The Minister of State at the Department of Housing, Local Government and Heritage, Deputy Noonan, set up an effective working group, for which I thank him. It was very important. Leitrim County Council did sterling work on the Dawn of Hope bridge and the roads. The Minister for Agriculture, Food and the Marine ensured that CAP payments up to this year would be paid under *force majeure*. However, last November, eight months ago, the Minister visited Drumkeeran and met the farmers affected and said there would be a compensation package. Since then no offers have been made. Farmers have lost patience. I do not blame them. It has been far too long. I ask the Taoiseach to raise this issue with the Minister and ask him to make good on his promise of compensation in the immediate future.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I will take this question. I thank the Deputy. It was a very effective working group and a lot of good work was done. Great credit is due to all partners, including Leitrim County Council. I have engaged with the Minister, Deputy McConalogue, this week in regard to the compensation issue. My understanding is that there are negotiations with the Department of Public Expenditure and Reform on that. We are looking at wider issues regarding land use around that tragic event in Drumkeeran. I have been asked to convene another meeting of the inter-agency group, which I will do once I have more responses to the issues that were raised.

**Deputy Cathal Crowe:** I welcome Elaine Dunne, Connie Hannon and Fiona Bowe from the Federation of Early Childhood Providers who are in the Public Gallery. The early childhood care and education programme, ECCE model of childcare was introduced in 2010 and it was replicated on the basis of the Northern Irish system. Since 2010, the capitation funding per child in ECCE has risen from €64.50 to €69. This is measly when compared with the doubling of capitation funding in Northern Ireland in that same period. Budget 2023 has to ensure that childcare becomes more affordable for parents but, equally, it must ensure that the model of childcare in Ireland is properly funded and that we break the cycle of measly funding. The federation is looking for an increase in capitation in budget 2023 from €69 to €76 per child. Failure to secure that funding and address the funding deficits could, they estimate, result in the closure of 260 centres. We value this sector like gold, yet we pay them peanuts. This has to be the budget that properly funds it and I ask the Taoiseach to speak with the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, and ask him to go out to the gate and meet the sector’s representatives.

**The Taoiseach:** Core funding is worth up to €221 million to the sector. Obviously there are implications in terms of affordability and so forth. Last year, we allocated very substantial funds specifically for staffing, training and to create career pathways within the early childhood sector. In work under way within the Government legislation committee, GLC, this year the Government has signalled that it wants to deal more substantially with the affordability issue and the cost-of-living issue, and also ensuring that while doing that, the capacity of the providers to provide services in a sustainable way is not just maintained but is ensured for the future. There has been a great deal of progress over the years in early childhood care. We have come from a situation where it was never a State system to start with, so there are multiple providers, community-based and private. They work through the various schemes. We have to improve it and the Government has identified childcare as a key issue for the next budget.

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**Deputy Colm Burke:** I wish to raise the issue of ChildVision, which is based on Model Farm Road in Cork, in the Irish Guide Dogs for the Blind facility. It provides support for more than 60 children. It does not get State funding of any description; it operates on voluntary contributions. It requires approximately €144,000 per annum. It looks after children with complex needs such as impaired vision. One child is percutaneous endoscopic gastrostomy, PEG-fed, another child has epilepsy, another with Rett syndrome, another with Char syndrome and another has cleft lip. It supports these children who have quite complicated medical needs, and to their families, with no funding. The HSE met with them but gave no commitment on funding. Will the Taoiseach engage with the HSE to require them to have this reviewed? It is contributing hugely for the benefit of these children and for their families.

**The Taoiseach:** I am aware of the organisation. It is a wonderful service. We have the Irish Guide Dogs for the Blind as well, which does wonderful work. That is a long-established centre. I certainly will talk to the HSE regarding the requirements of ChildVision and, in particular, the children they look after.

**Deputy Chris Andrews:** Next week marks 18 years since Mary McAleese, in her first term in office as President, signed the Education for Persons with Special Educational Needs Act, EPSEN, into law in this country. That was on 19 July 2004. It was brought into law because the Government at the time acknowledged the failings in supporting our most vulnerable children. Successive Governments have failed to commence the Act fully, meaning a failure of support for our children. This year is no different as we see continued failure in appropriate planning and placement. It is remarkable to have 18 years of failure. We are now at a stage of organising a review of EPSEN. Is there any point at which the Government will issue an apology for this 18 years of failure?

**The Taoiseach:** To be fair, on any balanced, objective assessment there has been very substantial investment in special needs education in this country over the past 20 years. In particular mainstreaming special needs education started in the late 1990s through the provision of a pupil-teacher ratio for children with autism. That started in 1998. SNA provision was implemented and now has many thousands of workers. This year there was an increase of 10% over last year. The legislative template as enshrined in the EPSEN Act was not fully commenced over the years by different Governments. I have views on that myself. While that did not happen on the legislative front, it is not fair to say that in the educational world substantial progress was not made; there was. There needs to be more and the Government is taking steps with further legislation, for example, on school admissions and so on.

**Deputy Brendan Smith:** I hope that in his first opportunity to engage with Boris Johnson's successor the Taoiseach will prioritise legacy issues and remind the British Government strongly that it must take on board the concerns of victims and survivors.

*1 o'clock*

As all of us in this House know, the current British Government legislation would allow murderers to give themselves immunity from prosecution. It is absolutely deplorable. In a good interview, Ms Sandra Peake, the chief executive of Wave, spoke with Mr. Rodney Edwards. Ms Peake stated that referrals from victims of the Troubles in need of mental health support have doubled in the past year due to the UK Government's proposals. She stated that "anxiety for victims has been very much to the fore in the past 12 months, and we are not seeing that abating at all." Of course, there is the total lack of co-operation by the British Government

in regard to the Dublin and Monaghan bombings and the Belturbet bombings. It is deplorable that the government of a democratic country would not co-operate with a sovereign government and parliament in a neighbouring state where we know state forces were involved in the murder of innocent people.

**The Taoiseach:** I thank the Deputy for raising the issue. He will be aware of my view that the proposals that emerged in terms of amnesties or qualified amnesties are unacceptable. The Deputy is correct in saying that the views of victims and the families of victims should be uppermost and paramount in any legacy policy or scheme. I do not want to get involved in what is happening in the UK in regard to an election of a successor to Prime Minister Boris Johnson. Suffice to say that we would like this to be an opportunity for a resetting of relationships but also a return to adherence to the agreements that have been entered into between two sovereign states, between Europe and the UK, and in respect of legacy agreements that have been entered into by the families of victims, political parties in Northern Ireland and governments of the UK. In other words, what has been agreed should be adhered to unless we collectively agree to change.

**Deputy Mark Ward:** I welcome Charlotte and her mother, Emma, who are mental health youth campaigners, to the Public Gallery as guests of Deputy Martin Browne.

Yesterday, during the debate, the Taoiseach praised the Government for being “extraordinarily diligent and dedicated” in the area of mental health. I will quote the Taoiseach some facts. Under his Government, there has been a 40% increase in the number of children presenting to emergency departments for mental healthcare; more than 4,000 children are waiting for appointments with the child and adolescent mental health services, CAMHS; there are fewer CAMHS beds in operation today than there were when the Government was formed; there are over 2,000 young children waiting for an appointment with Jigsaw, some for 20 weeks or more; and there are 10,500 children waiting on primary care psychology, 4,000 of whom have been waiting for more than a year. Does the Taoiseach stand by his comment yesterday or does he accept that his Government has been a complete failure in the provision of children’s mental health services?

**The Taoiseach:** I stand by the comments that I made yesterday. I met with Jigsaw at the weekend, actually, and had a very good discussion with young people who have used the Jigsaw service and are advocates for it. Of course, there is significant room for continued improvement and enhancement of services. Particularly post-Covid, there has been an increase in anxiety levels and mental well-being issues. That is definitely the case, particularly among young people. That has created additional pressures, not only on CAMHS but also on the NGO sector. One of the interesting issues that arose was the referral process, particularly for young people, from services such as Jigsaw to CAMHS. These are issues that we need to resolve because there is not uniformity across the country.

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

**The Taoiseach:** I will say this. The Minister of State with responsibility for mental health, Deputy Butler, is working flat out on all of these issues and her diligence cannot be called into question.

**Deputy Jennifer Carroll MacNeill:** This is national Traveller Pride Week. There are so many different issues one could raise but a particularly vulnerable group are those Traveller

women in prison in Ireland. Traveller women are between 18 and 22 times more likely to be in prison than a non-Traveller woman like me. In the general female prison population, 85% have addiction issues and 60% of sentenced women have mental illness compared with 27% of men. This is compounded by the scourge of short sentences being used by the courts. Some 90% of female prisoners are in prison for less than 12 months as compared with 70% of men, meaning it is impossible to address addiction or mental health issues that underlie so many issues. Traveller women's specific pathways to drug use and crime are absence of community supports, domestic violence, partner involvement in crime, and rates of perinatal death and bereavement. They are a particularly vulnerable group and one that has to be named in the Dáil. There has to be a response. The penal reform policy is due and I ask if the Taoiseach can provide an update on it.

**The Taoiseach:** There is a need for a comprehensive review of the needs of the Traveller community. I met recently with members of the Traveller Visibility Group who had particular concerns around a growing crisis in mental health among young Travellers in particular. Across all policies, be it housing, criminal justice, health or education, I believe we need a comprehensive review and to listen and engage more with Traveller representative organisations. Without question, that applies to the issue the Deputy has raised and I know the Minister for Justice will respond to that. However, there is a broader issue, it seems to me, following engagements I have had with the Traveller community that we need to comprehensively review. There is an otherness developing. Basically, the stock approaches are not working.

**Deputy Michael Collins:** Farmers are going through a most horrendous time in this country with crippling fertiliser costs as well as the price of green diesel going up €1 per litre due to carbon tax and VAT increases on fuel as the Government stands idly by. I met members of the IFA and other farm organisations in west Cork over the weekend. They told me of the mental stress farmers are going through as many are on the verge of losing their farms, livelihoods and homes.

Another crisis that looks like being thrown at farmers by the Government is the Climate Action and Low Carbon Development Act, in which the Government states that the sectoral emissions ceilings range for agriculture will be equivalent to a percentage emissions reduction of between 22% and 30%. Farm groups in west Cork have told me the 22% target would have a significant social impact on rural Ireland and would be nearly impossible to achieve, never mind dreaming of a 30%. Last night, on Virgin Media's "The Tonight Show", the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, suggested that farmers would be expected to reduce cow numbers. Does the Taoiseach agree with the Minister suggestion? What will the sectoral emissions ceilings be set at this year? Will it be 22% or less?

**The Taoiseach:** I dealt with that in response to Deputy Michael Healy-Rae. Notwithstanding the huge input costs, this year will be a good year for dairy farming, not horrendous, devastating or catastrophic.

**Deputy Michael Collins:** That is shocking.

**The Taoiseach:** There are concerns.

**Deputy Michael Collins:** There are costs.

**The Taoiseach:** Notwithstanding that, and the Minister has taken steps, we need balance in the debate. That is what I am saying. I understand fully the concerns farmers have in respect

of emissions ceilings.

**Deputy Mattie McGrath:** Get the wellies on and go and meet them.

**The Taoiseach:** I fully respect those concerns but we are also providing over €1.5 billion in environmental funding to the farming community and we are willing to work with the it. Farmers here are efficient compared to other farming systems across the world.

**Deputy Michael Collins:** What is the percentage?

**The Taoiseach:** We do not yet have agreement or finalisation on the various sectoral emissions across the economy. It is not only one sector but a whole range of sectors on which we must get finalisation of the figures.

**Deputy Neale Richmond:** Will the Government consider changes to the PRSI pension system to allow for pension schemes with fewer than 100 members? This is, unfortunately, no longer allowed and we now have a situation in which business owners who could previously use these one-member systems to focus on their pensions late in their career can no longer do so and the pension providers offering to sell them are now being threatened with lawsuits by the Pensions Authority. This issue needs to be sorted as quickly as possible for the business community, particularly small business owners.

**The Taoiseach:** I will engage with the Minister for Social Protection, Deputy Humphreys, in relation to that and revert to the Deputy. He raised a reasonable point.

**Deputy Jennifer Murnane O'Connor:** I raise with the Taoiseach the intellectual disability services. We have many services in Carlow for intellectual disabilities that are a fantastic service and resource. I have met with representatives of BEAM Services in Bagenalstown, the Delta Centre in Carlow and the Cairdeas Centre in Tullow. I am very worried because they are finding that the cost of living - heating, ESB and transport costs - means they need more funding. I ask that the Government provide extra funding for these service providers.

Will the Government see what it can do with regard to the pay disparities between section 38 and section 39 organisations, including in respect of maternity leave and sick leave?

**The Taoiseach:** As usual, the Deputy's feet are on the ground and she is engaged with the communities across her county. She raised a fair point in terms of cost-of-living issues for service providers, such as BEAM Services and the Cairdeas and Delta centres. In the context of a cost-of-living approach by the Government, we will examine what we can do for the sector.

We are aware of the issue of pay disparity. There was a resolution of that some years back, or at least a partial resolution. Some of the bigger organisations like SIPTU had arrived at agreements with the Government but there are still obviously concerns in regard to the disparity between smaller organisations.

**Deputy Johnny Mythen:** There are over 1,000 children awaiting speech and language assessment in County Wexford. Some 382 children are awaiting initial speech and language therapy in the county and 466 are awaiting further therapy. The stress and strain this puts on these children, their families and therapists on the front line, who are doing their level best to make their way through these long lists, is unimaginable and unacceptable. Monitoring, prioritising and hoping for the best are not working. What are the Government's immediate plans to deal with this situation in County Wexford? What is the plan and what additional resources are

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being supplied to deal with this urgent issue?

**The Taoiseach:** Resources are being and will be allocated to this area. We have had recent meetings with relevant Ministers with responsibility for disability, health and education in my Department, and with the HSE. There are a number of aspects to this. Resources are being allocated and the recruitment of therapists is important, but also models of how the system works and models of operation. It is not just all about resources and we have to examine the manner in which the service is provided.

**An Ceann Comhairle:** We are out of time but we will take 30-second questions from the two remaining Deputies. I call Deputy Ryan.

**Deputy Patricia Ryan:** Last week, the local mental health charity, Hope(D), which is based in Newbridge, announced it will be winding down its service and closing at the end of the summer. It needs just €40,000 to secure a service for the rest of the year. People leaving HSE mental health service facilities at Naas hospital are given a leaflet along with some tablets, if they are lucky, yet the HSE refers service users to Hope(D) while providing no funding. Last night, a train service through Monasterevin was closed due to a tragic incident, and my thoughts and prayers are with the family of the deceased. I ask the Taoiseach to personally intervene to save this vital, life-saving service before it is too late.

**Deputy Richard Boyd Barrett:** The St. Margaret's service in Blackrock, which caters for people with intellectual disabilities - people with very complex needs - and their families, has made an urgent request for the publication of the action plan for the disability capacity review. The review was published in July 2021. The Department of Health said the action plan would be completed by December 2021 and there is no sign of it. It is asking very particularly that this be done as a matter of urgency so the needs and the residential and home support places, both existing and new, will be catered for and provided for in budget 2023.

**The Taoiseach:** In response to Deputy Ryan, I did not get the name of the service.

**An Ceann Comhairle:** It is Hope(D).

**The Taoiseach:** I will pursue that with the HSE and will contact it in regard to the service. I am not aware of the background to the decision-making there.

The "Disability Capacity Review to 2032 - A Review of Social Care Demand and Capacity Requirements to 2032" was published in July 2021.

**Deputy Richard Boyd Barrett:** The action plan was due in December.

**The Taoiseach:** No, the disability action plan was also published in July 2021. The framework plan was published alongside the terms of reference for an interdepartmental working group to develop this action plan for submission to the Cabinet sub-committee on social affairs and equality.

## Ceisteanna - Questions

## **Taoiseach's Meetings and Engagements**

1. **Deputy Neale Richmond** asked the Taoiseach if he will report on his meeting with the American congressional delegation. [27627/22]

2. **Deputy Mick Barry** asked the Taoiseach if he will report on his meeting with the US congressional delegation. [30991/22]

3. **Deputy Ruairí Ó Murchú** asked the Taoiseach if he will report on his meeting with the American congressional delegation. [34230/22]

4. **Deputy Seán Haughey** asked the Taoiseach if he will report on his recent engagements with members of the United States Congress. [35582/22]

5. **Deputy Ivana Bacik** asked the Taoiseach if he will report on his recent engagements with members of the United States Congress. [35870/22]

6. **Deputy Paul Murphy** asked the Taoiseach if he will report on his meeting with the United States congressional delegation. [36009/22]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his meeting with the United States congressional delegation. [36006/22]

8. **Deputy Brendan Smith** asked the Taoiseach if he will report on his recent meeting with members of the United States Congress with reference to discussion of the appointment of a special envoy; and if he will make a statement on the matter. [34568/22]

**The Taoiseach:** I propose to take Questions Nos. 1 to 8, inclusive, together.

On 23 May last, I welcomed a delegation from the US House of Representatives for a meeting at Government Buildings. This was the first visit to Ireland by a US congressional delegation since April 2019, when Speaker Nancy Pelosi and Congressman Richard Neal led a delegation to visit Dublin, London and Northern Ireland. The bipartisan delegation was led this time by Congressman Richard Neal, co-chair of the Friends of Ireland Caucus and chairman of the influential Ways and Means Committee in the House of Representatives. The delegation comprised nine members of Congress, three members of the Republican Party and six of the Democratic Party. The majority of the delegation also sit on the House Ways and Means Committee, which has jurisdiction over revenues, taxes, trade agreements and tariffs. The representatives were accompanied to Government Buildings by US Ambassador Claire Cronin and other officials.

Our meeting in Government Buildings was an opportunity for a broad-ranging discussion covering Northern Ireland and Brexit, international support for Ukraine, and Ireland-US bilateral relations. The delegation apprised me of its visits to Brussels and London immediately before it arrived here, where its members had held meetings with the European Commission Vice President Maroš Šefčovič, the European Commission Executive Vice President, Valdis Dombrovskis, the British Foreign Secretary Liz Truss and the International Trade Secretary, Anne-Marie Trevelyan. Northern Ireland, including the safeguarding of the Good Friday Agreement, as well as Brexit and the protocol, were high on the agenda for those meetings, including broader issues on Northern Ireland. The delegation also shared its plans for a visit to Belfast the following day before returning to the United States.

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Congressman Neal and the other members of the delegation were unwavering in their commitment to peace in Northern Ireland. Like us, they recognise that there are genuine concerns about aspects of the implementation of the protocol, but these can only be addressed in a sustainable manner through intensified European Union-United Kingdom discussions and agreed solutions. We agreed that unilateral actions are divisive and unhelpful, and contrary to the long-standing approach to resolving issues relating to Northern Ireland in a spirit of partnership. I very much welcome the continued, unequivocal support of the US Administration and Congress on this matter, which is testament to the deep and historical bonds between our two countries and the strong attachment of US elected representatives to the Good Friday Agreement.

The question of a special envoy was not discussed during our meeting but I know the issue is still under consideration. I also thanked the members of the delegation for their continuing backing of immigration priorities. We discussed the devastating war in Ukraine and our shared commitment to providing humanitarian assistance for the people of Ukraine.

Prior to arriving in Dublin, the delegation was in Kerry where its members undertook a cultural visit, including music from, and a tour of, the Great Blasket Island. They had a two-day political, economic and cultural programme in Dublin, which included a meeting with President Higgins and other Members of the Oireachtas.

**Deputy Neale Richmond:** I thank the Taoiseach for that update. I want to focus on one aspect. As we know, today in Westminster, the latest stage of the protocol-busting Bill is making its way, despite the distraction of an ongoing leadership election. We all, sadly, know the consequences of this legislation, if it is enacted, in terms of EU-UK relationships and the pathway that could go down. Was there any discussion with the congressional delegation during this visit or more widely as to what consequences there would be for the so-called special relationship if the UK were to break international law by passing this legislation?

**Deputy Seán Haughey:** During his recent visit to Ireland, Congressman Richard Neal strongly endorsed the Irish position on the Good Friday Agreement and the Northern Ireland protocol, which is to be greatly welcomed. Indeed, other US politicians have done the same, including the Speaker of the House of Representatives, Nancy Pelosi, and President Joe Biden. They have spoken about the difficulty of agreeing a UK-EU trade deal if the UK threatens the Good Friday Agreement and overrides the Northern Ireland protocol. We need to be vigilant in this regard and to continue to present our case on these matters on Capitol Hill, as no doubt the UK is presenting its view to US politicians at this time.

The Taoiseach has also spoken about resetting the relationship between Ireland and Britain, with a new Prime Minister expected to be in place by September. That is a very diplomatic way of putting it. Can we at least hope that the new British Prime Minister will adopt an intelligent and sensible approach to EU matters, the Good Friday Agreement and the Northern Ireland protocol, and that he or she will restore trust and respect international law? I do not expect the Taoiseach to answer that question but, hopefully, he will get off to a very good start with the new British Prime Minister. I would welcome his views on that and on resetting the relationship.

**Deputy Paul Murphy:** Often, when US imperialism is criticised in here, the Taoiseach is quite sensitive about it, it might be fair to say. It appears he thinks the US is a force for good and for human rights and democracy around the world. In that context, I wonder if he saw the interview with John Bolton on CNN yesterday. John Bolton is a senior figure of the US political establishment, a former US Under Secretary of State, a former ambassador to the UN

and National Security Advisor. He said the following: “As somebody who has helped plan *coups d'état*, not here, you know, but other places, it takes a lot of work.” When the CNN journalist asked Mr. Bolton what he was referring to, the latter replied, “I’m not going to get into the specifics”, before mentioning Venezuela, saying that the coup there “turned out not to be successful”. The journalist pressed further, saying, “I feel like there’s other stuff you’re not telling me, though [beyond Venezuela].” Mr. Bolton replied, “I’m sure there is.” Here we have John Bolton admitting on CNN that he is involved in planning coups on behalf of the US Government. We know about the attempted coup in Venezuela against Maduro and trying to put Guaidó in power, but Mr. Bolton is clearly saying there were others. Does that trouble the Taoiseach at all? Does he think it is okay for the US Administration to be able to go around the world and organise *coups d'état* wherever it thinks it appropriate?

**Deputy Richard Boyd Barrett:** I would have suspected what Deputy Murphy has outlined in any case, but it confirms something for me. One thing the US has done is try to secure access for US Palestinian citizens to the West Bank and Gaza, and *vice versa*, something that is made extremely difficult by the state of Israel. The Israelis want to be part of the US visa waivers scheme. In essence, there is a bit of a *quid pro quo* going on.

Israelis are entitled to be part of a visa waivers scheme to enter the European Union but, simultaneously, they make it difficult for, or sometimes simply prohibit, people from the EU, including people from this country, going into Gaza and the West Bank. They make it extremely difficult for Irish Palestinian citizens to visit their families or *vice versa*. I had Palestinian guests from Gaza in the Gallery yesterday. They have family here and they told me about how extraordinarily difficulty it is to meet each other, whether for a family member going there or one of them coming here. Yet, we grant easy access for Israelis coming here. Should we not, at the very least, put some conditions on Israelis having free access to the EU while Palestinians and EU citizens, whether or not they are Palestinian citizens, are discriminated against when trying to enter the occupied territories?

**Deputy Brendan Smith:** I thank the Taoiseach for the update on the visit of the US delegation. I had the opportunity to meet with the delegates and I found all of them to be extremely interested in, and very focused on, the needs of our country and very well-informed on the politics of all of our island. It is not just when they are here that those individuals show interest in our country. On a regular basis, they pass unanimous motions in both US Houses of Congress in support of the Good Friday Agreement and condemning recent British Government decisions. From engaging with the delegates, it is clear they do not just want to see the agreement protected; they also want to see its potential maximised. They see the opportunities to build on it and have instanced the Taoiseach’s initiative in the very large-scale funding that is made available to the shared island unit, which can build on the agreement and further develop the all-Ireland and cross-Border economy.

An issue I would like to see pursued again with the US Administration is the appointment of a special envoy to Northern Ireland. People such as George Mitchell held that post with great distinction. It is an extra conduit for strengthening Irish-US bilateral relations and it can bring undoubted benefit to our State, Northern Ireland and the US.

We need to see progress on regularising the status of the undocumented Irish in the US. The best estimates available to our diplomatic service indicate there could be up to 10,000 people whose status is not regularised. They are rearing families, working hard, paying their taxes and contributing handsomely to US society. We need to see progress on that aspect of our discus-

sions and relations with the US.

**The Taoiseach:** First, on Deputy Richmond's point, I like the phrase "protocol-busting Bill" that he coined. We had a detailed discussion with the delegation in respect of the issues around the protocol. The delegates included both Republicans and Democrats and some had expertise in the trade area. They found it very difficult to comprehend what the issues were on the UK side. Their view was that the protocol issues could easily be resolved with proper negotiations and discussions. They have made it very clear to those they met in the UK system that they expect this issue to be resolved by negotiation and that anything that would undermine the Good Friday Agreement would cause very significant challenges all around. I will say no more than that.

Deputy Haughey raised a number of points that I would agree with in terms of the successor to Boris Johnson. We all want a sensible, managed relationship between the UK and Europe. The EU wants that and many people in the UK want it. We want a professional relationship that adheres to existing agreements. If agreements need to change, then we do it together in terms of identifying the issues, renegotiating or re-amending, but unilateralism would not form part of that approach. It is likewise in respect of the relationship between Ireland and the UK.

I agree we need to maintain our vigilant presence on Capitol Hill, through our US ambassador and politically as well. There is constant engagement with the US Administration. I recently met with President Biden in Madrid to do exactly what the Deputy is saying. One of the reasons I went to Madrid was to engage with a range of political leaders, including President Biden. We took the opportunity there to raise certain issues. As the Deputy said, what we want is an intelligent and sensible approach in respect of these relationships. I would like that to be the case in the event of a new British Prime Minister appointing a new Government. In the post-Brexit situation, we need a new dynamic between the UK and Ireland. Formerly, as members of the EU, UK and Irish Ministers and officials met very often. That is no longer the case because the UK is out of the EU. We need a new structure to deal with the bilateral issues between Britain and Ireland.

I think it is interesting that Deputy Paul Murphy said I get sensitive when there is criticism of US imperialism. I do not get sensitive but I am always struck by the sort of singular focus the Deputy has in respect of the US and no one else. While there is a terrible immoral and illegal war raging on Ukraine, I am always struck by his reluctance really to go there in any exchange with me or anybody else. His overwhelming focus is always on the US and sometimes on the EU itself. That is a fact in terms of the balance of his presentation.

**Deputy Richard Boyd Barrett:** It is not a fact.

**The Taoiseach:** Deputy Murphy referenced John Bolton, who is a Republican hawk. I do not accept at all that it is appropriate for any country to be organising coups in any other country. However, Mr. Bolton was a Donald Trump appointee, as the Deputy knows, and his views would not, in my opinion, be representative of mainstream opinion within the US. That has to be said.

**Deputy Paul Murphy:** He was a Bush appointee before that.

**Deputy Richard Boyd Barrett:** Did he organise the coups on his own?

**The Taoiseach:** I would like the Deputies' insights on Russian interference across the world

and seeking transparency from Vladimir Putin as to how many *coups d'état* he is organising, how many people he is leveraging pressure on-----

**Deputy Richard Boyd Barrett:** Quite a few, I would say.

**The Taoiseach:** -----and how many professional private organisations like the Wagner Group are being funded and organised and creating mayhem across the world. To me, right now internationally - let us call a spade a spade - President Biden is a voice for peace.

**Deputy Paul Murphy:** Tell that to the Yemenis.

**The Taoiseach:** He is a voice for reason in international relations and we are fortunate he is at the helm in the United States in the context of a terrible war on the Continent of Europe that could escalate into a horrific nuclear conflagration if we did not have someone as sensible as him in office. That is a fact. Deputy Murphy will never accept that and will never bring himself to acknowledge it because he can see no good at all in the United States. That country is the big baddie.

**An Ceann Comhairle:** Thank you, Taoiseach. We are out of time.

**Deputy Richard Boyd Barrett:** Will the Taoiseach respond on the visas issue?

**The Taoiseach:** Yes, but I want to make another point first. Prior to the war on Ukraine, President Biden, President Macron and Chancellor Scholz all spoke to Vladimir Putin saying, “We will get into negotiations and discussions on security issues you may have concerns about, but please do not start this war.” He went ahead and started the war.

**An Ceann Comhairle:** I am sorry, Taoiseach, but we are out of time.

**Deputy Richard Boyd Barrett:** May we have a 30-second reply on the visa issue?

**The Taoiseach:** May I have five minutes, a Cheann Comhairle, to finish my reply?

**An Ceann Comhairle:** The five minutes will have to come out of the time for the next group of questions.

**The Taoiseach:** A minute or two will do fine. I agree with Deputy Boyd Barrett that there should be access into Gaza. I secured access to Gaza then not through the Israeli Government at the time, but through the Egyptian foreign minister. I was the only foreign minister allowed into Gaza then because the Egyptian foreign minister said I could go in through the Rafah crossing. Other senior foreign ministers were not allowed in for ridiculously restrictive reasons. We should not replicate one bad practice with another. The Deputy is saying that because of the Israeli Government’s approach to Gazans trying to get into Ireland and Europe, and *vice versa*, that therefore we should restrict Israelis. We should uphold the best standards in terms of allowing people to travel and to move into each other’s countries. We should push strongly for a more liberal approach to Gazans in this context, especially in respect of families being reunited and meeting.

Turning to the question from Deputy Brendan Smith, he raised several issues regarding the optimisation of the shared island fund. The €70 million in funding that we announced in that context included a provision of €40 million for the restoration of the Ulster Canal, which is the kind of project that makes a huge difference. The Deputy is working hard in Cavan-Monaghan

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with the local authorities on cross-Border projects that we can fund out of the shared island fund and also on the dialogue aspect. Regarding the special envoy to Northern Ireland, that is under review. It has merit, especially in the context of the current difficulties we are experiencing regarding the protocol and its application.

### **Taoiseach's Meetings and Engagements**

9. **Deputy Neale Richmond** asked the Taoiseach if he will report on his meeting with the Dutch Prime Minister. [27626/22]

10. **Deputy Ivana Bacik** asked the Taoiseach if he will report on his meeting with the Dutch Prime Minister. [32141/22]

11. **Deputy Seán Haughey** asked the Taoiseach if he will report on his recent meeting with the Prime Minister of the Netherlands. [35583/22]

12. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his meeting with the Dutch Prime Minister. [36007/22]

13. **Deputy Paul Murphy** asked the Taoiseach if he will report on his meeting with the Dutch Prime Minister. [36010/22]

**The Taoiseach:** I propose to take Questions Nos. 9 to 13, inclusive, together.

The Prime Minister of the Netherlands, Mark Rutte, travelled to Dublin to meet me on 23 May. I was pleased to host him and his delegation for a working dinner at Farnleigh House. Ireland and the Netherlands are like-minded on a wide range of issues, and we co-operate closely at EU level. Coming ahead of the special meeting of the European Council at the end of May, and its regular meeting in June, my meeting with Prime Minister Rutte was a useful opportunity to discuss current EU and international issues, especially Russia's war on Ukraine, its consequences and our collective response to it; climate action, especially in the field of energy; and the EU's relationship with the UK.

With our EU partners, Ireland and the Netherlands have been steadfast in our outright condemnation of Putin's unprovoked and immoral war on Ukraine. The EU has acted swiftly and with great unity in our political, humanitarian, economic and military response. My discussion with Prime Minister Rutte covered all dimensions of the issue as it stood at that time: the humanitarian situation and the financial supports that will be needed by Ukraine in the immediate and longer terms; and the range and impact of sanctions on Russia. We also touched on Ukraine's application for EU membership in response to which, as the House will be aware, the June European Council granted Ukraine candidate status. We also discussed how to accelerate decarbonisation of our economies and societies, break our dependence on fossil fuels, and provide a more resilient, secure and sustainable energy system for future generations.

I briefed the Prime Minister on Ireland's climate policy approach and on the legislative framework now in place to support achievement of our targets. We also expressed our strong support for the EU Fit for 55 legislative package, on which significant progress has been made by the French Presidency over recent months. We reflected on our respective experiences of responding to the Covid-19 pandemic, and on the unprecedented work at EU level on vaccines and the economic recovery package, Next Generation EU. I also briefed the Prime Minister

on developments in Northern Ireland and on the protocol. Prime Minister Rutte reaffirmed his very strong solidarity with Ireland, and his support for the work of the European Commission in seeking to find practical solutions to problems that have arisen in implementing the protocol. I took the opportunity to convey my thanks to the Prime Minister for his country's solidarity and support. The Prime Minister and I will continue to work closely together, bilaterally and in the European Council.

**Deputy Neale Richmond:** I will touch on two areas briefly concerning the Taoiseach's discussions. Both concern the ongoing war in Ukraine that was launched by Russia. I would appreciate if it is possible for the Taoiseach to expand on a point he referred to concerning the financial supports Ukraine will need. Does this feed into the wider concept that has emerged subsequently in the EU of a need for a new form of a Marshall Plan for Ukraine? I think a conference in Switzerland is planned on this aspect soon. The Minister for Foreign Affairs, Deputy Coveney, told the House last week about a pledging amount and how Ireland could co-operate with the Netherlands on this aspect. The Netherlands has shown brilliant solidarity with Ireland on Brexit issues, but when it comes to solidarity with Ukraine, has a plan been mapped out concerning how Ireland and the Netherlands can work together to expedite the rightful accession of Ukraine into the EU?

**Deputy Seán Haughey:** Mark Rutte is a long-serving Prime Minister of the Netherlands and his steadfast solidarity and support for Ireland on the protocol issue and the Good Friday Agreement is greatly welcomed, as the Taoiseach said. The prime minister is very influential regarding future developments in the EU. Did the Taoiseach discuss with him the Conference on the Future of Europe? As we know, this concluded on 9 May 2022 and listed 320 measures and recommendations. It recommended treaty changes regarding making health a shared competence, switching from unanimity to qualified majority voting and increasing the powers of the European Parliament. How likely is it that these three matters will be advanced? I think it is unlikely that there will be any treaty change advanced as this issue is considered. Additionally, I am told that a detailed assessment of all the recommendations will be undertaken across all relevant Government Departments in the coming months, which will be overseen by the Department of Foreign Affairs. I ask that the House be kept informed of developments concerning this detailed assessment that will be overseen by the Department of Foreign Affairs.

**Deputy Richard Boyd Barrett:** The Dutch have rent controls that are not dissimilar to the ones we put forward, which the Taoiseach's Government rejected. It was claimed that our proposals were "illiterate" and "unworkable". Perhaps the Taoiseach should have asked Mark Rutte about how the rent controls work in the Netherlands. That country has a points system for the quality and size of a property. The majority of properties below a certain standard are subject to maximum rent caps. This means that the Netherlands does not have the exponential rental crisis we have that is immiserating so many people. The Taoiseach should know that our housing costs are 78% higher than the EU average. Our rents have jumped by more than 70% in the last ten years, while rents in the rest of Europe have only increased by 13% on average. This has been the case because the Dutch, the Germans and the Austrians have rent controls, and we could go on through that list. Therefore, the next time the Taoiseach is chatting to the Dutch Prime Minister, he should ask him how the rent controls work in the Netherlands and perhaps consider introducing something similar here

**Deputy Paul Murphy:** It sounds like the discussion about solidarity with Ukraine took up a fair amount of time during the talks with Prime Minister Rutte. In that context, did the Taoiseach and the Prime Minister speak about the crucial issue of debt relief for Ukraine or are

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they happy for money to continue to flood out of Ukraine to pay for unsustainable and odious debts? Debt repayments this year amount to €6 billion more than the total education budget of Ukraine. Some €2.5 billion of those repayments is owed to the International Monetary Fund, IMF, alone, which is the biggest holder of Ukrainian debt. The truth is that Ukraine's debt is growing because of the crisis that has arisen as a consequence of the horrendous and brutal Russian invasion of the country. Ukraine's debt has already grown by more than €5 billion this year. Surely then it does not make sense on the one hand to have a Marshall Plan for Ukraine - and we are in favour of investment to help the reconstruction of the country - while on the other hand to continue to say that the odious and illegitimate debts that are the consequence of the oligarchisation of Ukrainian society should continue to be paid. It does not make sense to give with one hand and then to take back with the other. Surely, we need to have immediate debt relief and debt cancellation for the Ukrainian people.

**The Taoiseach:** Deputy Richmond raised the issue of financial support. There are two elements to this. There is the current financial crisis facing Ukraine. I met with President Zelenskyy and I was the first Taoiseach to visit Kyiv. I just received a letter from the President thanking Ireland and me personally for supporting the historic decision of the European Council of June 23 to grant Ukraine the official status of a candidate country for membership of the EU. President Zelenskyy has written to us articulating his gratitude to Ireland for our proactive support.

EU leaders have now agreed to support Ukraine via exceptional macro financial assistance of up to €9 billion in 2022. That is to try to enable Ukraine to deal with current budgetary issues.

There is a further issue around the reconstruction of Ukraine post the war or in parallel with it continuing. The Ukraine Recovery Conference took place in Lugano at which Ireland was represented by the Minister of State, Deputy Fleming. We joined in the signing of the Lugano declaration, which sets out seven principles to guide Ukraine's recovery process. The Ukraine-led draft of the recovery and development plan presented at Lugano recently is the overarching framework guiding the recovery process and allows for co-ordinated multi-stakeholder participation and partnerships.

We contributed towards non-lethal elements of the European Peace Facility, bringing our total support to approximately €44 million of the overall €2 billion in support provided under the four packages. We provided a further €20 million in humanitarian aid, as well as medical assistance and supplies amounting to €4.3 million. That covers some of what Deputy Murphy raised.

When I spoke to President Zelenskyy, we discussed Ukraine's economy and finances. There has been a 50% reduction in its GDP. Its economy is in crisis because of the war. Therefore, a number of strategies need to be deployed. It is not a simple matter of waiving debt. That is not the way these issues will be resolved. I also met with Ukraine's Prime Minister, Denys Shmyhal. He met with the International Monetary Fund, IMF, to develop a structured approach not just to the current budgetary issues, such as continuing to pay civil servants and keeping everyone going, but also to the reconstruction of Ukraine.

On Deputy Haughey's points about the Conference on the Future of Europe and treaty change, I would keep an open view. He is correct in that it will be very challenging to get agreement on a treaty change among the 27 EU states. I support the idea of making public health a

shared competence given our experience of Covid-19, the procurement of vaccines at a European Union level, the establishment of the Humanities in the European Research Area, HERA, institute, and the need to upgrade the European Centre for Disease Prevention and Control, ECDC. There are a lot of lessons we should learn from the handling of Covid at a European level. The difference between the European Union's approach to Covid and its approach to SARS in the early 2000s, when I was the Minister for Health, is unbelievable in terms of the scale of co-ordination this time around compared with the previous time. I believe it worked, so we need to be open minded about that in terms of treaty change. Getting treaty change is a huge challenge in itself. We will keep the House informed of the development of detailed analysis by the Government and the Department of Foreign Affairs regarding the recommendations of the Conference on the Future of Europe. The Minister of State, Deputy Thomas Byrne, is actively working on that.

We have rent controls.

**Deputy Richard Boyd Barrett:** What?

**The Taoiseach:** Ireland has a rent pressure zone, RPZ, rate of 2%, and that is a fact. Looking at the data-----

**Deputy Richard Boyd Barrett:** Surely the Taoiseach does not believe they are working.

**The Taoiseach:** They are working for existing houses and the Deputy knows that. By the way, I did speak to Prime Minister Mark Rutte about housing. The Dutch have huge challenges in housing and they have to build on an even greater scale than us. There is not a country that does not have issues with housing, particularly in cities.

**Deputy Richard Boyd Barrett:** It is much worse here though.

**The Taoiseach:** The Dutch are not in as benign a situation as the Deputy suggests.

**Deputy Richard Boyd Barrett:** They are in a better situation.

**The Taoiseach:** I dealt with most of what Deputy Murphy raised. The overall story is that Ukraine's application to join the European Union opens the door for substantial funding by the European Union and the world more generally for Ukraine. Other countries have come together, especially during the Lugano conference, and committed to supporting the reconstruction of Ukraine given the extraordinary devastation that has been wreaked by Russia under Vladimir Putin's Government.

### **Departmental Strategies**

14. **Deputy Richard Boyd Barrett** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [26002/22]

15. **Deputy Paul Murphy** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [26005/22]

16. **Deputy Mick Barry** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [30993/22]

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17. **Deputy Mick Barry** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [32669/22]

18. **Deputy Barry Cowen** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [35588/22]

19. **Deputy Cian O’Callaghan** asked the Taoiseach his views on the national reform programme for the European semester 2022 that was published by his Department in April 2022. [36169/22]

20. **Deputy Ivana Bacik** asked the Taoiseach his views on the national reform programme. [34512/22]

**The Taoiseach:** I propose to take Questions Nos. 14 to 20, inclusive, together.

Ireland submitted its national reform programme, NRP, for 2022 to the European Commission on 4 May. The NRP was laid before both Houses of the Oireachtas and published on *gov.ie* thereafter. The NRP is an element of the European semester, the annual cycle of economic and fiscal policy co-ordination among EU member states. As part of the semester, Ireland, along with all other member states, is required to prepare and submit an NRP to the European Commission each year. No NRP was submitted in 2021 as the semester process was temporarily suspended due to the Covid-19 pandemic. The NRP provides an overview of economic reforms and policy actions under way in Ireland, including a response to country-specific recommendations received. In 2022, the NRP also fulfilled one of the two biannual reporting requirements of member states under the recovery and resilience facility.

The challenges and Government policy responses that were addressed in Ireland’s 2022 NRP included climate action and the environment, housing, supporting participation in the labour market, rebuilding and supporting sustainable enterprise, planning for the future, and long-term fiscal sustainability. Development of the programme was co-ordinated by the Department of the Taoiseach, with input from relevant Departments and agencies, drawing on Government strategies such as the economic recovery plan, Housing for All, and the climate action plan. As part of this process, stakeholders were invited to make submissions on the key challenges to be addressed in the programme. The European semester process provides a valuable opportunity to engage in shared analysis with the European Commission and build understanding on key economic issues.

**Deputy Richard Boyd Barrett:** The Taoiseach will not be surprised that I want to raise the housing element of the national reform programme. One of the issues that should now set alarm bells ringing is that the construction sector in this country is starting to contract. As inadequate a plan as Housing for All is, and it is wholly inadequate and does not address the crisis, even it may not now be delivered as we are starting to see a contraction in construction because of rising costs. How will the Government respond to that?

We have a developed policy proposal because we cannot afford not to address the housing crisis and deliver on building the public, affordable and other houses that we need. If costs are going to stop the private sector from building, as is now becoming evident, we need a State construction company. We simply cannot not build public and affordable housing. We cannot allow a contraction of construction activity. The State will have to step in where the market is not capable of delivering. What does the Taoiseach say to that?

**Deputy Paul Murphy:** I want to ask the Taoiseach about the growing crisis in education in Dublin, where many schools are reporting that teachers are leaving to find positions in other parts of the country because they cannot afford to rent or the price of buying homes in Dublin. One Dublin school has reported that six teachers have left to work outside of Dublin, where accommodation costs are not as high. Some 55% of secondary school principals say they have unfilled vacancies, and an incredible 84% of principals who then advertise those vacancies say not a single teacher applies for the jobs. The consequence is that some Dublin schools seem likely to have to cut optional subjects. Una Mullally pointed out in a recent article that a teacher starting out in a secondary school in Dublin will pay two thirds of his or her income on very modest accommodation. Is the Taoiseach going to do anything about this? Will he at least agree to give teachers an inflation-linked pay increase? If he will not act to bring rents down, as he should, will he consider a premium for teachers working in Dublin?

**The Taoiseach:** In terms of housing more generally, I have said consistently since I was elected Taoiseach that it is the most pressing and significant social issue facing our country. That is why we developed a comprehensive plan for housing, to which no party in the Opposition has responded in any detail beyond sound bites and slogans and some proposals that would make the situation worse. The proposals of the Deputies opposite would reduce supply in the market - simple as.

**Deputy Paul Murphy:** Either we have proposals and they are terrible or we do not have proposals. It cannot be both.

**The Taoiseach:** We now have the highest number of commencements on record. We have the highest number of planning permissions in over a decade. We have the highest number of completions in over a decade. We have established a high-level housing delivery group. Unfortunately, in the past two years we have been hit by Covid first, with two lockdowns, and now by a war on Ukraine, which is affecting commodity prices, in particular the prices of steel and timber, and, in turn, causing inflation. House construction has gone down slightly, according to the May BNP-Paribas report, but the predominance of the decline was actually in other sectors, not housing. We have increased the capacity of the industry in respect of skills, with a 40% increase in construction apprenticeships. We have expanded the help-to-buy scheme and set up the new First Home shared equity scheme. More than 1,000 people have already applied. Deputies opposite attack such schemes, yet the people are voting with their feet in applying to them because they find them useful.

We have introduced a new €30,000 grant for vacant properties. We have introduced a new subsidy to activate apartment building in city centres for owner-occupiers. We have expanded the tenant purchase scheme to include pensioners. We are building the first affordable homes in over a generation through the local authorities. We have passed the first ever Affordable Housing Act. We have revamped the Land Development Agency to focus on affordable homes and put the agency on a statutory basis. We have put in place the first ever cost rental units in the history of the State. We have banned co-living. We have capped rent increases and strengthened tenants' protections. We have enhanced the local authority home loan. We have reduced interest rates for State-backed mortgages to make it easier for single people to avail of such mortgages. We have launched the largest State-led social housing building programme ever. We have slashed red tape with a new single-stage development approval process for outlays of up to €6 million to accelerate social housing delivery. We have expanded the repair and leasing scheme from 40,000 to 60,000 to bring vacant properties into use. We have brought more than 6,000 voids back into use. We have delivered in excess of 700 Housing First tenancies.

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We have launched a new housing strategy for disabled people to run from 2022 to 2027. We have provided €81 million in funding for housing adaptation grants for older people. We have established the national homeless action committee. We have secured a local government rates waiver of more than €1 billion to support local businesses and services. We have launched €1.3 billion in urban regeneration funding for towns and city centres, which will help house construction infrastructurally. There is a €50 million water investment scheme for rural towns and villages. There is a €61 million fire services capital programme.

There has been a lot of action and work. Objectively, no matter the views of Deputies opposite, they cannot dismiss the level of activity in the past two years. Notwithstanding the Covid pandemic and the war, we will do everything we possibly can.

Furthermore, in 2021 about 20,400 houses were built. Some 12,600 of those were bought by households in the private sector; 5,200 were social housing. Therefore, the social houses and households generally accounted for 87% of the total, with 2,600 classed as others. Sometimes, listening to the debate in this House, one would imagine that the others accounted for the 87% instead of 2,600 and not realise the fact that the vast bulk of houses built last year went to private households or to social housing. There has been a lack of balance in the narrative surrounding housing and in the debate, with the suggestion that this is all investment funds and so on. It is not at all. It is the same this year. However, it suits politically and suits the sound bite environment in which we live in contemporary politics to create the narrative and the story that housing policy is limited to looking after vulture funds and so on, as Deputy Boyd Barrett and Deputy Murphy hammer out every day. In fact, 87% of all housing completed last year went to a combination of private households and social households. That is a fact. We are looking at a similar situation in 2022. We need balance and objectivity in the debate, which we are not getting.

As for the issue in education, there is no doubt rents are too high. We need more and more supply across the board. By the way, the State is now the biggest actor in housing supply. There is no question about that. Deputy Boyd Barrett and Deputy Murphy can nod all they like. Whether social housing, affordable housing through local authorities, cost rental or State involvement in respect of the First Home scheme, the State through the Government is the biggest actor in housing, not funds and not anybody else.

**Deputy Richard Boyd Barrett:** We pay; they profit.

**The Taoiseach:** This does not apply just to education but to anybody living and working in Dublin or in the major cities in respect of any profession. One cannot single out just one profession. There is no doubt but there are challenges and that people will opt for a lower rent situation that would meet their personal requirements if they can get it. Until we get supply to a really significant level, we will continue to be in difficulty here. We will look at other measures, such as through tax measures, to alleviate the pressures people are under. Pay in the private sector has gone up 10% over the past two years. There is the public service pay deal the Minister for Public Expenditure and Reform negotiated last year, Building Momentum. A further negotiation has commenced and adjourned. It is the Government's desire that we would have a pay deal with the public service and then, in the context of the budget, that we would have proposals on tax and social protection in parallel with a pay agreement. Then, overall, we can help to alleviate the pressures on teachers and others working in the public service and in the private sector, also through tax measures. Parallel with that, we would have a cost-of-living package that would focus on families and children and reduce the burden on them. What the

Government envisages providing now is an overall cost-of-living package that will be once-off and will be applied in this calendar year, before the end of the year, in order that people would have funding from that package and that the budget measures themselves would enable us to come through the winter and put in place more medium-term policies on childcare, spending on education and in all the various Departments.

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### **Post-European Council Meeting: Statements**

**The Taoiseach:** I attended a meeting of the European Council on Thursday, 23 June, and Friday, 24 June, in Brussels. The meeting was preceded by a meeting of European Union and western Balkans leaders, in which I also participated, and was followed by a meeting of the Euro summit, at which leaders were joined by the President of the ECB and the President of the Eurogroup. It was the fifth meeting of the European Council since Russia began its full-scale war on Ukraine on 24 February. We discussed a number of dimensions of the war - military, humanitarian and economic - and their impacts in Ukraine, across Europe and in the wider world. We took the historic decision to grant European Union candidate status to Ukraine and to the Republic of Moldova, based on a thorough analysis and the positive recommendation of the European Commission. As I said, we have received correspondence from President Zelenskyy thanking us for the proactive role Ireland played in that respect. We agreed that we are ready to grant the status of candidate country to Georgia, once the priorities specified in the Commission's opinion have been addressed.

We expressed our full and unequivocal commitment to the European Union perspective of the western Balkans and called for acceleration of the accession process. We held a strategic discussion on the European Union's relations with its partners and neighbours in wider Europe and had an exchange of views on a proposal to launch what is called a European political community. At the Euro summit we discussed economic issues, including rising energy prices and inflationary pressures and how we can work together to increase the resilience of our economies. We took note of the proposals set out in the report on the outcome of the Conference of the Future of Europe submitted to the three co-presidents. We also had a session on external relations issues focused on relations with Belarus and, separately, with Turkey. In his contribution, the Minister of State, Deputy Byrne, will address the Conference on the Future of Europe and will provide further detail on the meeting of the Euro summit. I will address all other issues.

Before turning to the meetings in Brussels, at which the situation in Ukraine was top of our agenda, I wish to update the House on my recent visit to Ukraine on 6 July.

*2 o'clock*

I visited at the invitation of President Zelenskyy and I was honoured to be the first Taoiseach to pay an official visit to the country. I was also glad to be able to visit in the wake of the decision of the European Council to grant Ukraine candidate status. While in Ukraine, I visited the towns of Borodianka, Bucha and Irpin, which are in the northern part of the Kyiv region and which were occupied by Russian forces in March. It was very clear to me that these are residen-

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tial towns with no military or strategic significance in which civilians were attacked and killed. Missiles were launched against what were clearly residential buildings, without any regard for human life. I heard harrowing accounts from people who were there at the time and saw for myself the devastation caused to the built environment by Russia's bombardment. It is plain to me, and to any reasonable person, that these are war crimes.

I visited an exhibition of artefacts and artworks of the war. I laid a soft toy at a memorial in remembrance of the children killed in the war since February. I also had the opportunity to visit an exhibition on the role played by rail workers in the evacuation of the people fleeing the war, largely women and children. Throughout my visit, I was struck by the exceptional trauma that the war is visiting on the children of Ukraine. Many have been killed or maimed. Many have experienced the terror of bombings or have spent nights in dark, underground bunkers. Many have had their loved ones killed, their families separated and their education disrupted, including those being welcomed into our schools.

I visited the national memorial to the Holodomor, Ukraine's catastrophic man-made famine in the 1930s, which has resonances with our own history of famine. It was particularly poignant given Putin's despicable weaponisation of food in the current context.

I had the opportunity to have a meeting and working lunch with President Zelenskyy, and I heard directly from him about the critical security, humanitarian and economic challenges facing his country. I expressed to him the full support and solidarity of the Irish people.

At its meeting on 23 June and 24 June, the European Council took the historic decision to grant the status of candidate country to Ukraine. Every sovereign country has a right to determine its own future, free from external pressure and duress. The people of Ukraine have chosen a future in the European Union and they deserve our full support. I have long advocated this outcome. The decision has provided a great boost to the people and government of Ukraine, who have stood firm in defence of democratic values in the face of the most appalling war being waged by Russia. I told President Zelenskyy that Ireland will walk every step of the journey towards membership with Ukraine, providing whatever support and encouragement we can along the way.

As I have said previously, we know from our own experience that membership of the EU is transformative, and we are determined that others should be able to benefit from opportunities we have enjoyed. On 23 and 24 June, we also agreed to support Ukraine via exceptional macro-financial assistance of up to €9 billion to meet its immediate humanitarian and liquidity needs. The funding mechanism for a €1 billion tranche was subsequently agreed this month. It is essential that we make the full funding available without delay.

At the meeting of the Council, leaders discussed a proposal for a European political community, open to EU members and also like-minded European countries currently outside the Union. Importantly, we agreed that any European political community would not be intended as an alternative to either the enlargement process or ambitions of those seeking to join. Our discussion was an initial exchange and I look forward to further discussions when we revert to this issue in the autumn. We will next meet in Prague on 6 and 7 October.

Resolving the current slow rate of progress associated with the enlargement process in the Western Balkans, and the resulting disillusionment, is a priority for Ireland and a majority of member states. At our meeting with Western Balkans leaders on 23 June, a number of

them made clear their frustration at the slow pace of progress on their paths to EU accession. Acknowledging this frustration, EU leaders expressed our full and unequivocal commitment to the EU membership perspective of the Western Balkans and called for the acceleration of the accession process.

The Council expressed deep concern over recent actions and statements by Turkey. We are clear that Turkey must respect the sovereignty and territorial integrity of all member states. I encourage Turkey to take positive steps in this regard.

The Council underlined the democratic right of the Belarusian people to have new, free and fair elections. We called on the Belarusian authorities to uphold human rights, democracy and the rule of law, end repression and release political prisoners. It is wholly unacceptable that the Lukashenko regime is abetting Russia's further invasion of Ukraine. Ireland will continue to keep the issue of Belarus on the international agenda and support civil society and the opposition movement where we can.

We also discussed a range of economic issues and met in Euro Summit format, whereby we were briefed by the President of the European Central Bank, Ms Christine Lagarde, and the President of the Eurogroup, the Minister for Finance, Deputy Paschal Donohoe, on the economic situation and outlook. Russia's war of aggression against Ukraine is causing significant economic disruption and inflationary pressures that are being felt right across the Union. Leaders at the meeting were very focused on the uncertain prospects for the autumn and winter ahead, not least on the possibility that Russia will restrict or even cease gas delivery. All were agreed that the best approach to these challenges is a joint one, with member states continuing to work closely and co-operatively together, as we did on the pandemic.

While economic prospects remain uncertain, with global growth slowing, inflationary pressures and continuing disruption to supply chains, leaders also acknowledged that the European economy remains strong. EU leaders remain united in our determination to further strengthen the resilience of our economies and will continue co-ordinate our response to this crisis.

The Minister of State, Deputy Byrne, will further address economic issues, the Euro Summit and the Conference on the Future of Europe later in his wrap-up remarks. I will continue to report to the House on discussions at the Council.

**Deputy John Brady:** I welcome the decision by the EU to grant candidate country status to Ukraine and Moldova. The scenes of joy with which this was greeted by Ukrainians who gathered in Brussels in their hundreds tell a vivid tale of what it means to the people of the country. I condemn the indiscriminate attacks on civilians taking place throughout Ukraine. These attacks are acts of appalling aggression. They are war crimes and they need to be fully investigated, with those responsible brought to justice. I welcome the work being done by the International Criminal Court in this regard.

The conflict is turning into an artillery and bombing war as Russia reverts to the tried and tested methods it has employed in other conflicts, such as Chechnya, Georgia and Syria. Every effort must be made by the international community at every available forum to end the targeting of civilians. It is right and proper that all democratic states and institutions, including the EU, apply the necessary sanctions to help bring the conflict to an end as soon as possible and, if necessary, to build on existing sanctions to stop the Russian aggression.

What reviews have been undertaken at EU level on the effectiveness of the sanctions? What

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efforts are being taken to ensure public support for sanctions is maintained? What measures is the Government taking to alleviate the financial impact of sanctions on the Irish people and to educate and inform our citizens of the purpose and impact of the sanctions? This will become particularly important given it is generally accepted that Russia will attempt to leverage gas and fuel shortages and price increases over the coming winter to weaken the resolve of European nations. It is important the Government uses its position as a member of the UN Security Council, and as a military non-aligned nation, to work with like-minded nations in an unsparing attempt to seek a peaceful resolution to this bloody and illegal conflict.

Having given a commitment to take in 500 Ukrainian refugees who are in Moldova as far back as March of this year, at a time when Moldova was attempting to deal with the initial influx of hundreds of thousands fleeing the war zone, to date, the Government has taken in only a mere 19. This is simply not good enough. It fails Ireland's commitment to alleviate some of the pressure on the Moldovan authorities as they attempt to address a crisis unprecedented in its history. The failure of the Government from the outset to co-ordinate its decision to accept refugees from Moldova or to lay out any clear timeline of its plan to do so speaks to a worrying level of "ad hocery" at the heart of the Government.

Failure by the international community to address the international food crisis will lead to a humanitarian catastrophe. The war in Ukraine has compounded the crippling impacts of climate change, regional conflict and the failure of the international community to fund initiatives such as the World Food Programme, the funding for which was decimated prior to the war in Ukraine. President Michael D. Higgins has described the situation in the Horn of Africa as potentially the greatest humanitarian crisis since the Second World War. Throughout parts of Africa and the Middle East there is huge dependency on Russia and Ukraine for grain and other food stuffs. The continuing Russian blockade of Ukrainian ports has led to the weaponisation of food. I welcome the response of the EU, which is establishing solidarity lanes to allow attempts to ship grain and other food supplies from Ukraine by road, rail and barge as alternatives to traditional shipping routes. With the best will in the world these efforts will not come anywhere close to achieving the result required to transport the up to 25 million tonnes of grain locked in Ukraine. These are badly needed to stave off disaster and it is critical that efforts continue to get the Black Sea ports open again.

With regard to the future of the Irish protocol and rebuilding relationships between Britain and the EU, few fair-minded individuals committed to a prosperous future for peoples throughout Europe will lament the political demise of Boris Johnson as British Prime Minister and leader of the Conservative Party. Unfortunately, it has precipitated a race to the right among the majority of candidates now looking to replace him. It is deeply concerning that whatever the origins of the political outlook of senior Tories, advancement in the party is predicated on approval from the keepers of the flame of Brexit in the European Research Group. To all intents and purposes, we are now being forced to deal with what is fast becoming nothing more than an English nationalist party. The best outcome we can hope for is the victory of the least worst candidate. With growing Brexit fatigue among our colleagues in the EU, it is important that the Government works to keep the issue and importance of the Irish protocol and the peace process to the forefront of the minds of all EU leaders.

**Deputy Ruairí Ó Murchú:** I was not present for the beginning of the debate because the transport committee had the news that Aer Lingus was refusing to come before it next week to deal with the issues we are all hearing about left, right and centre regarding cancelled flights. We know they are issues throughout Europe and the world. We need to know the particular

issues that relate to Aer Lingus as they impact on family holidays and on business. People to whom I have spoken recently are trying to get whatever flights they can that are not operated by Aer Lingus. It is an absolute disgrace on its part. There is a wider issue and a necessity that governments throughout Europe engage to ensure we can get beyond this point. Connectivity is an absolute must and a need for an island.

There will be much talk today on food security and the absolute necessity that we protect lives. We all know that we need to ensure food security throughout Europe. Beyond this there are possible humanitarian catastrophes about to happen in the Horn of Africa and parts of the Middle East. We cannot allow this to happen. The Russians have weaponised food and energy. We need to get some detail on what conversations are happening regarding block buying fuels, mitigation or facilitating renewables. We need to know.

The biggest danger to democracy is the fact there have been failures throughout Europe to look after working people and those on the periphery. We have to do what is necessary. There has to be engagement from the Government with the European Commission and others throughout Europe from the point of view of what can be done to mitigate the huge costs of fuel and electricity. While I accept that we cannot do everything, there definitely is more that can be done.

I was very glad to see continued solidarity with Ukraine at a recent COSAC meeting in Prague. While there was great support for accession for Moldova, Ukraine, Georgia and the western Balkans, it was also accepted that the European Union has to be about rule of law. There will be a need for all of these countries to ensure that they can step up to the mark, with regard to rule of law and democracy. That is something that we absolutely need.

I have heard considerable interest in Ireland and the particular issues in the North and continued solidarity on the Irish protocol, but it was realised that the conversation in Ireland has changed and that we are moving towards Irish unity. There is a need for those preparations to happen here. We need the Government to step up to the mark and we will need the European Union to do its preparatory work.

**Deputy Brendan Howlin:** We have a very broad agenda from the European Council to discuss and I can only deal with a few issues. First, I wish to hear a little bit more about what exactly is understood by the European political community. A preliminary discussion was had about it. In the Council conclusions, such a community was described as an aim to “foster political dialogue and cooperation to address issues of common interest so as to strengthen the security, stability and prosperity of the European continent”. It is a sort of response to the initial French view that there should be some sort of second tier of European Union, where people would not sign up to the *acquis communautaire* or be subject to the institutions of Europe but would, somehow, be tied in to a broader concept of Europe. It is a very nebulous thought right now and some of our fears of a two-tier Europe are still a cause for concern. I ask the Minister of State to flesh out what he understands the political community to be and what his and Ireland’s attitude is to how it might develop.

Second, our ongoing solidarity and the very strong solidarity of the European Union with the people of Ukraine are very important indeed and the preparation of a seventh package of sanctions is to be welcomed. We have to understand, however, that it has consequences for us and those need to be spelled out and prepared for. The issue of food security and the impact of the land-locking of Ukraine and its very significant world production of wheat, maize and

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sunflower seeds were discussed by the Oireachtas Joint Committee on European Union Affairs this morning, with the representatives of the European Commission. It is quite clear that alternative paths are being looked at to export those products from Ukraine, but the capacity will be, at best, a fraction of what it is when the Black Sea ports are used. I would be interested to hear exactly how the Minister of State thinks progress is being made with regard to opening the Black Sea ports.

I know the conclusions said that we were supporting the initiatives of the UN and Turkey in that regard, but unless we open channels of export from the Black Sea, barges or trains will not be able to replace anything approaching the production capacity of food from Ukraine. Although we are assured that it will have no food impact on the Continent of Europe, it certainly will have an impact on east Africa, in particular, and on the Middle East. We need to ensure that while we protect ourselves in terms of food security, it is not done to impact on world wheat or grain markets in a way that would impoverish or bring famine to other parts of the globe.

Third, I will raise the enlargement of the European Union. Obviously, I warmly welcome the decision to give candidate status to Ukraine and Moldova. We visited Moldova. There is an understanding that this is not an instant process. It is a slow process, but these countries wish to feel embraced and on track to be part of the European family and that they would be supported in developing their own systems to ensure that they measure up, if you like, to the standards we would expect of all EU member states, on a reasonable timeline. Obviously, Georgia has its own set of problems but it too has to be embraced and not allowed, if you like, to drift away from the European family and be embraced by others.

The final point I will make is on the Western Balkans. We cannot leave those countries, which have a real expectation of membership, leap-frogged or out of focus. I hope that the Minister of State would give us a very clear timeline of his expectations for the Western Balkan countries to join the EU on a horizon that is within reach.

**Deputy Seán Haughey:** The Czech Presidency of the EU has listed five priority themes to be advanced over the coming six months; managing the refugee crisis and Ukraine's post-war recovery, energy security; strengthening Europe's defence capabilities and cyberspace security; strategic resilience of the European economy and resilience of democratic institutions. As we know, Europe faces many challenges at this time. Other global challenges include food security and the fact that millions of people, worldwide, are experiencing hunger and famine, as we speak. Linked to this is the ongoing challenge of climate change. If that was not enough, there is the prospect of a global recession caused by energy insecurity and inflation.

Where to start in all of that? I will begin on an issue closer to home, mainly that of the Northern Ireland protocol and the fact that there will be a new British Prime Minister by September, at the latest. As we know, the legislation to set aside parts of the Northern Ireland protocol is still winding its way through the House of Commons. The legislation, if enacted, will break international law. It is also strongly supported by the outgoing Prime Minister, Boris Johnson, as well as members of the European Research Group within the Tory party. The clear aims and objectives of the protocol are to avoid the creation of a hard border on the island of Ireland and, more generally, to protect the Good Friday Agreement and the Northern Ireland peace process. This legislation is a worry.

The Taoiseach has suggested that the election of a new British Prime Minister is a chance to reset the relationship between Ireland and Britain. He is, of course, being very diplomatic in

his choice of words. I intend to be equally diplomatic in my choice of words with regard to the fall of Boris Johnson. Needless to say, the election of a new leader of the Tory party is entirely a matter for the membership of that party and we should certainly not try to influence its decision in any way, even if we could. However, I hope, in earnest, that the next British Prime Minister will adopt a sensible and open approach to future negotiations within the EU, that he or she will commit to implementing the provisions of the Good Friday Agreement and will restore trust, generally, and respect for international law.

I will also draw attention to the remarkable solidarity shown to Ireland by fellow EU member states on the protocol issue. Most recently, the Dutch Prime Minister, Mark Rutte, and the German foreign minister articulated strong support for the Irish position, which is greatly appreciated. I am sure our EU colleagues have much on their minds and wish that the problem would go away, but they have stuck with us on it, for which we are grateful.

I also wish to say a few words on the Conference on the Future of Europe. This was a major exercise, which was brought to a conclusion on 9 May under the French Presidency. Of the 320 recommendations it produced, most can be implemented over time by the various institutions but there are three areas where treaty change would be required. These are making health a shared competence, switching from unanimity to qualified majority voting and increasing the powers of the European Parliament. It is unlikely anything involving treaty change arising from the conference will be followed up on. I do not believe we in Ireland are ready for a referendum on these matters just now, although I note the Taoiseach's point that we should have an open mind on treaty change as part of this process and have regard to making health a shared competence, for example.

On unanimity versus qualified majority voting, it would be better for the EU to try to reach consensus on the various issues and alleviate any concerns member states may have. Compromise will always be required in politics and democracy must be respected. I understand there will be a detailed assessment of all the recommendations the conference made and this will involve all relevant Departments and will be overseen by the Department of Foreign Affairs. I hope the Minister of State will keep the House briefed on this assessment and fully briefed on that process generally.

Then there is the issue of enlargement of the EU, which Members have spoken about already. Ireland supports enlargement of the EU as a general principle. Our membership of the EU has been transformative over the past 50 years. Future enlargement will bring about further peace and stability in the various regions. The decision to grant candidate status to Ukraine and Moldova is greatly welcomed, having regard to the new geopolitical realities following the Russian invasion of Ukraine, but we should all support the other states waiting at the door, especially the western Balkan countries of North Macedonia, Albania, Serbia, Montenegro, Bosnia-Herzegovina and Kosovo, as well as Georgia, which was not given candidate status with Ukraine and Moldova. Instead, it was granted potential candidate status and asked to deal with 12 key priority areas of reform, including addressing political polarisation and implementing commitments on "de-oligarchisation", which is a new word. On a recent visit to Georgia as part of a delegation from the Oireachtas Joint Committee on European Union Affairs, I found there was disappointment with the decision of the Commission and Council. Equally, there was a determination to press ahead with the necessary reforms, provided they can be clarified and quantified in a practical way. On the 12 recommendations, there was a little confusion about how some of these can be clarified and quantified. I refer, for example, to addressing political polarisation. We have seen polarisation in this House. We have certainly seen polarisation on

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Capitol Hill. Perhaps polarisation will be part and parcel of politics in future. In any event, I wish Georgia well in its endeavours and hope it will not have too long to wait for its final accession to the EU.

The House will be aware there is currently a severe famine in east Africa, specifically in the Horn of Africa. It is mainly affecting three countries, namely, Somalia, Ethiopia and Kenya where more than 23 million people are experiencing extreme hunger. These countries have now had their fourth successive dry rainy season. The UN has stated €4.2 billion is needed to prevent a humanitarian disaster in the region. Dóchas has made a number of recommendations in this regard in its 2023 pre-budget submission, including the need to increase Irish aid, but it is clear a global response is now needed. These countries experienced a similar humanitarian disaster in 2011 and the world promised at that time it would not happen again. It is happening again and the world must act. I hope Ireland will be to the forefront, through its membership of the EU and the UN Security Council, in awakening the global community to this catastrophe and calling for appropriate action to be taken before it is too late. Again, Russia is also contributing to that problem through its blockade of Ukrainian ports on the Black Sea. The UN must be encouraged to try to get the wheat, maize and sunflower oil out and exported so these countries do not suffer the humanitarian crisis we all fear.

**Deputy Rose Conway-Walsh:** The European Council again discussed ways to curb energy prices. Gas is now five times the price it was a year ago, which is a threat to households and the wider economy. The impact on small businesses is also ferocious. One of our local shops has been landed with a €4,200 electricity bill. This is despite its operators doing everything possible to reduce it, for example, switching off fridges and lights and taking every measure they can just to stay in business. The nearest shop to that one is 15 miles away. Another supermarket has seen its bills increase from €3,000 to €9,000. I raise this matter because a recently-produced national energy security framework estimates that electricity costs will have increased by between 45% and 60% above 2021 levels later this year. That would mean a €700 increase per household.

The Government is not doing enough to address the crisis. We are sleepwalking towards a winter where people will really struggle. We have no gas storage in this State, which is hard to believe. We have underinvested in our electricity grid and we have an electricity pricing system that allows gas to set the price of all electricity, despite the fact that almost half the electricity generated here comes from wind. The price of gas has increased fivefold, as I said, but why are we paying more for wind-generated electricity? In the past year, I have raised the need to examine the EU-prescribed system for pricing electricity with the Minister of State, the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, and the Taoiseach. We need to reform the system as we enter an era of even higher prices. Even the President of the Commission, Ursula von der Leyen, said the market system no longer works and we must reform and adapt it to the new realities. Spain and Portugal have already introduced a price cap on gas for power generation to try to address this problem.

If we are to have gas prices at five times the 2021 level for a sustained period, we need to look seriously at how we price renewable electricity. We need to urgently examine all options for reducing the price of electricity for households and small businesses. I keep raising this subject because we need a more robust response in Europe. There is more we can do to address the structures there. There is no reason whatever that gas should set electricity prices when so much electricity is produced from renewables. It does not make sense when it is the small businesses I mentioned and households that are really suffering.

I ask the Minister of State to also address the issue of those who have provided services and accommodation to the local authorities for our Ukrainian refugees. There seems to be a block in the system as payments are not being made. Small businesses in particular cannot sustain the credit facility they have provided. There is a block somewhere and I would appreciate it if the Minister of State examined the matter to free up the blockage so the local authorities can get this money and distribute it to the providers.

**Deputy Gary Gannon:** Some of the points I intended raising have already been made so I will stick to those that have not been raised. On the issue of accession to the EU, we welcome the decision to grant candidacy status to both Ukraine and the Republic of Moldova, as discussed at the most recent European Council meeting. However, it would be remiss of me not to speak about Georgia in great detail, as many other Deputies have done. One point that has not been made is that Georgia has paid a massive price already for its aspiration to become part of the EU.

The country was partially invaded by Russia in 2008 and is still occupied by Russia. The West turned its back. There were protests on the streets of Georgia in June by citizens who simply want to be part of the EU. I appreciate that there are steps to be taken to become a member of the European family but I do not think we can simply ask countries to implement 12 recommendations, particularly when some of them are extraordinarily difficult to measure. We cannot ask them to wait outside until such time as we deem them suitable to join.

Ireland has a role to play in this regard. Georgia is a small country of just over 4 million people. It is similar in size to Ireland. A couple of thousand Georgians live in Ireland, some of whom are constituents of mine. I have Georgian friends. We have a part to play in helping Georgia into the European family. It also shares a land border with Russia and is partially occupied by Russia. Thousands of Georgians have been murdered and tortured by Russia. We cannot simply say we will bring Moldova into the European Union and accept Ukraine as a member, and rightly so, but we are not yet ready to admit Georgia. Leaving Georgia isolated presents dangers and has implications. It could potentially diminish that aspiration to join the European family. We need to be more engaged with Georgia.

I will move on to consider inflation, energy and security costs. We all know the war has far-reaching consequences. Ireland now finds itself facing the highest levels of inflation in almost 40 years. It was forecast that inflation would peak at 8.5% this year but EUROSTAT estimates a figure nearer the 10% mark. It is clear that inflation will continue to rise in the short to medium term and the cost-of-living crisis will worsen. Sanctions have rightfully been placed on Russia. The European Union needs to intervene to ensure those sanctions are not felt in the stomachs of people all over Europe and Ireland, and that people do not experience cold.

The point I want to make is on migration policy. The unified approach taken across the European Union and the willingness to provide safety and support to all those fleeing Ukraine have been nothing short of extraordinary. This is the largest movement of people since the Second World War, with some 14 million people being forced to leave to date. The EU acted quickly to implement the temporary protection directive, which has granted temporary protection status to almost 3.4 million people so far. This provides access to the EU labour market, accommodation, social welfare assistance and medical care, as well as education. It is right to do that. However, this could not be any more different from the approach that has been taken in respect of other countries, such as Afghanistan, Syria, Iraq, Yemen and Myanmar, whose people were forced to flee atrocities that no human should ever have to witness.

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In 2015, approximately 1.5 million Syrian refugees fled to Europe as a result of an horrific civil war. By 2021, more than 2 million Afghani refugees had fled to neighbouring countries. Once the West pulled out of Afghanistan, at least 500,000 more people fled the country in just a few months. Climate change is also beginning to bite in terms of migration patterns. Climate change is contributing to desertification, extreme weather events and rising sea levels. Deputies will agree that a perfect storm is now upon us. I could give many more examples but I am conscious of time.

In June, the Committee of Permanent Representatives adopted a number of first stage texts under the pact on migration and asylum. These will seek to commit EU countries to a “voluntary, simple and predictable solidarity mechanism”. Oxfam is just one organisation that has been clear in its opposition to this. It has stated:

It allows EU countries to continue to shirk their responsibility towards refugees and leave countries at the EU’s borders to manage Europe’s refugee response [or the lack thereof]. As past years have shown, the result will be overwhelmed reception and asylum systems, overcrowded camps filled with people left in limbo and more pushbacks at Europe’s borders. Apart from being temporary and voluntary, the proposal allows EU countries to cherry-pick their asylum seekers. It also allows them to turn away asylum-seekers and, instead, pay for a Fortress Europe by footing the bill for border surveillance and detention centers.

What is the Irish position in respect of this policy? Are we one of the 21 member states that have adopted the declaration of solidarity? Are we in favour of warmly welcoming refugees, as we should, while agreeing to turn back others? I am sure there is no rational justification for the difference in treatment of African and Arab refugees and asylum seekers compared with those fleeing from wars close to our borders. How does the EU continue to justify this approach? I hope we can challenge that and assume a leadership role in that regard.

**Deputy Marc Ó Cathasaigh:** I thank the Taoiseach for his comprehensive update on what was discussed at the European Council. None of us is surprised that the Russian aggression in Ukraine and the resulting outcomes dominated much of the meeting. It is striking to hear the language used and reiterated by the Taoiseach in describing some of the Russian actions as war crimes. That is not a term to be used lightly but it is an assessment with which I fully agree. It is good that international organisations are being tasked with getting to the bottom of that.

Deputy Brady referred to the artillery war that is being waged in Ukraine but, of course, it is much more and much broader than that. We are seeing the weaponisation of human misery. We are seeing that directly expressed in Ukraine with the indiscriminate targeting of civilian populations, as the Taoiseach said, and places that had absolutely no military or strategic outcome whatsoever. That approach saw sickening expression in the forced relocation of Ukrainian children across the border into Russia. The Taoiseach spoke more widely about the impact of that on the childhood of a generation of children. We see it in our own country but the most egregious possible example is forced relocation.

In Europe, we are seeing human relocation and displacement being weaponised. We are also seeing the weaponisation of energy and its costs. Putin knows that is going to create energy poverty in communities. It is going to foment dissent and create dissatisfaction. It is all aimed at undermining the solidarity of the European effort. Deputy Brady asked what the Government was doing to communicate the impact of the energy crisis. It is not the Government alone that bears that responsibility.

**Deputy John Brady:** That was not the question I asked.

**Deputy Marc Ó Cathasaigh:** I heard an informed and nuanced contribution from Deputy Conway-Walsh. I do not always hear that nuance or honesty in some communications. As Deputy Gannon said, of course we must do everything we can to insulate people from rising energy costs. However, it is disingenuous to say that across Europe, it would be possible to do this in a way that does not translate in some way to difficulties. The supply of gas to the Nord Stream pipeline was reduced to 40% and it is now in maintenance mode, which means there is zero supply through it at the moment. People across Europe are concerned that the pipeline will remain switched off. We must be honest that there will be implications for the European economy and people across Europe if this weaponisation of energy plays out in that way. We must be honest about that.

**Deputy Richard Boyd Barrett:** There will not be implications for the oil companies.

**Deputy Marc Ó Cathasaigh:** We are also seeing the weaponisation of food.

**Deputy Richard Boyd Barrett:** That is not the case for the food companies.

**Deputy Marc Ó Cathasaigh:** We are seeing that in particular in the Horn of Africa. Deputy Boyd Barrett's glib commentary in the face of what is unfolding in the Horn of Africa is misplaced. We are seeing human misery unfolding at an unprecedented level. I am being told by people who are experts in the area, including representatives of Oxfam and Dóchas, that this is dwarfing the unthinkable situation that occurred in 2011. We said we would not allow that to happen ever again, yet 11 years later the situation is worse. We know that is also the result of climate change and the absence of rain for four years. We also know it is the result of deliberate policy. I do not think this is incidental; it is intentional. The Taoiseach referenced the Holodomor, which was a human-created famine in Ukraine. We are seeing another human-created famine now as a result of the implications of climate change and the blockading of the ports. The latter has meant that many people who are reliant on Russia and Ukraine will not be able to avail of food exported from those countries. That issue has been outlined by other Deputies, including by Deputy Haughey in some detail. Some 23 million people in just three countries, Ethiopia, Somalia and Kenya, are being exposed to crisis levels of hunger. It is an unthinkable level of hunger. We are seeing livestock, which are people's entire way of life, being wiped out and decimated. Looking at the reasoning behind it, the director-general of the World Health Organization, Dr. Tedros Adhanom Ghebreyesus, delved into this a little when he stated:

Many people are already starving or food insecure and are increasingly on the move in search of food and pastures... I am deeply concerned about the impact this will have not only on health but on overall national and regional security.

As I said, I do not think this is incidental. I think it is intentional and aimed at creating instability within Europe through energy costs and instability worldwide through food costs. It is the weaponisation of human misery. It poses a challenge to us, as a small country, with respect to what we can do about that in an international context. First, we have to support in every way we can the development of those solidarity lanes, notwithstanding Deputy Howlin's point that this can only provide a fraction of the capacity that sea transportation can. I very much support the ongoing UN initiative with Turkey to leave no stone unturned in seeking to reopen the sea routes because nothing else will provide the export capacity we need.

In the longer term, we need to look at energy and food security within Europe and domes-

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tically. Deputy Conway-Walsh mentioned that our renewables are increasingly coming on stream. We know generation is intermittent and we need to build baseline capacity so that we integrate renewables into our system in a more coherent way that will allow us to move further away from fossil fuel sources.

We also need to think about root-and-branch restructuring of our agricultural systems. Is it right for us to import fodder when we know people across the world are dying as a result of a lack of grain? In that context, do we need to review our agricultural systems? We need to continuously push on the development of a loss and damage facility. Ireland is at the forefront on that. Some headway was made at COP26 but the issue needs to be revisited in COP27, which will be held in an African country. I hope that will bring more focus to bear on a loss and damage facility.

The Taoiseach gave firm commitments on climate financing but we need to build capacity within our own system to deliver on that expansion in capacity he promised.

**Deputy Martin Browne:** I appreciate the opportunity to say a few words on the latest European Council meeting. It is welcome to see the continuation of support for Ukraine in light of the despicable war brought about by the aggression of Russia. We have done much in this country to play our part in offering safety to the many Ukrainians who have been forced to flee their country. As a neutral country, nothing less could be countenanced. We must remember that given the influence the Russian war of aggression is having in the discussion at European level. Granted, we are in a new world, one that is much different from our world before the illegal invasion of Ukraine. Security, both in domestic EU terms and global terms, is to the forefront of our minds. The European Union now has a war on its doorstep that threatens its borders and integrity.

The war has led to much talked about military spending. We must ensure our traditional stance as a neutral country is not diluted by this focus on military spending or used as a means to interfere by those in this House who would wish to see neutrality scrapped. Throughout this, we must remember who we are and what we stand for. We stand with Ukraine and the EU and we also stand for neutrality.

Another weapon of war, one which was mentioned at the Council meeting, is food. The actions of Russia have had profound impacts on global food security and these will be further concentrated as time goes on. This is where the EU should come into its own and back up its words with actions. I am referring to giving assistance to countries to manage their food supply chains and develop sustainable food production in countries that are least prepared or able to adjust as quickly as may be necessary.

We have seen the impact the war has had in this country. Our farmers see it as they face increased fertiliser, grain and fuel costs. This is having an impact on the sector and farmers will struggle to keep their heads above water. They must be assisted. However, for developing countries, the challenge is more acute. This must be recognised in more than words; it must be acknowledged through actions.

Consumers must also be assisted, especially those in most need. Sinn Féin has called for an emergency budget, and while our calls were ignored, the challenges facing the old, infirm have not become less, nor are they confined to our own backyard.

Traditionally, there are those who capitalise on misfortune. These can be warlords who

create man-made famines by restricting emergency food supplies or countries that are ready to capitalise on the desperation of others. We must be mindful of all these factors and act accordingly. This must also be borne in mind when considering proposals for the restructuring of Ukraine. I ask the Minister to ensure we do not allow this war to become an opportunity to further influence and we must not enable others to do so either.

**Deputy Richard Boyd Barrett:** When I refer to murderous military aggression, illegal occupation, destruction of homes and key infrastructure, crimes against humanity and war crimes, what country am I talking about? Is it Palestine or Ukraine? Of course, the answer is that it is both. This Government is more than willing to do something to condemn and take actions to deal with illegal occupation, murderous unjustified military violence, destruction of infrastructure and homes and the killing of civilians when it comes to one of those places, but is willing to do absolutely nothing when it comes to them being done in another one of those places, namely, Palestine.

I find that, frankly, nauseating. The latest example of it is a letter from a constituent I got. I will not identify the person. Her son was born in Ireland and is an Irish citizen, while his father is Palestinian. The child's father cannot leave Palestine and be with the child's mother and his son. The son has an Irish passport and was born in Ireland but also has Palestinian identity. When he goes to Israel, his Irish passport is not accepted. That is apartheid. He is an Irish EU citizen but Israel does not care. It held him and his mother, a mother of an Irish child with a Palestinian passport, for hours, subjecting both to humiliating interrogation and so on. Israel does not recognise the Irish passport of the child. When he reaches the age of 16, he will never be allowed to Jerusalem, where his family lives, and will not be allowed into Ben Gurion Airport or to travel anywhere outside specified areas in the West Bank.

That child's cousin who lives in Jerusalem was recently picked up by the Israelis on Israeli nationalist flag day on Jaffa Street, where and a dozen other children were just gathering on the street and doing nothing. He was arrested and taken to the police station where he was blindfolded and his hands and feet bound tightly with metal cuffs. He was then brought to an area of the station with no cameras and beaten all over his body by six heavily armed soldiers. They beat him with their fists and M16 rifles on his hand and back in an area where there were no cameras, knowing that he could not defend himself. After that, he was put in a windowless cell for six days, where he was not allowed to contact his parents or a lawyer. His mother had no idea where he was. He asked for a blanket because he was so cold but he was denied it. Another child prisoner from Nablus lent him one to keep him warm. On the last day, he was due to attend court and the television was turned on in his cell. On it were videos and images of other Palestinian detainees screaming and being tortured. This was a deliberate psychological tactic to traumatise the young men. He was then taken to court. When he looked at his parents who were in the court he was beaten again for doing so. I could go on but I do not have time.

The father of the Irish-born EU citizen is also Palestinian.

*3 o'clock*

This is what happened to him when he was arrested and interrogated by the police when he was 16 years old:

The interrogation was one of the most difficult times in my life. The Israeli interrogators tortured me and it affected my education because it affected my mind and my psychological

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state. It was a really bad time. I was tied to a small chair. I fainted ... they put their fingers on my neck as if to strangle me. I think they studied [the art of] how to hurt someone until they [thought they] are almost going to die. They hit me in my private area with their legs and batons. They did it slowly and then finished with a big kick. [...] They put pencils between my fingers and squeezed them tight. They threatened to rape my Mom and sister.

I could go on. That is how the father of a Palestinian-Irish boy who is an Irish citizen and was born in Ireland was treated. That is how his nephew was treated. All those Israelis can come here without a visa but Palestinian families cannot even meet their own family members and this is what they have to put up with. There are 1,200 children in Israeli prisons but the Government does nothing. How are we honestly expected to believe that the Government or the European Union really care about brutal and unjustified aggression against innocent people when they allow this to happen?

**Deputy Neale Richmond:** I appreciate the opportunity to comment on the most recent meeting of the European Council. I am grateful to the Taoiseach for his report on the meeting. There is much to cover, as there always is with these Council meetings. I suspect all Members could make different speeches on different topics relating to the meeting. There are three issues on which I will offer my thoughts. The Minister of State may wish to respond on some of my questions.

The first issue relates to the notion of a European political community that was floated at the Council meeting and will be reflected on in more detail in Prague in October. This is a matter on which President Macron, following his re-election in France, has put much focus. It has garnered a certain amount of attention in respect of who it would attract and how it is not an alternative to the accession process for the many countries that aspire to be a member state of the European Union. I note that today is the 70th anniversary of the foundation of the European Coal and Steel Community, the body that kicked off what we now know as the European Union. It is understandable that so many countries want to become a member state but I have always believed there has to be something more than applicant status. Unfortunately, there is a tendency to leave countries as applicants for far too long. They are left in limbo. The European political community offers an opportunity for countries that may not know their way or may never be fully in line with the Copenhagen criteria.

Reference is made to countries that are in the neighbourhood. Obviously, the country with which the EU has the closest relationship is the only country that, sadly, has left the EU, namely, the United Kingdom. That brings me to the serious concern in respect of the protocol-busting Brexit-type Bill that is going through Westminster today for its Third Reading. It has been wrapped up in the internal wranglings of a Conservative Party leadership election in which all the candidates, regardless of whether they are for remain or for leave, are threatening to get a better deal to get Brexit done, make it work and unleash a cavalcade of opportunities. It is all nonsense. None of them has said they will uphold their responsibilities to international law, be that to the Brexit withdrawal agreement or to the tenets of the Good Friday Agreement. What reply is the European Council preparing for when a new British Prime Minister forces that legislation through the House of Commons and enacts legislation that will break international law and be in breach of the withdrawal agreement? That has to be met with a realistic response. All present want a negotiated solution to this and we all want good relations but it cannot be one-way traffic.

As regards Ukraine, there has been reference to the importance of the sixth round of sanc-

tions. It is clear that the six rounds have not worked, however. They have not crippled the Russian regime to an extent where it has had to cancel this war and withdraw its troops. When can we expect a seventh round of sanctions? What can we expect that to include? More important, what is the European Union going to do? What will it ask of third-party countries with which it has extremely close relationships but which simply do not view this war in the same way that we in the EU do? These are countries that are more than happy to continue to do business as normal with the brutal regime in Moscow.

The need for reconstruction has previously been discussed in the House but we are still seeing an unadulterated campaign of disinformation and misinformation. That has been evident in the past couple of days, with the Russian ambassador to this country saying the most false and vile things about the visit of the Taoiseach to Kyiv but also, more generally, about Russia's vicious war. Will the Government please look once again at not just expelling the current Russian ambassador but also closing down the Russian Embassy? It is located on Orwell Road, in my constituency of Dublin Rathdown. This is increasingly becoming a practical issue at constituency level. Residents and constituents in the area are extremely concerned at what is going on in their near neighbourhood as well as the attention it is attracting. The simple solution to this is expulsion. It is long past time for that to be done. We have seen what happened in Lithuania and Bulgaria. There is precedent across the European Union for such measures.

The final issue I wish to address did not receive massive attention at the European Council and probably will not receive much attention in this debate. It relates to the Conference on the Future of Europe. The Minister of State was a delegate to the conference as part of the European Council, while I was a delegate on behalf of the Oireachtas, along with Deputies Ó Murchú and Niamh Smyth and Senator Higgins. As the Minister of State may recall, the findings were much celebrated. The conference served a useful purpose as an exercise in engaging European citizens on key issues but, to be honest, it is just a publicity or public relations exercise if the recommendations are not considered seriously and appropriately acted on. There is a recommendation for treaty change. It refers more pertinently to the health aspect and the competency of health within the European Union. Having come through the plenary sessions of the conference, the Minister of State, in his initial briefing to the Oireachtas Joint Committee on European Affairs, stated the Government would not necessarily be in favour of treaty change. Has that changed? Is the Government open to the prospect of European treaty change? Is it still against that or does it have an open mind? Is it something that it favours? We should not fear treaty change. I appreciate Ireland is the only member state that would be compelled to have a referendum on such a change, but doing so would not be a problem. Let us have the referendum. Let us have a frank and robust discussion. Let us make it about the issues that are up for discussion rather than, as happened in previous referendums, the discussion going off on tangents to areas not specifically relevant to the vote. We should not be fearful of treaty change.

The conference made recommendations that reflected the current situation for the European Union. There were recommendations for the EU to do things it is already doing. They were not necessarily recommendations to do them better. Unfortunately, there was a lack of information provided. The European Commission is brilliant at paying people to give out about it. It paid Nigel Farage a salary for a couple of decades. Perhaps it needs to do more to get into communities and show people what the work of the European Union is. The EU can be an easy punching bag on which certain individuals can rely domestically when needs be. The conference showed that, unfortunately, there is an element of disconnect between politics at European and member state levels and, more important, local and regional levels.

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One of the things I found disappointing about the conference was that the discussion on the Friday and Saturday and the plenary session was simply a repeat of the discussion that had previously taken place in plenary week of the European Parliament. Unfortunately, that discussion was often removed from the issues at hand. It was caught up in internal EU debates, such as the power struggle between various European institutions or existing European legislation that was stuck at a trilogue stage, rather than discussing the recommendations and reflections of the citizens' panels that were brought together at great inconvenience, given that most of this was done at the height of the pandemic, but also at great cost. Their opinions needed to be heard and debated in good faith. The challenge now is for the European Council to act on that, to have the convention and see what needs to come of it. The conference was a worthwhile exercise and it should be repeated every five or ten years if needs be, but there is no point doing it unless it is followed up.

**Deputy Chris Andrews:** I welcome the opportunity to speak on this issue. Last month, on statements in advance of the European Council meeting, I raised my deep concerns in respect of the recent trip of Ursula von der Leyen to Israel and her praise of the apartheid system that openly operates there. The message the President of the European Commission delivered was clear for all to see. For increased energy co-operation, the EU is willing to see no evil, hear no evil and speak no evil. Unfortunately, Ireland is complicit in that policy approach. The Minister has stated in the House that Ireland will not break away from the consensus within the European Union. The consensus within the European Union seems to be “see no evil, hear no evil, speak no evil”, so Israel can do what it wants, when it wants and there will be no repercussions. We have often spoken here about Ireland's commitment to Palestine over the years. Irish Aid, along with other EU partners, has worked on so many projects that have had a profound impact on the daily lives of thousands of Palestinians. I have worked in Palestine, in the Gaza Strip. It has always been a source of great pride to me to see various villages around the Gaza Strip with signage showing that various projects have been supported by Irish Aid and by the Irish State.

That is why I find it disturbing to see images of what is now happening and what is being allowed to happen in the Masafer Yatta area, to see, the week after Ursula von der Leyen's visit, the Israeli Government announcing plans to demolish more villages such as Khamat ad-Dhabe. These are villages whose infrastructure was supported by Irish Aid and EU humanitarian aid funds. An EU sign in the village reads “Humanitarian Support to Protect Palestinians in the West Bank and East Jerusalem From Forced Transfer”. The apartheid state of Israel has designated a part of Masafer Yatta, including this village, as a firing zone. Approximately 20% of the West Bank has been designated by the Israelis as a firing zone. This is going to have a devastating impact on more than 5,000 Palestinians from 38 different communities. What is the EU doing to protect these Palestinians, many of whom are living in villages supported by Irish and EU aid? We need to see the European Council, Ireland, and the Minister of State himself standing up to Israel and saying it cannot keep destroying the investments that Ireland has put into Palestinian communities. That is what is happening. When will Ireland stand up and say Israel cannot keep carrying out apartheid, cannot keep destroying investments that Ireland has made in Palestine?

**Deputy Cathal Berry:** I am grateful for the Taoiseach's update on his recent trip to Ukraine. It was important that visit went ahead. He got to see how bad things are out there and how much assistance will be required by Ukraine, in particular during the reconstruction phase. I also welcome the opportunity to comment on the outcome of the recent European Council summit on 23 and 24 June in Brussels. I agree with most of the recommendations and minutes, especially

in regard to welcoming Ukraine and Moldova and granting them status as accession countries to the European Union. That is a good thing. I also welcome the fact it has been extended to Georgia as well once certain conditions have been met. That is a positive development. I note the Irish embassy in Ukraine is back up and running - that is my understanding - but I do not believe we have anyone in Moldova. We only have a consulate that is run from Romania. If we are genuinely interested in guiding Moldova through the accession process, this might be worth considering into the future. I would certainly be in favour of that. The current caretaker Prime Minister of the UK would be of the view that the EU is the devil incarnate, but obviously the EU is doing something right if so many countries, particularly in eastern Europe and the Balkans, are keen to join.

It is only right the Russian war in Ukraine was mentioned a good deal at the conference. That is appropriate. I agree with the EU's call for a cessation of hostilities and the withdrawal of Russian troops. There is little chance of that happening. I note with concern its view on the multiple reports of abduction and forced relocation of children from Ukraine. That is very concerning. I also agree with the condemnation of the deliberate targeting by Russia of civilian infrastructure and civilians. This is totally unacceptable. I welcome the sixth package of sanctions. I look forward to the seventh package but there needs to be more focus on the implementation aspect. I welcome the call for more military, humanitarian, economic and financial support for Ukraine. It has an inherent right to self-defence in this scenario. It is obvious who the aggressor is. We certainly should offer any support we can. The extra €9 billion will make a difference. That is certainly something to which we should contribute.

The food security issue, especially in the port of Odessa has been mentioned other Deputies already, in particular Deputy Howlin. We have a great tradition in this House of commenting on matters that have already occurred. I hope that over the summer there will be some international operation, negotiated in advance, and I believe the UN Secretary General is working on this at the moment involving Russia, Ukraine and perhaps Turkey, to get as much grain as possible out of Odessa through the Black Sea. Mines will have to be moved, merchant shipping made available and perhaps Russian or Turkish naval assets might be used to secure a corridor. I agree with the proposal to move as much grain as possible over land via rail and road, but as Deputy Howlin said, there is not the capacity to move everything, so we have to look at a freighter option from a maritime perspective as well.

In regard to the energy crisis, I do not need to tell anyone here how bad the energy crisis is, even in Ireland, but there was mention in the minutes of how the EU could explore options with its international partners to curb prices. I would be in favour of that. Specific mention was made of a temporary import price cap. I agree with the principle and it sounds right, but I am not sure how that would play out or what it would look like. If the Minister of State could elaborate on that in his closing remarks, that would be very much appreciated.

In summary, I welcome the outcome of the summit and look forward to the next one in October in Prague.

**Deputy Mattie McGrath:** I too am glad to speak on this. I am quite alarmed about a number of things. At Taoiseach's questions I asked about the recent visits to conferences and whether neutrality was ever mentioned. The Taoiseach practically ignored me, but then I asked him a second time he said no, neutrality was never mentioned. Our neutrality is being undermined daily and sidelined, with warships coming into the Port of Cork. There were two recently: one British and one Canadian.

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I am also intrigued and concerned about another issue. Farmers are harvesting now, the weather is great, thankfully, and they have a fine, promising crop. Almost a thousand tonnes of corn was imported from Russia in recent weeks - from Russia - when we have sanctions against it. What kind of games are being played with the people? It will drive down the price for the co-operatives when buying the farmers' produce. There are games going on here. We are being told there are sanctions and we cannot import, yet this came in. It was actually 2 tonnes short of a thousand tonnes in shiploads of grain. Who is fooling who? There is awful suffering going on in Ukraine - we know that - and it is an awful, horrendous and horrific war -do not let me be accused of anything unfair in that regard - but we are ignoring plight, war and persecution in many parts of the world. I spoke in the House last week about what is going on in Africa and other areas. We are obsessed, and the Taoiseach is definitely obsessed, with going out with his European masters and looking after other places rather than our home turf.

**Deputy Michael Collins:** Governments throughout Europe are taking emergency steps to shield their citizens from the worsening energy crisis. Even the Green Party coalition in Germany is preparing to reopen coal plants while other governments have moved to cut energy taxes. In Ireland, our Government has remained the outlier, doing either nothing or much too little. Even Frans Timmermans, the second most senior official in the EU, as Executive Vice-President of the European Commission, has now issued a stark warning to EU governments that helping citizens with the record energy and food costs in each member state must take precedence over the climate crisis. It certainly will not in Ireland. That comes first and foremost. Let Paddy and Mary starve on the side of the road or rob them with carbon tax penalties and VAT on fuel but do not help them in any way, shape or form. This warning comes as the European Commission Executive Vice-President stated that the threat of unrest this winter due to the cost-of-living crisis must be taken seriously by governments. Therefore it appears that everyone, even unelected bureaucrats in Brussels, is recommending that governments like the Irish one act as such. When will the Government wake up and some long-overdue action be taken? The EU Commission is warning that Europe is in danger of highly damaging strong conflict and strife this winter over high energy prices and that member state Governments should make a short-term return to fossil fuels to head off the threat of civil unrest. We, the Rural Independent group, presented a motion to reopen the Barryroe oil field off the Cork coast a few weeks ago and the Government balked at the idea and voted against such a proposal on the basis that it conflicted with the Green Party's climate change framework.

**Deputy Michael Healy-Rae:** First, I would like to raise the energy cost crisis going into the winter time. If we will have an over reliance on England and France for gas at a time when a bag of coal here could be easily facing into €40, €45 and going on to €50 at Christmas time, people will go cold in their homes this winter because they will not be able to afford to keep themselves warm. There is none more urgent crisis than that and that is certainly something that needs to concentrate the minds of all of us.

Another issue of great importance is the fact that we here in Ireland are rightly doing everything we can to help the good people from Ukraine who are in crisis and who need shelter, who need security and who need to be in a safe place. Something I touched on earlier is that, while we are doing everything we can, it is a considerable cost and the richer countries should be looking at a way of helping us at this time and trying to assist us in the significant burden that this will put on taxpayers here. Everybody is more than willing to play their part but there are countries that are richer and have far greater resources than we have. That is something that should be looked at going into the future.

**Acting Chairman (Deputy Verona Murphy):** Next is an Independent Group slot. Deputy Harkin is sharing with Deputy Pringle.

**Deputy Marian Harkin:** I suppose there was a time when many Irish people would consider a European Council meeting as being largely irrelevant to their lives but in the past five years, with Brexit and now the war in Ukraine, people recognise that decisions taken at a European Council impact significantly on their lives. Up until then, most Irish people were benignly supportive of the EU and thinking in terms of CAP, European funds etc. In the past five years, there is greater recognition of the role of the EU in global affairs, whether it is the war in Ukraine, reining in the tech companies, tax justice, energy or food security, because those issues are now top priority for everybody. In that context, we are maturing as a country in our relationship with the EU. That is good because we can then look at the realities, the benefits and the challenges of EU membership. It also helps to prevent misinformation spreading about EU policy. On too many occasions, I have heard politicians take a specific issue and twist it into something unrecognisable just for their own narrow political purposes.

The EU makes many mistakes. It gets stuff wrong, but there is a greater sense that this is now our community and it will help us to navigate a number of global threats.

Speaking of global threats, obviously, food and energy security top the list. As Deputy Howlin said, we had a good discussion today on food security at the Joint Committee on European Union Affairs. A number of the Council proposals I agree with, but it was pointed out that land-based transport not only will perhaps deliver 50% of what we need but there will obviously be greater costs there. The significant increase in the cost of the importation of fertilisers was raised and that certainly is a matter that needs action from Government.

Everybody is worried about energy security and the cost of energy. I echo the words of many of my colleagues here today. People need to see some certainty about that for the next few months. Crucially, businesses need to see certainty about the cost of business and the cost of energy to do business.

**Deputy Thomas Pringle:** I am grateful for this opportunity to say a few words on the recent European Council meeting. No doubt the European Council has a considerable impact on our lives. It will be interesting to see how that impact will increase over the years to come. I wish I had Deputy Harkin's confidence in what Europe will do in terms of Ireland and that we should be looking out for and happy with what they will do. Unfortunately, I do not believe that we should. Even when it comes to Brexit, for instance, in terms of the fishing community, we saw that Europe looked after the French fishing communities but shafted ours in the negotiations. That was partly our own fault because the Minister did not bother even talking to the European negotiators in relation to it in the run-up to Brexit taking place. From October through to the end of the year, there was no contact from the Government at all in relation to fishing with the EU negotiators. There is probably an element of us being a little responsible for that as well but there is no doubt that in Europe might is right, they look after themselves first and then if anybody else benefits from it, that is well and good.

In relation to the Council meeting that took place, we should give a cautious welcome to the fact that Ukraine and Moldova have been given candidate status for joining the EU. That is cautiously welcome because the EU, in a report on Ukraine only last October, stated that Ukraine was the most corrupt country in Europe that it had worked in. What has changed in relation to that? Ukraine has had the difficulty of an invasion and what the Russians are doing there is

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completely wrong, but Ukraine will still be a corrupt country at the end of it. That process has to be resolved and has to be dealt with. While Ukraine joins the European Union, that corruption will have to be sorted out and dealt with. Zelenskyy presided over that corruption before the war with Russia and that has to be dealt with.

**Acting Chairman (Deputy Verona Murphy):** I thank the Deputy.

**Deputy Thomas Pringle:** I wanted to talk about food security, but also about how Germany wants to reduce the criteria on decision making. I will get to that on another occasion.

**Acting Chairman (Deputy Verona Murphy):** That concludes the statements. We now have 20 minutes of question time. We will take it in the usual order. I ask everybody who wishes to ask a question to be concise and respectful so that everybody gets in.

There is no set time. Bearing that in mind, and that there are five groups here, if everybody wishes to ask a question I will have to take all the parties first and come back for seconds if need be. I ask Deputy Brady to be concise.

**Deputy John Brady:** I will try to be concise.

On 15 June, the EU, Egypt and Israel signed a memorandum of understanding on co-operation related to trade, transport and export of gas to the EU. The memorandum of understanding, MOU, negotiated and signed by the EU does not contain a territorial clause explicitly excluding the Palestine Territories occupied by Israel. This omission appears to be in complete contradiction with the long-standing EU decision that all agreements between the EU and Israel explicitly indicate their inapplicability to the territories occupied by Israel since 1967 and UN Security Council resolution 2334. I want to ask whether this serious omission has been raised by Ireland with the European Commission and why was that omission not dealt with. I ask the Minister of State, Deputy Byrne, is it appropriate that we would replace gas being provided by one brutal occupying force with gas provided by another brutal occupying force which is in breach of international law, a serial perpetrator of gross human rights violations and in breach of so many UN resolutions.

**Minister of State at the Department of Foreign Affairs (Deputy Thomas Byrne):** That is easily answered. First, there are no sanctions as of yet generally on Russian gas and yet Deputy Brady seems to have called for them to be against Israel. For the EU, as the Deputy rightly said, to deal with this issue, to try and get gas into the European Union, and to try and get the prices down that his party complains about is a little more complex than shouting in the Dáil.

**Deputy John Brady:** I am not shouting.

**Deputy Thomas Byrne:** A deal has been done with Israel and Egypt on co-operation which may lead to more natural gas coming into the European Union. To be very clear, as the Deputy outlined, the practice has always been that these agreements do not apply to the occupied territories. The European Commission has included a unilateral statement in an annexe to this agreement that clearly and publicly underlines the inapplicability of the memorandum of understanding to territories occupied by Israel since 1967, but, no, we are not proposing to put sanctions on Israel in the way the Deputy has described. He has singled out Israel as usual and he has not called for sanctions against Russia.

**Deputy John Brady:** I call out all violators of international law. I am not a hypocrite.

**Deputy Thomas Byrne:** The European Commission has clearly set out that this does not apply to the occupied territories, full stop.

**Deputy John Brady:** The Minister of State thinks it is appropriate that we punish one but not the other.

**Acting Chairman (Deputy Verona Murphy):** Deputy Brady can come back in if he gives everyone else a chance. I call Deputy Howlin.

**Deputy Brendan Howlin:** In my initial commentary, I asked the Minister of State to give a fuller explanation to the House on what is exactly meant by “the European political community”. We know the French have this notion, which we were fearing, of a second tier of European membership. It seems to have morphed into this European political community. I would like to know, first, what the Minister of State understands by it and, second, what the Irish position is regarding it.

My second question was again raised during my comments. We have rightly been focused on the newer applicant countries, Ukraine, Moldova and Georgia, but there is a real issue now in advancing the status of the western Balkan applicants. Can the Minister of State go through specifically the position with North Macedonia and Albania and the status of Bosnia-Herzegovina right now?

**Deputy Thomas Byrne:** With regard to the European political community, Ireland does not want a second-tier system so that will not be happening.

**Deputy Brendan Howlin:** What is it?

**Deputy Thomas Byrne:** The details are scant as yet. It is an idea that President Macron put forward. It was up for discussion at the European Council and the conclusions are there from the Council as to what it would be. These are not quite as detailed as the French proposal that was put before the leaders, which I think was published. It is generally an idea to offer a platform for political co-ordination in countries across the Continent. We have been very clear and the European Council has been very clear that it does not replace the EU and does not replace enlargement. We in Ireland are not fully part of every aspect of European policy; we are not part of Schengen and we have a slightly different position on justice and home affairs and the Common Foreign and Security Policy in terms of what our entitlements are as a nation. We are not interested in two-tier. However, there is an opportunity to bring countries together to discuss wider issues and the leaders will further discuss it at the informal summit in Prague. To be fair, it is at an early stage of development.

I was in both North Macedonia and Albania last week. Today and tomorrow are important days for them. On the basis of a French proposal, Bulgaria has effectively lifted its veto on North Macedonia proceeding to accession negotiations. The French proposal is now being considered by the parliament of North Macedonia and they will vote on it tomorrow. If they vote to support it, then North Macedonia and Albania will be invited to start negotiations with the EU on accession immediately. If the North Macedonian Parliament goes for this tomorrow - I think it is tomorrow and the debate is happening as we speak - there will be an intergovernmental conference, possibly next week, to unlock the door to let the negotiations start. There is a lot of work to do before they actually join but there is a huge commitment from the European side to do this.

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The people of North Macedonia have genuine concerns about their language, their culture and the identity of Macedonian speakers.

**Acting Chairman (Deputy Verona Murphy):** I ask the Minister of State to be concise.

**Deputy Thomas Byrne:** It is very important. They have heard strong messages from Ireland and it is information that the House is receiving. I have told them that Ireland, the Irish language and Irish culture and identity have thrived in the EU, and that they will be able to do so as well. What the French have proposed is a difficult agreement for them to accept but it is necessary to reach unanimity which, unfortunately, in this case, needs to be on the table.

I should mention Bosnia as it is very important. There was discussion at the Council and it is going to be reviewed again in the autumn. There are 14 long-standing conditions to meet and the European Commission is reviewing them at the moment. We are fully supportive and we want to keep that country as stable as possible.

**Deputy Richard Boyd Barrett:** My questions follow on from what I said earlier. How is it acceptable that people with Irish passports, who are Irish citizens and who seek to enter Palestine or Israel, do not have those passports recognised by the Israeli authorities because they also have Palestinian family connections? That is apartheid. Let us be clear: it is racism that is informing that policy. It is a clear apartheid, racist policy, not just directed against Palestinians within occupied Palestine, but directed now against Irish citizens. They get privileged access and a waiver, and they do not require a visa coming into this country, and we allow that to happen. How can that happen when they treat Irish citizens like that going into Palestine?

Second, are war crimes and crimes against humanity somehow less requiring of accountability if they happen in Europe rather than in Palestine or Yemen? That would seem to be the inevitable conclusion one draws from the Minister of State's attitude.

**Acting Chairman (Deputy Verona Murphy):** We will leave it at the question.

**Deputy Richard Boyd Barrett:** Crimes against humanity committed against Israel are war crimes documented over long periods, with no accountability and no sanctions, yet there are immediate demands from the Government and Europe for accountability and sanctions when it comes to Russia's horrible crimes against humanity.

**Deputy Thomas Byrne:** Ireland has been to the fore in seeking justice and peace in the Middle East, particularly between Israel and Palestine. We were the first country to put forward the two-state solution.

**Acting Chairman (Deputy Verona Murphy):** A direct question was asked.

**Deputy Thomas Byrne:** I can give a direct answer, which was that it was not discussed at the European Council.

**Acting Chairman (Deputy Verona Murphy):** The Minister of State should direct the answer to the Deputy.

**Deputy Thomas Byrne:** I do not want to give him that answer because it would not be fair, but it was not discussed at the European Council. I am happy to refer to the Minister for Foreign Affairs because it comes up at the Foreign Affairs Council on a regular basis, where Ireland is extremely vocal on all of the issues the Deputy raises about Israel and Palestine, and, indeed,

at the UN Security Council. As a matter of fact, it was not discussed at the European Council. It is regularly discussed at the Foreign Affairs Council and the Minister is only too happy to raise with the Israeli authorities the issues the Deputy has raised. The difference on this side of the House is that we think there should be two states there and that is a solution. I am not sure the Deputy fully agrees with that.

**Deputy Richard Boyd Barrett:** I do not. It should be one state.

**Deputy Thomas Byrne:** We will work to have peace and reconciliation between Israel and Palestine. We have always been seen as an honest broker there and we will continue to do that work, but it is done by the Minister, generally speaking, at the UN Security Council and at the Foreign Affairs Council of the EU.

**Deputy Mattie McGrath:** In an earlier contribution, I asked about the warships that were at the quay in Cork. As a neutral country, why do we not assert on all occasions the fact we are a neutral country? We should be proud of it. The Taoiseach told me it was not mentioned at the World Economic Forum, good, bad or indifferent.

On another point, if there are strict and robust sanctions, how is it that we can import such an amount of corn that it drives down the price of corn here for farmers who have suffered due to the cost of fertiliser, seed and everything else? Those are my two questions.

**Deputy Thomas Byrne:** The Deputy has hit on an important point about corn. Russia is going around the world, blaming the EU for food prices, but there are no sanctions on food from Russia. There are no sanctions on corn and Russia is still free to export it because we do not want to interfere with the food supply. At the same time, Russia is trying to stop the food supply coming out of Ukraine, which is very important. I can give a detailed answer on that if the Deputy wants because many Members raised it. Russia is responsible for the shock to global food security. The blockading and destruction of Ukrainian ports has affected the least-developed countries and the most fragile countries, and it has also affected prices here, as consumers are seeing.

What are we doing? As I said, we can talk about it in the Dáil but there is also action happening. The EU is doing a huge amount of work to help Ukraine to produce and export agrifood products through different land routes and EU ports. Further efforts will be made through the rapid implementation of what is called the solidarity lanes action plan to bring Ukrainian grain back onto global markets.

As well as our efforts at EU level, we are also working on the issues at the UN. Ireland has signed up to the UN's roadmap for a global food security call to action, which includes immediate, medium- and long-term responses. There is a huge amount of work going on, as the Taoiseach outlined, between the UN Secretary General and the Turkish Government to facilitate the safe shipping of grain from Ukraine's ports. We want that effort to continue because the current situation is affecting everybody. We can complain in the Dáil about the price of food, as is our right as democratic representatives, but this is how we get the prices down. It is very hard to connect the supermarket shelf to a port that is destroyed in Ukraine but there is a direct link between them at this time. To clarify, there are no sanctions on Russian food products.

**Deputy Mattie McGrath:** The Minister of State did not answer the question about the warships.

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**Deputy Thomas Byrne:** That issue was not raised at the European Council. The Minister for Defence is the person who might wish to comment on it, but it is common practice for ships to stop at ports along the way. The Canadian ships are not on their way to war.

**Deputy Thomas Pringle:** The Minister of State said in response to Deputy Howlin that, unfortunately, unanimity is required in the decision-making process on these issues.

**Deputy Thomas Byrne:** In that particular case.

**Deputy Thomas Pringle:** The German Chancellor made a statement calling for reform of decision-making within the EU and indicating an intention to make proposals for a shift from unanimity to qualified majority voting on issues such as foreign and fiscal policy. What is Ireland's position in this regard and how does the Minister of State see that we can be protected in such a situation?

**Deputy Thomas Byrne:** We are well able to protect ourselves because we do not support the change to qualified majority voting.

**Deputy Thomas Pringle:** Will it happen?

**Deputy Thomas Byrne:** It will need every country to support it, which means it is not likely to happen. Regarding the veto, we are fully aligned in this country with EU foreign policy. There are countries that have unnecessarily held up some important foreign policy statements by way of the veto. We have seen it used in regard to the accession of North Macedonia in a way that is not good for anybody, including the country that is using it. We accept the veto is important but when we see it being used, we see it is not really effective, even for the countries that use it. I do not know when Ireland last exercised its veto. We will discuss the issue at the informal meeting of European affairs ministers. My position, on behalf of the Government, is that we do not support it.

Regarding the Conference on the Future of Europe, there is a huge amount we can do that does not require treaty change, a move to qualified majority voting or anything like that. The Taoiseach has said that Ireland supports treaty change, particularly in respect of health. However, generally, I do not detect a huge appetite around the table for treaty change and, therefore, I do not see this particular issue arising.

**Acting Chairman (Deputy Verona Murphy):** In the interest of fairness, I now go back to Deputy Brady. I assure Deputy Harkin she will get a chance to speak presently.

**Deputy John Brady:** I want to follow up on the point Deputy Howlin made regarding Moldova becoming a candidate-status country for EU accession. Ukraine has been given that status, which is hugely significant. I agree with Deputy Howlin's call to open up a full embassy in Moldova. We have a full embassy in Ukraine, which, unfortunately, is still closed.

**Acting Chairman (Deputy Verona Murphy):** Does the Deputy have a question?

**Deputy John Brady:** We are seeing a lot of European countries moving now to reopen their embassies in Ukraine. It is important, as an act of solidarity, that we do the same. The Irish bar in Kyiv is open to the public and proudly flying the Irish flag. It is incumbent on the Government to reopen our embassy there as a matter of immediate importance.

**Deputy Brendan Howlin:** Hear, hear.

**Deputy Thomas Byrne:** Reopening the embassy in Ukraine is something we want to do. It was only officially opened less than a year ago and it was a very important step for Ireland to do so. Its reopening is being actively planned at the moment but it requires a significant number of security considerations and consideration for the welfare of staff, how it operates and so on. It is something the Department is keen to do. The ambassador, who has done a tremendous job in difficult circumstances, is keen to go back. We will be fully represented in Kyiv sooner rather than later but we need to let the security people do their job to ensure we do it properly. It is not something to be rushed into and no country has rushed into it. There is an EU mission there that represents all of us.

**Deputy Brendan Howlin:** The Minister of State made a big effort to explain to us that the action plan on solidarity lanes will offer an alternative; in fact, it will not. The Commission explained to us that, at best, it will get half the volume of grain out of Ukraine, that is, 2.5 million tonnes per month as opposed to 5 million tonnes, and at much greater cost. How likely is the opening of the ports by way of the Turkish initiative?

**Deputy Thomas Byrne:** All I can say is there is a huge amount of work going on between the UN Secretary General and Turkey on this issue. That is key. The foundation of the problem is Russia doing what it is doing, including destroying ports. We need to keep reminding people of that. It requires a united response, which we have seen, by and large, in this House as to who is the real cause of all of this, including the price of butter and bread going up to extraordinary levels. We know the cause is the Russian invasion of Ukraine and its destruction and blockading of ports. We wish the government of Turkey well in its efforts, with the UN Secretary General, to open the ports and we hope we see results from that.

**Deputy Marian Harkin:** Deputy Howlin has stolen my question on food security. My other question relates to Irish food production in that specific context. Does the Minister of State see any actions the Government can take on Irish food production to contribute to alleviating food insecurity? It is a bit of a roundabout question but, nonetheless, if I were to engage with farmers at a meeting tonight, one of the questions I would be asked is why we cannot produce more food to help to alleviate food insecurity.

**Deputy Thomas Byrne:** The current situation is a timely reminder of the Common Agricultural Policy and its purpose. It is there to maintain food security as best we can. It was developed in the aftermath of the Second World War when there was food insecurity of a worse scale than there is now across the Continent. What is happening at the moment is potentially very dangerous.

The Minister for Agriculture, Food and the Marine has been engaging with farmers and farm organisations on what planning needs to happen to ensure we are doing our bit. Realistically, however, it is very hard to substitute the volume of grain and oil, in particular, that comes from Ukraine because that country is so massive.

**Deputy Marian Harkin:** I know that.

**Deputy Thomas Byrne:** I am confident the Minister, Deputy McConalogue, is doing everything in his power in this regard. I know he would be more than happy to answer that question because he is the one doing the work in this area.

**Acting Chairman (Deputy Verona Murphy):** I call on the Minister of State to give his closing statement.

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**Minister of State at the Department of Foreign Affairs (Deputy Thomas Byrne):** I thank Deputies for their statements and questions. I will address the issues the Taoiseach indicated I would address, namely, the economic issues and the Conference on the Future of Europe.

As is usual at this time of year, the June European Council generally endorsed the country-specific recommendations for this year's semester process. We are broadly happy with the four country-specific recommendations agreed for Ireland this year. They are consistent with national policy orientations that we have firmly established. On energy matters, leaders reaffirmed their commitment to ensure close co-ordination of efforts and actions with a view to securing energy supply at affordable prices, taking into account the work being done by the Commission. The Government recognises the cost-of-living pressures stemming from increasing energy prices, as well as broader-based inflation, are a serious issue facing households. As such, a range of measures have been introduced. On a cumulative basis, approximately €2.4 billion has been announced in cost-of-living measures to date. One of the best and most recent examples of this is free school transport next year for everybody who has a Bus Éireann school transport ticket.

The June European Council also welcomed the fulfilment by Croatia of all the convergence criteria set out in the treaty and endorsed the Commission's proposal that Croatia adopt the euro on 1 January 2023. The formal agreement and signing ceremony took place yesterday. I extend our best wishes to the government of Croatia and the Croatian people as they advance their preparations for the changeover from the kuna, which is a currency I got to know in my Interrailing days, in the months ahead. This is very welcome. Croatia joined the EU in 2013 and is now joining the euro. Together with what is happening generally on enlargement, I hope this development will help to bring some of Croatia's former colleagues in the old Yugoslavia into the EU as separate independent countries and proud nations.

Leaders also met in Euro Summit format on the Friday morning of the European Council. The President of the European Central Bank, Christine Lagarde, and the President of the Eurogroup, the Minister, Deputy Donohoe, reported on the latest assessment of the economic outlook. Russia's war of aggression against Ukraine is fuelling high global energy, commodity and food prices and increasing uncertainty factors that are dampening growth and exacerbating inflationary pressures globally. The European economy and the Irish economy, however, remain fundamentally strong due to the sizeable policy actions taken at EU, euro area and national levels, in the context of this House. EU leaders remain united in their steadfast determination to further strengthen the resilience of our economies and will continue to be well co-ordinated, determined and agile in their response. Leaders also welcomed the Eurogroup statement on the future of the banking union, which provides that, as an immediate step, work on the banking union should focus on strengthening the common framework for bank crisis management and national deposit guarantee schemes. Leaders also called for stepping up efforts in deepening the capital markets union.

On the Conference on the Future of Europe, leaders noted the proposals set out in the final report, as presented at the closing ceremony in Strasbourg on 9 May. The European Council invited effective follow-up by all three institutions, the Council, the Commission and the Parliament, each within its own sphere of competence and in accordance with the treaties, while ensuring high levels of transparency for Europe's citizens. As Minister of State with special responsibility for European affairs, I engaged widely, virtually and in person, with many individuals and groups as part of Ireland's national deliberations. I was encouraged by the interest shown in the process and by the thoughtful contributions. I will release a report soon enough

on this aspect from a national point of view.

It has been an open and inclusive Continent-wide democratic exercise that has offered citizens from across the EU the opportunity to provide their views on the EU's optimal future directions. More than 320 interesting and innovative measures and recommendations were presented during the conference, spanning virtually the entire spectrum of EU activity. The Council and the Commission have prepared assessments on the proposals and have expressed the view that the vast majority of the proposals can be implemented if agreed through existing policies without the need to reopen European treaties. Nationally, a detailed assessment of all the EU-level recommendations will be carried out across all Departments, which will be overseen by the Department of Foreign Affairs.

In looking ahead to Europe's future, our guiding principle must be: how can we best prepare our Union to continue to meet the needs of its citizens into the future. This includes the value of subsidiarity, while protecting and strengthening our commitment to our shared values. Ireland is ready for this debate. We will work constructively to shape our future in this new European context and we are open to considering treaty change if it is necessary. We should first, however, do what we can within the existing framework. We are Irish, we are Europeans and we work constructively within the EU. That has benefited the country and our citizens. Equally, Ireland, and every other member state, has brought benefits to the EU and to other European citizens as well.

*Cuireadh an Dáil ar fionraí ar 3.54 p.m. agus cuireadh tús leis arís ar 4.54 p.m.*

*Sitting suspended at 3.54 p.m. and resumed at 4.54 p.m.*

### **Sick Leave Bill 2022: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 2 are related and may be discussed together.

Seanad amendment No. 1:

Section 5: In page 5, line 24, to delete “or such additional number of statutory sick leave days (if any)” and substitute “or such number of statutory sick leave days”.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Damien English):** As amendments Nos. 1 and 2 are grouped, I will speak to both amendments.

Amendment No. 1 makes a minor but useful change to the Minister's power to set the number of sick leave days by order. As originally formulated, it would have required the Minister to specify the number of additional days to which employees will be entitled. The amendment means that an order can now simply specify the overall number of days of statutory sick leave. This reduces the risk of confusion. A single ministerial order will specify one's entitlements.

Amendment No. 2 aligns the language of section 6 more closely with section 5, as amended.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 6: In page 6, lines 15 and 16, to delete “vary the number of statutory sick leave days, to such number of days” and substitute “specify such number of statutory sick leave days”.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 3 and 4 are related and may be discussed together.

Seanad amendment No. 3:

Section 6: In page 6, to delete lines 31 to 37 and substitute the following:

“(b) An order made under this section shall not increase by more than 3 the number of statutory sick leave days provided for immediately before the making of the order.”.

**Deputy Damien English:** On Report Stage in the Dáil, the Tánaiste accepted an amendment that removed the power of the Minister to reduce the number of statutory sick leave days by regulation. These are consequential, technical amendments made in the Seanad and they reflect the change in policy, in that the number of sick days can only be increased. This formed part of the debate in this House and the Seanad.

Section 6(2)(b)(i), previously provided that the Minister could not reduce the number of sick leave days by more than three days at a time. This is now redundant as the Minister no longer has regulation-making power to reduce the number of sick leave days provided for. Amendment No. 3 accordingly removes that reference.

Amendment No. 4 aligns the language in section 6(2)(c) to reflect the change made to paragraph (b). These amendments have no policy impacts; they simply make the Bill consistent throughout.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 6: In page 6, to delete line 38, and in page 7, to delete lines 1 to 4 and substitute the following:

“(c) The Minister shall not—

(i) make the first order under this section before the expiration of 12 months after the commencement of *section 5*, or

(ii) make a second or subsequent order under this section before the expiration of 12 months after the commencement of the immediately preceding order under this section.”.

Seanad amendment agreed to.

**Deputy Damien English:** I thank Opposition Members and all the parties for their cooperation on all stages of the Bill in both Houses over the past 18 months. While there were different amendments and slight disagreements, generally we were all supportive of the Bill and

how important it is for Ireland to have a statutory sick pay scheme. I thank Members for their help and support and the Tánaiste for his drive behind this and throughout the Department in making sure it was completed.

*5 o'clock*

I recognise that this has put a lot of pressure on the system in the Department to make sure the legislation was ready to be introduced this year. I thank our team here, Orla Reidy and Dara Breathnach, and Wendy Gray, who could not be with us here today, for all their efforts and work on that. Previous to this, we worked very closely with Clare Dunne, assistant secretary, at the start of this legislation because there is a lot of work involved from all the team.

This is important legislation that will strengthen Ireland's hand when it comes to attracting and retaining talent for all our employers. We also recognise that this comes at a cost to employers. We will work with them in the months ahead and into the new year on supports for businesses, which might need assistance, in our customer-facing role. The Tánaiste was clear during the discussion in this House that we would do that. Likewise, there were issues raised with the cost of medical certificates and going to the doctor. There is an ongoing commitment on that in the programme for Government too. On balance, this is positive legislation that will be improved year by year in the time ahead. It is hoped it will help when it comes to attracting and retaining talent and recognising the hard work that people do while also protecting our public health in general. I thank all involved.

**Deputy Maurice Quinlivan:** I welcome, on behalf of Sinn Féin, the passing of the Bill. It is an important day for workers. It is the first time we have had a statutory right to sick pay for an awful lot of people. I welcome that very much. There were a few issues we had with the Bill, but we are happy to support it. The Minister of State referred to the issue of sick certificates for people who are sick. That is a particular problem for low-paid workers who do not have a medical card. Having to pay to go to a GP can cost some of them up to half their daily wages or more. We need to look at that. We may look at adding extra days as well. It is a good day for us and for workers that this Bill has passed. We support it.

**Deputy Aodhán Ó Riordáin:** I thank the Minister of State and acknowledge that today is a historic day. It is a little bit of history. We did not have a statutory sick pay scheme and now we do. It was on foot of a Labour Party Private Member's Bill that this conversation started. The Minister took it on in good faith, we have come to the conclusion of that discussion and workers are in a better position today in Ireland than they were two years ago. While it is not perfect, we will work with it and try to improve it. I credit the Department, the Minister of State and the Tánaiste for working with us to get it to this point. Workers are in a better position today than they were two years ago, and that will always be a good day, particularly for people in the Labour Party. In particular, I thank and pay tribute to the efforts of Senator Sherlock in this regard.

Seanad amendments reported.

### **Protected Disclosures (Amendment) Bill 2022: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 1 to 7, inclusive, 12 to 15, inclu-

sive, 26 to 29, inclusive, 32, 34 and 35 are related and will be discussed together.

Seanad amendment No. 1:

Section 6: In page 11, between lines 35 and 36, to insert the following:

“(a) in subsection (1), by the substitution of “subsection (6)” for “subsections (6) and (7A)”,”.

**Minister for Public Expenditure and Reform (Deputy Michael McGrath):** Amendment No. 1 is a technical amendment to remove a reference to subsection (7A) of section 5 of the principal Act. That subsection is to be repealed by section 3 of the Bill.

Amendments Nos. 2, 7 and 12 are a series of minor amendments to provide that the rules applying to employers as regards anonymous reports should be without prejudice to their obligations to give further feedback if requested to do so by the reporting person in accordance with section 6A(1)(f). The procedures of prescribed persons shall set out the type and content of any further feedback requested by the reporting person. The procedures of the protected disclosures commissioner shall set out the type and content of any further feedback requested by the reporting person. These are consequential amendments following the addition of provisions for further feedback inserted into the Bill during Committee Stage in this House.

Amendments Nos. 3 to 6, inclusive, 13 to 15, inclusive, 28 and 29 are a series of technical amendments to replace all provisions in the Bill containing the phrase “coming into operation” with the term “commencement”. This is to ensure that the terminology used in the Bill is in line with the most up-to-date drafting conventions used by the Office of the Parliamentary Counsel. There is no change to the effect of any of these provisions. The Interpretation Act 2005 provides that “commencement”, when used in respect of an enactment, means the time at which the enactment comes into operation.

Amendments Nos. 26, 27 and 32 are technical amendments to section 25 and 31 to tidy up the numbering of the sections. Section 25 adds a new paragraph, paragraph 3 in the current draft of the Bill, to the Schedule. I am informed by the Office of the Parliamentary Counsel that the correct drafting convention that should have been used here is to number the inserted paragraph as 2A. This is what is provided for in this amendment. The amendment to section 31 tidies up the numbering of the principal Act.

Amendments Nos. 34 and 35 are technical amendments to delete unnecessary signpost references in the draft Bill. The purpose of the amendments is to delete the references to section 15 and section 3 in the Schedules, references which are neither correct in terms of where they appear nor necessary. They are intended as signposts only to the sections to which they relate, and nothing turns on them from a legal perspective.

**Deputy Bríd Smith:** I will read briefly from an email I received from a whistleblower.

We are disappointed to report that the Protected Disclosure Amendment Bill 2022, as currently proposed by Minister McGrath ..., is deficient and defunct.

...

Legal Advice recently informed that this framework is inappropriate and not suitable for the intended purpose.

...

The Protected Disclosures Amendment Bill fails to deliver an effective remedy as provided under Article 13 of the European Convention on Human Rights. Unfortunately, Ireland has a recognised history in this behaviour.

...

The Protected Disclosure Amendment Bill 2022 is not fit for purpose.

...

It will not supplant the Framework Document for the investigation of Protected Disclosures and Penalisation, despite legal opinion that this framework is inappropriate and not fit for purpose.

...

It will not hold those who penalise to account.

It will discriminate [against] those who have previously raised concerns, which is a breach of our constitutional rights.

I would like the Minister to comment on that. These people were very disappointed to see this legislation rushed through in this manner. It is too important. It has become the hallmark of this Government to take legislation at the last minute, change it and push it through in this very unsatisfactory manner.

**Deputy Brendan Howlin:** I do not wish to cut across the timelined focus we have on particular amendments, but it is quite scandalous that we are trying to do this in 30 minutes. It really is not acceptable. As the House will be aware, I brought in the original Protected Disclosures Act in 2014. I wish to ask a particular question, since, a Leas-Cheann Comhairle, you have allowed the previous intervention, and that is-----

**An Leas-Cheann Comhairle:** I was about to intervene to interpret the intervention-----

**Deputy Brendan Howlin:** Sorry.

**An Leas-Cheann Comhairle:** We are on amendments Nos. 1 to 7, inclusive, with a number of other amendments, so-----

**Deputy Brendan Howlin:** Yes. I wish to ask a particular question of the Minister about section 13 of the original Act I introduced in 2014, which protects whistleblowers against unlawful detriment by virtue or consequential to making a protected disclosure. The legal advice I have is that the consequence of the amendments the Minister has now tabled is a reversal of the burden of proof such that the employer would not bear the burden of showing that there is no causal connection between the making of a protected disclosure and the suffering of a detriment. The Minister, during the debate on Second Stage, assured the House that this would not be the case, but my legal advice is that it is the actual result of the amendments before us. I would like the Minister to be very clear with the House that it is not his intention to reverse the particular focus of section 13 of the existing Act and to reverse the burden of proof in the way I have described.

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**Deputy Michael McGrath:** I appreciate that the time is limited and that colleagues may want to get on to issues that are covered by later amendments. I am happy to deal with those if they so wish, but that is where the discussion has gone in the past few minutes, which is fine. There are, I think, a few net issues that colleagues would like to tease out and I am happy to do it that way, but I am at your-----

**Deputy Brendan Howlin:** We will not reach the section in 30 minutes-----

**Deputy Michael McGrath:** I appreciate that.

**Deputy Brendan Howlin:** -----so this is a joke of a-----

**Deputy Bríd Smith:** Yes.

**Deputy Michael McGrath:** Two key issues have been raised.

**Deputy Bríd Smith:** That is the key issue.

**Deputy Michael McGrath:** I am happy to deal with them. It is important we deal with them.

One is on the question of the retrospective application of the Bill. The other is on the insertion of subsection 2(b) into section 13 of the Act. That is not an amendment before us but it is important to the overall debate, as I have acknowledged.

At the discretion of the Leas-Cheann Comhairle, let me deal with the issue of the retrospective application of this Bill. The political direction I gave to those involved in drafting the Bill and the Office of the Attorney General was that, to the greatest extent possible within legal parameters, I wanted the additional protections provided for in the Bill to be retrospective. That is the clear political direction I gave as Minister on the issue. I assured this House and the Seanad that I would achieve that, and that is what I have done.

Let me put on the record some important points on this matter. I am satisfied, having listened to the legal advice I have received, that what I requested has been achieved. Within the constitutional parameters in which we must all operate, we have secured the retrospective application of this Bill to the greatest extent possible. As I have said in previous statements to both Houses, the scope of the Oireachtas to make laws retrospectively is limited by the Constitution. In this regard, I have quoted Article 15.5.1<sup>o</sup>, which I do not need to do again. This limits how far laws can be retrospectively applied. The reasons for this provision in the Constitution are obvious. Retroactive laws pose a challenge to the fundamental principles of equality, certainty and predictability underlying the rule of law. Individuals should be able to rely on laws in the expectation that the State will not afterwards interfere with individuals' rights.

Paragraphs 2 and 3 of Schedule 7 apply to workers already within the scope of the 2014 Act who reported before enactment but suffered retaliation after enactment. Given that these workers are already protected by the 2014 Act, the additional benefits these provisions confer are the reversal of the burden of proof during proceedings of the Workplace Relations Commission and the courts and access to interim relief at the Circuit Court against penalisation.

Paragraphs 4 and 5 apply to persons added to the scope of the legislation by this Bill. These include shareholders, volunteers and board members who reported before enactment but who, again, suffered retaliation after enactment. Also included are job applicants. Since these

workers had no entitlement to protection prior to this amendment being made, the cohort will receive the greatest benefit from these provisions, namely protection from penalisation at the Workplace Relations Commission, including the reversal of the burden of proof, the right to sue for damages in court, again including the reversal of the burden of proof during proceedings, and access to interim relief at the Circuit Court for dismissal and other forms of penalisation.

Paragraphs 6 and 7 apply to workers already within the scope of the 2014 Act who reported and suffered retaliation before enactment, provided the workers have not initiated proceedings in the Workplace Relations Commission or the courts at the time of enactment. Given that these workers are already protected by the 2014 Act, the additional benefit this measure confers on them is that they will be entitled to the reversal of the burden of proof during proceedings. I acknowledge how important the reversal of that burden is, in addition to the extension of that protection to so many workers and other persons who now qualify under this Bill.

Amendments submitted by Deputy Mairéad Farrell, to which I am sure she will speak in a moment, seek to extend the provisions of paragraphs 6 and 7 to persons who have already initiated proceedings under the 2014 Act. That is the kernel of the issue on which much of the correspondence and parliamentary questions in recent days have focused. The primary effect of the amendments would be to apply the reversal of the burden of proof to cases that are already before the Workplace Relations Commission or courts. I cannot accept these amendments. To provide for the burden of proof to shift during the currency of pending legal proceedings would involve substantial interference with the administration of justice and would be liable to be unfair to litigants and generate significant uncertainty in the conduct of litigation. This would be particularly true in relation to part-heard cases or cases where a judicial decision has been already given.

Paragraphs 6(b) and 7(b) of Schedule 7 are necessary to avoid interference with the conduct of pending litigation, with potential unfairness and uncertainty for litigants, which a retrospective application of the shifting of the burden of proof to pending proceedings would involve. It is standard for such significant and substantive interferences with the conduct of proceedings to be applied, as here, only to proceedings initiated after the commencement of the provision concerned. It is not usual to apply new rules to already-existing proceedings. To accept these amendments would set a disturbing precedent. The Oireachtas would, in effect, be interfering in cases that are currently before the courts. To do such a thing would, I am advised, clearly be repugnant to the Constitution, the underlying right to fair procedures in litigation and the rule of law.

I gave the commitment to go as far as I possibly could in terms of the retrospective application of all the additional protections in this Bill. That was my key objective in introducing this Bill; however, as I have said, I am advised by the Attorney General that we can go no further in providing retrospective protection than is already set out in the amendments.

Let me touch briefly on the specific issue that Deputy Howlin has raised, because it has been raised several times in parliamentary questions in the past few days. There is a misinterpretation of what the relevant section provides. Section 13 of the Protected Disclosures Act provides that if a person causes detriment to another person because the other person or third person made a protected disclosure, the person to whom the detriment is caused has a right of action in tort against the person by whom the detriment is caused. Section 22 of this Bill provides for the insertion of a new subsection (2B) into section 13 of the 2014 Act, to which Deputy Howlin referred. It provides:

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In any proceedings under this section in respect of alleged detriment caused to a person, the detriment so caused shall be deemed, for the purposes of this section, to have been caused as a result of the person or another person having made a protected disclosure, unless the person whom it is alleged caused the detriment proves that the act or omission concerned was based on duly justified grounds.

In other words, the effect of subsection (2) is to reverse the burden of proof in any tort proceedings taken under section 13 so that the court must assume that the alleged detriment occurred because of a protected disclosure unless the defendant can prove otherwise. In other words, the reversal of the burden of proof is in favour of the whistleblower as a result of the insertion of the provision. I will leave it at that because I realise colleagues want to contribute.

**Deputy Mairéad Farrell:** We have been down quite a long road on this. It has been a very positive example of how the Government can engage with the Opposition and the relevant committee. The Minister has taken on board many of the suggestions put forward by me, Teachta Buckley and others. That has been really positive. I am aware this is our last opportunity to speak on this. I thank the whistleblowers who have engaged with us over the course of dealing with this Bill. They spoke out for the common good. We have heard from the witnesses about the huge strain placed on them privately and professionally as a result.

Throughout our discussions, we have grappled with the issue of retrospectivity, on which the Minister has just touched. Throughout his time dealing with the issue of retrospectivity, he has mentioned that he was seeking advice on it from the Attorney General. I was wondering whether it is possible to see this advice. Can it be shared with us? As the Minister knows, many of the whistleblowers we have heard from feel completely and utterly let down by the way they have been treated. I included my amendments because I do not believe it is right to exclude a section of whistleblowers. The section I am referring to includes those whom the Minister mentioned, namely those currently engaged in live proceedings. I fear the message they will receive from this Bill will be that they have been left behind again. They have been failed so many times and we must not let that happen again.

The reality is that, throughout the committee hearings, we heard from whistleblowers about how they have been penalised. We should not exclude those engaged in live proceedings from this greater protection whereby any penalisation is presumed to have occurred as a result of the whistleblowing. The issue of the burden of proof is undoubtedly a fundamental aspect of the enhancement of provisions in this Bill and there should be an extension to the cohort in question.

I would like to ask the Minister a number of questions on this. I understood what he was saying but have some questions I hope he can answer. We have spoken about the issue of retrospectivity at length. If there can be retrospective application for some, why can there not be for others? I understand this issue falls under Article 15.5.1<sup>o</sup> of the Constitution, as the Minister mentioned. It states the Oireachtas cannot declare that certain actions contravened laws that were not in place at the time of those actions. When the Minister introduced the amendments in the Seanad he said that constitutionally they could not include people who are before the Workplace Relations Commission or the courts. Will he explain why this is the case? I do not understand how it would be the case with Article 15.5.1<sup>o</sup>.

I will give an example of where it was possible to make a retrospective ruling for a live proceeding. It was through the European Court of Justice in the Max-Planck-Gesellschaft case,

C-684/16. The case was brought by the German court. After the termination of employment a company refused to pay the employee for annual leave not taken. The German courts were unsure whether the EU law precludes national legislation providing for the loss of paid annual leave not taken. The European Court of Justice ruled the employer must prove it gave the employee the opportunity to take the leave in the time allocated and particularly to have provided adequate information on doing so. The point is that the burden of proof lay with the employer and in this case it was granted in a live proceeding. Again, I question why this cannot be done in this case. Would the denial of this right lead to cases similar to the Max-Planck-Gesellschaft case? I was also struck when reading about the case that the German courts were unsure as to whether EU law precludes national legislation providing for this. Would this mean EU law has primacy over our domestic law and, therefore, the directive would have primacy here?

Another issue I know the Minister is acutely aware of is that of reporting directly to the Minister. I want to mention this as the Minister spoke on it. It is regression not to have direct reporting to the Minister.

**Deputy Brendan Howlin:** I am conscious I did not deal with the Bill as my colleague Deputy Nash did. He is unavailable today because of Covid. I am familiar with the Bill. I will not go through all of the legal advice I have but I will mention some of it. There is a clear distinction between the retroactive creation of a legal right and the retroactive outlawing of a breach of such a right. The latter would offend Article 15.5.1<sup>o</sup> of the Constitution but the former would not. I can quote legal cases where this has been determined in the courts. In other words, we can retrospectively confer rights but we cannot retrospectively withdraw those that have already been adduced in the courts. I am very conscious the Minister has embraced this with a very open mind. He has engaged with the committee. He has done a fine job. That is why it is unfortunate we have only ten or 11 minutes to resolve these matters. There are no time constraints on us in respect of this Bill, which is not time-sensitive. Will the Minister give additional time for these matters to be worked through to the point of satisfaction?

**Deputy Róisín Shortall:** I was not involved in the Bill on Committee Stage either. I am not a member of the relevant committee. It is very unfortunate that what is otherwise a very good and progressive Bill is being marred by the amendment the Minister has tabled. I fully support the amendment to the amendment tabled by Deputy Farrell.

This is about retrospective application. There are many examples of schemes that are introduced where there is cut-off point whereby people are in the system and have started proceedings or a case or they have not. That is fair enough. The door has to close at a certain point. The fact the Minister will not allow people who are already before the Workplace Relations Commission or the courts to be included in the provisions is fundamentally unjust. What is the Minister saying to these people? He is telling them to cease their proceedings and go back to square one. The implications of that are enormous, timewise and for costs. Without doubt, these people are being denied the justice to which they should be entitled. We have to take their concerns and rights into consideration and I do not believe the Minister is doing so. I urge him to accept the amendments tabled by Deputy Farrell to protect, and ensure the rights of, those people already in the system. It is a reasonable request. The Bill would be stronger for it.

**Deputy John McGuinness:** There is no doubt that the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, which dealt with the Bill, did a very detailed analysis of it and that most of the recommendations made in its report were taken on board by the Minister. During the course of the hearings, the sincerity of the Minister was clear

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with regard to stating he would seek legal advice on applying a retrospective position. I have not seen the legal advice. I do not know whether it was published. A debate on this that will conclude within five minutes is simply unfair not only to the House but to the whistleblowers caught in the process of a court case. John Barrett, who has been mentioned in the House numerous times, is one such individual caught in it.

The Bill flies in the face of the directive we are transposing into Irish law. We need to look at it. As legislators we need to tease out the issues of concern to us relative to this aspect of the Bill. Otherwise the Minister has done a very fine job and so have all of those who have had an input. Reflecting on what the whistleblowers told us during the course of the hearings, I am very concerned about the rush to conclude this. I am very concerned about the difficulties that will now be faced by those before the courts. It is simply unfair and unjust. It is bad to rush this legislation given what the Minister has done so far on reform.

**Deputy Michael McGrath:** I appreciate the comments of colleagues from throughout the House. I acknowledge there has been very good collaboration from all sides. The committee chaired by Deputy McGuinness did excellent work during pre-legislative scrutiny. It identified this issue. It is my view that we have gone beyond the recommendation in the pre-legislative scrutiny report on the retrospective application of the additional protections in the Bill. What we are doing is not in breach of the directive. In fact, the directive is silent on the question of the retrospective application of the protections. It does not make any such recommendation.

As I have said, my clear directive at political level to those involved in drafting the Bill and those providing legal advice was that I wanted to maximise the retrospective application of the Bill to the greatest extent possible. I set out in my initial comments on this set of amendments the various categories of people who will benefit from retrospective application of the Bill and from the additional protections that have been provided. In essence, what I am being asked to do is ignore the advice of the Attorney General and accept the advice of other legal persons. I do not call into question their competence but in the position I have the privilege of holding, it is the advice of the Attorney General that is pre-eminent on legal issues. Colleagues from across the House are aware of this.

With regard to what the advice says, I laid out much of it and its language in the remarks I made earlier. In essence, it is that providing for the burden of proof to shift during pending legal proceedings would involve a substantial interference in the administration of justice. It would be liable to be unfair to litigants and to generate significant uncertainty in the conduct of litigation. This would clearly be an infringement of the right to fair procedures and would undoubtedly not stand up in the courts. The advice I have is that what we are doing is at the limits of what is permissible under Bunreacht na hÉireann and I cannot go beyond it, irrespective of what personal wish I may have as Minister. The advice is the advice. It is not advice that is on the one hand and on the other hand; it is categoric and I cannot go beyond it.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 8: In page 15, line 3, after “6A(1)(e)” to insert “and (f)”.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 8: In page 15, line 9, to delete “coming into operation” and substitute “commencement”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 8: In page 15, line 13, to delete “coming into operation” and substitute “commencement”.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 8: In page 15, lines 16 and 17, to delete “coming into operation” and substitute “commencement”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 11: In page 19, line 3, to delete “coming into operation” and substitute “commencement”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 11: In page 22, line 14, after “feedback” to insert “(including further feedback)”.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 8 to 10, inclusive, are related and may be discussed together.

Seanad amendment No. 8:

Section 12: In page 23, line 31, after “body,” to insert “and”.

**Deputy Michael McGrath:** These amendments provide for the deletion of section 8(2)(b) of the principal Act, as amended. Section 8(2)(b) provides that a worker employed by a public body can only report to Minister if the worker reasonably believes the information disclosed in the report and any allegations contained in it are true. The intent behind the amendments the Bill is making to section 8 of the Act is to provide that a public sector worker should report, in the first instance, either to his or her employer or to a prescribed person, before reporting to a relevant Minister. If, having made such a report to his or her employer or a prescribed person, the worker reasonably believes that no action or insufficient action has been taken, there should be no further impediment to him or her reporting to a Minister.

Section 8(2)(b), as provided for in the Bill requires, however, that the worker must also reasonably believe the information reported is entirely true. This imposes an additional test for reporting a Minister on top of the criteria the worker is required to fulfil to report to his or her employer or to a prescribed person. This is not in line with the policy intent and these amendments provide for its deletion in that regard. We do not wish to put any additional barrier in

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place to prevent a direct report to a Minister.

Ministers will refer any protected disclosures, on receipt, to the office of the protected disclosures commissioner when it is set up. The office will determine who is the appropriate person or body to assess the protected disclosure. It may well be the case that it comes back to the Minister. If the Minister is the appropriate person to consider the protected the disclosure, he or she will assess and deal with the protected disclosure.

**Deputy Mairéad Farrell:** How quickly does the Minister expect the office to be set up? Where does that leave people in the meantime?

**Deputy Michael McGrath:** We will lay out a detailed implementation plan on the provisions of what will become new legislation and, certainly, later this year, the intention is to have that office up and running. We are engaging with the Ombudsman in that regard. While there may well be disagreements on specific aspects of the Bill, in the round, this represents very significant progress. I again acknowledge the work of Deputy Howlin in bringing forward the initial legislation. It was groundbreaking legislation for its time and it is timely that it be updated and that we learn from the experience of recent years.

We are bringing volunteers, unpaid trainees, board members, shareholders and job applicants into the reach of the protected disclosures regime. There will be an obligation on all private sector organisations with 50 or more employees to establish formal channels and procedures. Employers and prescribed persons will be subject to obligations to follow up diligently on information contained in protected disclosures and to provide feedback. For the first time, that will be an obligation. We will have a new office of the protected disclosures commissioner. We have laid out new offences and we have additional protections with regard to the reversal of the burden of proof, the extension of interim relief measures and so on that we have extended to the greatest extent possible to all those who qualify under the legislation.

**An Leas-Cheann Comhairle:** The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 12 July: “That the amendments set down to Seanad amendment No. 36 are hereby negatived and the Seanad amendments not disposed of are hereby agreed to in committee, and agreement to the amendments is accordingly reported to the House.”

Question put and agreed to.

**An Leas-Cheann Comhairle:** A message will be sent to the Seanad acquainting it accordingly.

### **Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Bill 2022: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 1 to 3, inclusive, and 29 to 34, inclusive, are related and may be discussed together.

Seanad amendment No. 1:

Title: In page 5, line 30, after “2017;” to insert the following:

“to make provision in respect of applications to the Environmental Protection Agency for licences, reviews of licences or revised licences in circumstances where an order under section 181(2)(a) of the Planning and Development Act 2000 has been made, or is proposed to be made, by a Minister of the Government for development comprising or for the purposes of the activity to which the application relates and for that purpose to amend the Environmental Protection Agency Act 1992; to give further effect to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 and for that purpose to amend the Electricity Regulation Act 1999;”.

**Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth):** I intend to amend the Environmental Protection Agency Act 1992 to allow the Environmental Protection Agency, EPA, to consider applications for integrated pollution control and industrial emissions licences that are subject to the provisions of section 181 of the Planning and Development Act 2000. I addressed this issue by introducing amendment No. 33 on Committee Stage in the Seanad. Amendment No. 33, therefore, provides for the provision whereby the EPA can accept and process licence applications, in line with existing provisions, under section 181(2)(a) and section 181(2A) of the Planning and Development Act 2000 which, currently, it is unable to do.

Section 87 of the Environmental Protection Agency Act 1992 sets out the requirements to which the EPA must adhere when assessing an application for a licence or a review of a licence. To accept a licence application for an activity that involves development that requires a grant of permission under the Planning and Development Act 2000, an application for planning permission or a specified approval must have been made or a grant of permission or a specified approval under the Planning and Development Act 2000 must be in place. Section 87 of the Environmental Protection Agency Act 1992 does not reference the new provisions of section 181 of the Planning and Development Act 2000 that were inserted in 2021.

Amendments are required to ensure the EPA can examine a licence application and, if that application is successful, grant a licence or revised licence in accordance with new provisions of the Planning and Development Act 2000. The changes are simply to update and align the Environmental Protection Agency Act 1992 with amendments made to the Planning and Development Act 2000. The intention is to amend the Environmental Protection Agency Act 1992 so that the application for approval under section 87 of the Environmental Protection Agency Act 1992 will also include an application for approval under section 181(2A) of the Planning and Development Act 2000. Similarly, it is intended to amend the definition of “grant of permission” in section 87 of the Environmental Protection Agency Act 1992 to include an order signed under section 181(2)(a) of the Planning and Development Act 2000.

Without these amendments, temporary electricity generation proposals which are now being prepared to progress through section 181 of the Planning and Development Act 2000 would not legally be able to apply for and obtain the necessary environmental licence to operate. This amendment is an enabling one and it will allow for the seamless linking up of licence application and process, as envisaged in the 2021 changes made to the Planning and Development Act 2000. The full independence of the EPA in determining whether to grant or refuse licence applications is not affected by this amendment. The EPA remains fully independent in that function and there is no statutory role for a Minister in that regard.

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Amendment No. 34 creates a new part in the Electricity Regulation Act 1999 to transpose the requirement in Article 59(1)(b) of the internal market for electricity directive, to give the Commission for Regulation of Utilities the power to ensure compliance by market participants that are not electricity undertakings with their obligations under the directive. These market participants include smaller actors in the electricity market, including citizen energy communities that are not engaged in the activity as their main business or economic activity, and therefore it is not appropriate to subject these actors to the more onerous licensing regime already in existence for electricity undertakings.

This is a significant new development in the Irish electricity regulatory framework that creates a regulatory framework for the participation of new actors in the electricity market and is an essential step in providing new ways for customers and a greater diversity of actors, including citizen energy communities, to participate in the market via electricity activities, including generating and trading electricity, aggregation, demand response and energy storage. It is an important component in building resilience in the electricity market in Ireland and it will help to accelerate the decarbonisation and democratisation of the market. By doing so, this new framework acts upon the European Commission's call to speed up the transposition of the internal market for electricity directive, which is the subject of a letter of formal notice and is designed effectively to allow consumers to participate in energy markets, as set out in the European Commission's recent communication, REPower EU, which sets out the Commission's response to the war in Ukraine.

There is a double urgency to transform Europe's energy system, to end the EU's dependence on Russian fossil fuels, and to tackle the climate crisis. The shift away from fossil fuels towards renewables is part of the circular transition, as provided for in the circular economy strategy. The strategy is a key addition to the Government's drive to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to get on a path to reach net zero emissions by not later than 2050, as per commitments in the programme for Government and the Climate Action and Low Carbon Development (Amendment) Act 2021. The less we use non-renewable material resources like fossil fuels, the more circular and less resource-intensive the economy becomes.

Amendment No. 3 provides for the immediate commencement of these provisions on the enactment of the Bill. Amendments Nos. 1, 2 and 29 to 32, inclusive, provide for a change in Long and Short Titles of the Bill to the Circular Economy and Miscellaneous Provisions Bill to take account of these changes.

**Deputy Bríd Smith:** I thank the Minister of State for his introductory remarks. I repeat the same thing I have heard said many times this week by quite a number of Teachtaí Dála and Opposition Members, that is, what is happening here with legislation and last-minute changes shoehorned into Committee and Report Stages in the Seanad is deeply disturbing and an attempt by the Government to bypass the Dáil and any scrutiny of contentious and often complex legislation. Moreover, in many cases this week it is legislation that has the potential to have profound effects on the lives and rights of many people for years to come.

In formal terms, I must acknowledge that with this Bill we had a good Second Stage debate and Committee Stage discussions and the Minister of State took on board some Opposition suggestions in some areas, though not in any of the more important sections of the Bill and areas we felt urgently needed attention.

My problem with the Bill from the outset is it has very little to do with the circular economy.

Much of it was taken up with changing the law around the use of CCTV, for example. However, I now find that while the select committee spent hours looking over the provisions of the Bill, such as they were, we now have before us a different animal entirely, with two substantial amendments from the Government to two completely different Acts coming back from the Seanad. There are substantial amendments here to the Environmental Protection Agency Act and the Electricity Regulation Act. The Minister of State may well say these are vitally important, necessary and good amendments. It is hard for us to know that, considering we have had absolutely no time to consider or examine them or to question him on them. Now we have 30 minutes to discuss them. I do not want to gobble up all the time from other Deputies but for a Government that loves to lecture the Opposition on shoddy legislation and unintended consequences of poorly drafted Bills, it has taken some liberties this week with the entire legislative process.

On the changes to the Environmental Protection Agency, EPA, and the issuing of licences, yet again a substantial change to existing law is proposed because of the urgency and the need to speed through the emergency purchase of electricity generation to head off power cuts in the period 2023 to 2034. I say again this entire crisis and the panic is, despite repeated denials from the Minister of State's party and Government Ministers, rooted in the insane policy of this and other Governments on the proliferation of data centres. I am certain we will be proved right on this in the end. The Government can deny it as much as it wishes but there are clear warnings from the Commission for the Regulation of Utilities, CRU, that it is data centre proliferation that is driving up the unforeseen demand for electricity. It is not the electrification of transport or other areas and none of this is a natural by-product, but instead the policy of the Government is responsible for this. While decrying attempts to ban or place a moratorium on data centres, Ministers are now saying we effectively have a moratorium through the CRU's instructions to EirGrid. We have a delay for new applications but we know up to eight massive centres have approval and will be connected in the coming years. Therein lies the panic and the sight of Green Party Ministers justifying the purchase of what will be gas-fired emergency generators. When these arrive, the very fact of their existence and the need for them will be further used to justify support for, and the building of, liquefied natural gas, LNG, terminals here. All of these, needless to say, will have an impact on our emissions targets and on any hopes of cutting CO2 in the coming years to the level required by the Climate Action Act or indeed the Paris Agreement.

I frankly do not know if the changes to the EPA process of issuing these licences is a simple thing or a good thing. I do not know if it is a box-ticking exercise with no unintended consequences down the road. What I know is we are being bounced into this because of a panic caused by a policy to allow data centre expansion and that will, I have no doubt, come back to haunt us.

**Deputy Matt Carthy:** I wish to speak to amendment No. 1 in respect of applications to the EPA for licences. I highlight to the Minister of State an anomaly of which I am sure he has been made aware. It relates to polyethylene terephthalate, PET, plastics and the ludicrous situation whereby we have the facilities to recycle those plastics in this State, but according to information Deputies and Senators have received, a substantial quantity, if not the vast majority, of PET plastic collected in this State is exported internationally for recycling. At the same time, those indigenous operators that can carry out such recycling are forced to import similar quantities of PET plastic. That indicates the exact opposite of what a circular economy should be.

There are a number of reasons for this. The first ludicrous situation is that the PET that is

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exported, which brings an increased carbon footprint, is actually subsidised by Irish taxpayers. We pay those people who collect that plastic material and then export it with no obligation on them to try to ensure the most environmentally sustainable mechanism by which to recycle it.

The second glaring issue concerns the taxation of virgin plastic material. This Government, our green Government, is refusing to enact a tax on virgin plastic, as other member states have. Instead it says this needs to happen at a co-ordinated EU level. However, the Government has no problem when it comes to putting charges on ordinary workers and families for their use of products to which they by and large have no alternative, as they pick them off the supermarket shelves. The Government can introduce taxation arrangements at a domestic level almost immediately but it will not do it when it has an impact on large multinational corporations. In this instance it is the corporations using virgin plastic material. This is important because, as other member states have taxation arrangements on that material, producers of plastic commodities want to use recycled plastic. What are they doing as a result? They are paying above the odds for Irish bottles that have been put into our recycling bins. I am sure the Minister of State accepts that is an absolutely crazy situation.

The reason I have an interest in this and am so aware of it is one of the companies, if not the only one, with the capacity to carry out this recycling is Shabra Plastics in my constituency. It is an excellent company and an excellent employer. It is a company that should be a flagship of this Government's promotion of the circular economy. Instead, this Government's actions could put that company out of business. I urge the Minister of State and the Minister for the Environment, Climate and Communications, Deputy Ryan, to come to County Monaghan, visit Shabra Plastics and see what is in place. Then they should put in place a taxation regime for virgin plastic and for once target waste at the source in relation to those companies producing plastic commodities rather than ordinary consumers. The second action is to stop subsidising the exportation of plastic material out of this State when that material can be recycled here in this State. I make that appeal to the Minister of State. I hope he can give us a substantive and positive response.

**Deputy Darren O'Rourke:** In the interests of brevity, I will make a quick point just to have it on the record again. We dealt with the EirGrid Bill. Pre-legislative scrutiny was waived, under protest, on Second Stage and Committee Stage. We in the Opposition were pontificated to. We were told we had ample time and opportunity to discuss matters but we most certainly had not. Every time we engaged on the Bill, there was additional information. Gaps in the information remain. Not only that but because of the rushed nature of the process, the Government has had to bolt miscellaneous provisions onto the circular economy Bill. The approach taken to the EirGrid Bill, in particular, was not a good way to do legislation and this is another case in point. I wanted to put that on the record as I have on every Stage of that Bill. The same approach has now transferred to the circular economy Bill.

I support the comments made by Deputy Carthy in respect of the perverse situation in which we are left. A crazy set of circumstances has led to a situation whereby products which could be delivered in a circular economy on the island of Ireland are having to be transported over and back to mainland Europe. The effect of that is that the carbon footprint is 48 times more intense and impactful than it would otherwise be. I appeal to the Minister of State to intervene directly. I know he is interested in this and as Deputy Bríd Smith said, the Minister of State has taken on board recommendations from the Opposition in a way I have not seen from other Ministers. I personally appeal to him to intervene in that case, take a personal interest in it and go to County Monaghan.

**Deputy Ossian Smyth:** I thank the Deputies. I have been in Monaghan on a number of occasions in the past year. I met Deputy Carthy's brother in Carrickmacross. I asked my Department to engage directly with Shabra Plastics some time ago. They have been engaging and that will continue. In general, our facilities infrastructure for recycling plastics in Ireland is not well developed. One of the consequences of this Bill is that there will be a greater supply of segregated material as a result of directing better streams and better segregation, particularly from the business sector. There will be more material available, which I expect to facilitate more plastic recycling and other types of recycling, including food recycling, throughout the State. That will help. I am, of course, always happy to listen to and engage with any company that is having difficulty, and particular in this sector.

The amendments which relate to the Environmental Protection Agency, EPA, are directly consequential to changes to the Planning and Development Act 2000 that happened last year. They are a necessary corollary. They are needed now because of the emergency legislation to ensure we do not have power cuts. That is why they are included here.

Deputy Bríd Smith asked what is the connection between CCTV and the circular economy. The connection is that if an illegal commercial operator is being paid money to dispose of waste material by throwing it into a field instead of bringing it to a recycling bin, it is avoiding the circular economy. Littering and commercial waste dumping are problems that are a facet of the circular economy.

**Deputy Bríd Smith:** I am well aware of that. I was merely pointing out-----

**Deputy Ossian Smyth:** It has been very hard to tackle those problems for local authorities because they have been prevented from gathering evidence by legal constraints due to privacy concerns and the general data protection regulation, GDPR. They have found it difficult to get the evidence that is required in order to bring a case against the people who are carrying out that crime, which affects us all. We have had to balance in those provisions the right to privacy, on one hand, and the right to live in a clean environment on the other. The result will be a more circular economy.

The electricity amendments are straightforward. They are required because of a European directive. We received a notification reminding us we have to include them. They are a good thing. They allow local communities to take part in the electricity market. They can generate and store electricity, and manage demand. For example, a group of farmers can come together and take part in the electricity market, which they were not allowed to do in the past. We have set it in such a way that those farmers do not have the same burdensome amount of bureaucracy to go through as would be the case for the ESB or somebody else. That is what these amendments are for.

**Deputy Darren O'Rourke:** I thank the Minister of State for his response on the perverse situation in respect of PET. I want to tease out his response a little. We talk about recycling but what we do in Ireland is collect and separate. We have a small recycling capacity. Shabra Plastics is an example of that in the PET area. Because of the incentives within the market, the subsidies on the one hand and the taxes elsewhere, there is a risk that the small industry in existence will be uncompetitive and will struggle to be sustained. Those levers within the market are disadvantages to companies. There are subsidies for export and virgin plastic taxes elsewhere, which we can introduce but have decided not to on the basis that we want to move as a part of the European Union as a whole. The company in question is affected every work-

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ing day by the implementation of levies elsewhere. Does the Minister of State see the perfect storm at play here in respect of the industry as it exists? I wish to ask the Minister of State about those two specific measures, the subsidies for export and the virgin plastic taxes elsewhere. How does the Minister of State intend to develop an industry here when the existing industry is struggling because of those measures? Somewhere along the line, the Government is going to have to address these issues or there will be no industry. It will be always more profitable to send products somewhere else, with a massive carbon footprint, to the detriment of local economies in Ireland and certainly to the detriment of the environment. Why do we not address those market anomalies now?

**Deputy Ossian Smyth:** I am happy to go into that. If there is a situation whereby there is a virgin plastic tax in a nearby jurisdiction, that creates an incentive to export goods from Ireland to be processed in that jurisdiction. There is a mismatch in that regard. It makes it harder if that country is no longer a member of the EU and is not subject to the same rules. We must decide if we are going to impose a plastic tax in Ireland at the same rate and consider whether that is the right thing to do. At the same time, we must consider what the effect will be on consumers and prices. We must also ensure not to create something like the cash for ash situation where a particular payment is unsustainable and unpayable. I accept we need to watch the incentives available in other countries. We must ensure our market is not distorted and that is why we are continuing to engage with the company the Deputy mentioned earlier, which I believe is the only PET recycling firm in the country. I take the Deputy's points.

**Deputy Darren O'Rourke:** The Minister of State dealt with one arm of my contribution, which was the issue of virgin plastic tax elsewhere. We need to keep an eye on that. The point is that we are subsidising companies here and supporting them financially to export. They are being subsidised to the point that the business model means it is profitable to export. We are not competitive here and we are not competitive in other markets either.

*6 o'clock*

This is the solution. If the Government is not going to introduce a virgin plastic tax here, will it take away the subsidy for people to export? It is not recycling; it is exporting for recycling. One cannot be looked at without the other because they are directly related to each other. It is a fundamental point regarding the development of a proper sustainable industry on this island.

**Deputy Ossian Smyth:** One of the other issues that affects price of plastic is the EU rules and the minimum amount of recycled plastic that has to be used. For example, if a company is making plastic bottles, it has to use a certain minimum percentage, and those percentages are going up. What that is doing is forcing up the price of recycled plastic to the point where recycled plastic, for example, the plastic that the Deputy puts in his green bin in his kitchen, is now more valuable per tonne than virgin plastic that is produced. That is what the effect has been of changing the target. It is not always about subsidies and taxes; it can just be that there is a law saying that a certain product has to be used, which pushes up the price.

On export subsidies, I am not aware that we are subsidising people to export plastic. If the Deputy, perhaps outside of this Chamber, wants to tell me how that is happening, I will be interested to hear that, because I am not aware of it. Perhaps it is some kind of indirect subsidy. I am not sure.

**Deputy Darren O'Rourke:** I will not take up any more time. The incentive is there because of the market conditions. Effectively we are subsidising the export. It is not deliberately a subsidy for export. I will come back with more details. I would appreciate if the Minister of State would take a personal interest in this issue.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 1: In page 6, lines 4 and 5, to delete “Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022” and substitute “Circular Economy and Miscellaneous Provisions Act 2022”.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 1: In page 6, line 6, after “Act” to insert “, other than *Part 7*”.

Seanad amendment agreed to.

**An Ceann Comhairle:** Seanad amendments Nos. 4 to 11, inclusive, and Nos. 13 to 28, inclusive, are related and will be discussed together.

Seanad amendment No. 4:

Section 3: In page 6, to delete lines 26 to 29 and substitute the following:

“3. (1) The Minister may make regulations for the purpose of enabling any provision of this Act to have effect or to provide for any matter referred to in this Act as prescribed or to be prescribed and different regulations under this section may be made in respect of different classes of matter the subject of the prescribing concerned.”.

**Deputy Ossian Smyth:** These amendments are all related and, in many cases, address technical drafting issues. They have the cumulative effect of providing the Minister with the power to impose a levy not just on single-use disposable cups, but also on certain reusable alternatives to those cups that are supplied to the consumer below a certain price point, which will be set out by the Minister in secondary legislation.

The issue the amendments seek to address arose both on Committee Stage in the House and Committee Stage in the Seanad, namely, to address the potential for nominally reusable flimsy plastic cups to be supplied for free to consumers as a means of avoiding the disposable cup levy.

Amendments Nos. 7 and 8 define two new classes of reusable item, namely, “reusable alternative item” and “relevant reusable alternative item”. Amendment No. 11 then expands the definition of “single-use item” to include relevant reusable alternative items.

These amended definitions then facilitate amendment No. 14, which amends section 11(1) (a) to allow for environmental levies to be applied to such class or classes of reusable alternative items as may be prescribed in secondary legislation. When so prescribed, these class or classes are then treated as single-use items for the purpose of the Bill.

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Amendment No. 15 then amends section 11(2) to make unambiguously clear the price at which an item is supplied can be a factor in the level of material wastage associated with that item, including where it is supplied for free. These changes will cumulatively allow me to specify in regulations that, for example, the supply of plastic cups to customers below a minimum price point will incur the levy, thus addressing the potential problem of flimsy plastic cups.

The remainder of the Government amendments are consequential technical drafting amendments to ensure consistency between the new provisions and the language used in the rest of the Bill.

This is in line with what we have with the plastic bag levy. Deputies will be aware that there is a minimum price that people must charge if they are selling a reusable bag. The technical specifications of a reusable bag are defined in the regulations. That is to make sure that people are not bypassing or finding a loophole.

I thank the Deputies and Senators who brought this issue to my attention. I hope that the scenario where these cups are introduced into the market does not, in fact, arise. However, I am satisfied that if it does arise, these amendments will allow us to address it.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 3: In page 6, line 30, to delete “section” and substitute “Act”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 6: In page 8, line 8, to delete “tendency” and substitute “likelihood”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 6: In page 9, between lines 14 and 15, to insert the following:

“ “re-usable alternative item” means a re-usable container, re-usable cup or re-usable packaging that is an alternative to a single-use container, single-use cup or single-use packaging, as the case may be;”.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 6: In page 9, between lines 14 and 15, to insert the following:

“ “relevant re-usable alternative item” means a re-usable alternative item that belongs to a class of re-usable alternative item prescribed under *section 11(1)(a)(v)*;”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 6: In page 9, line 31, to delete “cup” and substitute “container”.

Seanad amendment agreed to.

Seanad amendment No. 10:

Section 6: In page 9, line 31, to delete “container” and substitute “cup”.

Seanad amendment agreed to.

Seanad amendment No. 11:

Section 6: In page 9, line 31, after “packaging” to insert “, a relevant re-usable alternative item”.

Seanad amendment agreed to.

Seanad amendment No. 12:

Section 7: In page 10, to delete lines 33 and 34 and substitute the following:

“(b) ensure that a poverty impact assessment in respect of the strategy has been carried out.”.

**Deputy Ossian Smyth:** This is a minor drafting amendment relating to the drafting of a poverty impact assessment under section 7. The amendment ensures that the Minister can procure the services of an expert group or body to carry out the assessment if that is required, and it does not have to be carried out by the Minister’s Department.

Seanad amendment agreed to.

Seanad amendment No. 13:

Section 11: In page 17, line 19, to delete “following—” and substitute “following:”.

Seanad amendment agreed to.

Seanad amendment No. 14:

Section 11: In page 17, between lines 26 and 27, to insert the following:

“(v) such class or classes of re-usable alternative items as may be prescribed for the purposes of this section;”.

Seanad amendment agreed to.

Seanad amendment No. 15:

Section 11: In page 17, to delete lines 34 to 36 and substitute the following:

“(2) In making regulations under *subsection (1)* in relation to the supply of a single-use item or a class or classes of single-use item or a class or classes of re-usable alternative item, the Minister shall have regard to the level of material waste associated with the single-use item or, as the case may be, the class or classes of single-use item, or, as the case may be, the class or classes of re-usable alternative

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item, concerned, including by reason of—

(a) where an amount is charged for the supply of that item or class or classes of item, as the case may be, to a customer, that amount, or

(b) where no amount is so charged, that fact.”.

Seanad amendment agreed to.

Seanad amendment No. 16:

Section 11: In page 17, line 37, after “*subsection (1)*” to insert the following:

“in relation to the supply of a single use item or a class or classes of single-use item or a class or classes of re-usable alternative item, as the case may be, only”.

Seanad amendment agreed to.

Seanad amendment No. 17:

Section 11: In page 18, line 1, after “item,” to insert “or the class or classes of re-usable alternative items”.

Seanad amendment agreed to.

Seanad amendment No. 18:

Section 11: In page 18, line 1, after “alternative” to insert “item or class of such item”.

Seanad amendment agreed to.

Seanad amendment No. 19:

Section 11: In page 18, line 2, after “alternative” to insert “item or class of such item”.

Seanad amendment agreed to.

Seanad amendment No. 20:

Section 11: In page 18, line 3, after “item” where it secondly occurs to insert “or class of re-usable alternative item”.

Seanad amendment agreed to.

Seanad amendment No. 21:

Section 11: In page 18, line 6, after “item” to insert the following:

“or, as the case may be, each class of re-usable alternative item prescribed under *subsection (1)(a)(v)*”.

Seanad amendment agreed to.

Seanad amendment No. 22:

Section 11: In page 18, line 7, to delete “by the Minister”.

Seanad amendment agreed to.

Seanad amendment No. 23:

Section 11: In page 19, between lines 3 and 4, to insert the following:

“(9) Regulations under *subsection (1)*—

(a) may make provision for any matter stated in this section or *section 12* as prescribed or to be prescribed and different regulations may be made in respect of different classes of matter the subject of the prescribing concerned,

(b) shall provide for the matters referred to in *section 12(2)*, and

(c) may provide for the matters referred to in *section 12(3)*.”.

Seanad amendment agreed to.

Seanad amendment No. 24:

Section 11: In page 19, between lines 8 and 9, to insert the following:

“(10) A relevant re-usable alternative item or a class of re-usable alternative item prescribed under *subsection (1)(a)(v)* shall not be considered to be a suitable re-usable alternative item or class of such item or a suitable alternative item or class of such item for the purposes of *subsection (3)*.”.

Seanad amendment agreed to.

Seanad amendment No. 25:

Section 12: In page 19, line 17, to delete “regulations relate” and substitute “levy relates”.

Seanad amendment agreed to.

Seanad amendment No. 26:

Section 13: In page 21, line 24, after “packaging” to insert “, relevant re-usable alternative item,”.

Seanad amendment agreed to.

Seanad amendment No. 27:

Section 14: In page 22, line 17, after “the” where it secondly occurs to insert “level of”.

Seanad amendment agreed to.

Seanad amendment No. 28:

Section 14: In page 22, line 20, after “section” to insert the following:

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“in respect of a single-use item referred to in *subsection (1)* or a class or classes of such single use items, as the case may be, only”.

Seanad amendment agreed to.

**An Ceann Comhairle:** The time permitted for the debate having expired, I am required to put the following question in accordance with the order of the Dáil of 12 July: “That the Seanad amendments not disposed are hereby agreed to in committee and agreement to amendments is accordingly reported to the House.”

Question put and agreed to.

**An Ceann Comhairle:** A message will be sent to Seanad Éireann acquainting it accordingly.

### **Electoral Reform Bill: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

**An Ceann Comhairle:** Deputy Howlin has a point of order.

**Deputy Brendan Howlin:** I indicated to the Ceann Comhairle’s office that I wanted to raise a point of order at the outset of the debate. It sits into the real concerns that many Members have had with the way business is being conducted. I know it will be a cause of personal concern to you, Sir., as Chairman of this House.

Substantial amendments were tabled in the other House that were never debated because it was guillotined. They have come back here and are most unlikely to be reached in the 45 minutes that we have for the debate. I believe there are fundamental errors in the drafting of the Bill because it has been so rushed. It is an unfair of dealing with legislation. It is unfair to this House and the staff of this House, particular in the Bill’s office and in your office, Sir. It is not a way to proceed.

In particular, I want to draw our attention, Sir, to amendment No. 31, which came to us from the Seanad. It includes a square bracket around the word “mandatory” under section 161(7). This is a very important issue because the subsection states:

Where, in the opinion of the Commission, a person to whom a [mandatory] code of conduct is addressed is failing or has failed to comply with the code, the Commission may apply, by motion, to the High Court for an order directing the person to comply with the code, and the Court may, as it thinks fit, on the hearing of the application, make or refuse to make such an order.

Legislation cannot be drafted with a square bracket around a word like “mandatory” because it changes the meaning of the section. How is any citizen or court to interpret the intentions of the House? Is it a mandatory code or is it just a code? This is clearly an error, because this was obviously a drafting stage section where the square brackets were not actually removed or the word was not removed – either one or the other. The square brackets appeared in amendment No. 103 on Committee Stage in the Seanad. The guillotine fell and the amendments were never reached and discussed, and now the square brackets are appearing in amendment No. 31 in the

list before the Dáil today.

I submit, as I did in writing to you, a Ceann Comhairle, that it is not open to the Dáil to adopt an amendment such as this. It is not fit for purpose and it is not possible to correct it because if we take out the word within the square brackets, that changes the meaning of the Bill as passed by the Seanad. What are we to do?

**An Ceann Comhairle:** I am very conscious of the fact that the Deputy has more parliamentary experience than I and the two other Members present in the Chamber put together. That might be a little different now that Deputy McGuinness has joined us. I am very conscious of the points made by the Deputy. I share his concern about the large volume of legislation being brought to the House at the end of term. This is a problem that has been raised in the past and remains to be resolved. The Committee on Standing Orders and Dáil Reform today considered matters relating to pre-legislative scrutiny and I have introduced a measure which, when implemented, will shorten the timeframe of pre-legislative scrutiny. The problem here is that there was no pre-legislative scrutiny at all.

When it comes to this particular matter, Standing Orders 227 and 228 are the relevant Standing Orders. Standing Order 196 is the one that would allow the Clerk of the House to make an amendment but, since this is an amendment that is neither verbal nor formal in nature, he cannot intervene and, therefore, I must make a judgment. The judgment I have made, be it right or wrong, is that the relevant Standing Order is 228. To that end, however reluctantly, I am proposing that we proceed. I thank Deputy Howlin. He does the House a service by raising this matter.

**Deputy Brendan Howlin:** There was a time when I knew all the Standing Orders but I am afraid that is no longer the case. I ask the Ceann Comhairle to outline the import of that particular Standing Order. Does the square bracket stand or not stand in the legislation?

**An Ceann Comhairle:** I believe it stands.

**Deputy Brendan Howlin:** How is it to be interpreted in the courts?

**An Ceann Comhairle:** Neither the Deputy nor I can decide how it is going to be interpreted in the courts.

**Deputy Brendan Howlin:** It is a fundamental concept of law that citizens cannot know whether it is a mandatory code, a voluntary code or just a code. We cannot have that level of ambiguity in legislation and it is fundamentally wrong for the Minister of State to bring this before us.

I will link this to another point. I did not deal with the Bill originally; my colleague Deputy Nash did so. He wrote to the Minister of State a week ago on another matter, relating to an amendment we have tabled that is unlikely to be reached, which the Minister has explained to the House has a meaning that clearly is not encompassed in the draft he has put before us. We will not have time to reach that amendment. This relates to the serious matter of the obtaining of foreign donations for a political party. It is clearly the intention of the Minister, as he stated, that any moneys accrued from a fundraiser in New York, for example, could not be expended in the State. If we pass the amendments that have been laid before the House, however - amendments that we will not have a chance to read - it will be possible for those donations to be expended in this jurisdiction, despite the explanation of the Minister. My colleague, Deputy

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Nash, wrote to the Minister of State a week ago on this issue but we have not had the courtesy of a reply despite the fact that the Bill is being bulldozed through. This is a bad way to make important laws that affect the very functioning of our democracy.

**An Ceann Comhairle:** I will read into the record that Standing Order 228 provides:

An amendment made by the Seanad to a Bill initiated in the Dáil may be accepted by the Dáil with or without amendment or be rejected. No amendment shall be moved to an amendment made by the Seanad that is not strictly relevant thereto, nor can any other amendment be moved to the Bill unless it be consequential upon the acceptance, amendment or rejection of a Seanad amendment.

There is a dilemma. We could speak about this for a long time but I would like the House to deal with as many of the amendments as possible. If the Minister of State wishes to comment on this, I would welcome that.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I appreciate the issue being raised by Deputy Howlin. Specifically on amendment No. 31, the proposed section 161 provides that the electoral commission may publish codes of conduct in respect of online electoral information or online electoral process information. Section 161(7) provides that where a person to whom a mandatory code is addressed has failed to comply with the code, the commission may apply to the High Court for an order directing the person to comply with the code. The word “mandatory” is in square brackets in the text. I am satisfied that the text is referring to a mandatory code. Clearly, the commission could not apply to the court seeking compliance with an optional or non-mandatory code. That simply would not be possible or make sense. I am satisfied that the meaning is clear but I am happy to clarify the issue with the Office of the Parliamentary Counsel and the Bills Office in the final proofing of the Bill.

I think there is cross-party support for the intention of the Bill. It is time-bound in the context of the review of Dáil constituencies and the other important work the commission has to get on with once it is established. If it is deemed or advised that amendment is required, we could bring that forward at a later date. The section in question will not be required until an election period. The next scheduled electoral period is 2024. With the support of the Deputy and the guidance of the Ceann Comhairle, I would like to proceed with the amendments.

**An Ceann Comhairle:** The Minister of State is in a dilemma, just as we are, because he started out on a road that must be travelled.

**Deputy Brendan Howlin:** I do not wish to delay the House further, but this is unacceptable. It is clear this a drafting phase of the Bill that went through as nobody looked at it because everybody is rushed. The Seanad did not have a chance to look at it and, like a significant number of other amendments, it will never be debated in either House. That is fundamentally making a mockery of our normal legislative process.

**Deputy John McGuinness:** I agree with Deputy Howlin. The amendments that come before the House deserve to be analysed and the Minister should be probed on all the issues that arise from them. We have not been able to do that in the case of many Bills. The point made by the Deputy is correct. If we cannot do it, then who will after it passes through the Houses? The President has already complained about the number of Bills that arrive with him. He does not have time for them. We are elected to legislate. Passing legislation that we do not scrutinise

properly is a reflection on us. There is then pressure on the President to do likewise. I appeal to whoever is making the decisions to give time for appropriate analysis of, and debate on, these Bills. It is essential to have good law. There is no point in passing a law that will be bad or poorly interpreted or, perhaps, used for an unintended purpose. I agree with Deputy Howlin.

**Deputy Mattie McGrath:** There have been numerous Bills before the House in the past two weeks. Someone did an analysis and critique of them in the context of legislation passed by the House earlier in the term and what is before it now. We knew all along that the House would finish up in the second or third week of July. The way this is being done is rushed and distasteful. We are not doing our duty, quite simply. We are passing Bills with this number of amendments and then moving on to the next Bill. It is indecent haste. There is a clamour to just get the Bills passed and signed. Rushed legislation is often bad legislation. Deputy McGuinness is right. The President did comment on the number of Bills handed to him when the Dáil finished up before Christmas. Here we go again. Are we learning anything?

**An Ceann Comhairle:** I would like to think that in my period in this Chair I have advocated the pursuit of best practice and continually trying to improve practice. It is disappointing when something like this happens but we must get on with it.

Seanad amendments Nos. 1 to 5, inclusive, 7, and 12 to 40, inclusive, are related and will be taken together.

Seanad amendment No. 1:

Title: In page 11, line 31, to delete “advertising;” and substitute the following:

“advertising; to provide for a regulatory framework to protect the integrity of elections and referendums against the dissemination or publication of online disinformation, online misinformation and manipulative or inauthentic behaviour online;”

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I am pleased to have the opportunity to speak to the amendments that were approved in the Seanad during the course of the Bill’s passage through the House. The first group of amendments assigns a monitoring and investigatory role to an coimisiún toghcháin in order that an coimisiún can protect the integrity of our electoral processes in the online sphere, in particular during electoral events. Members will appreciate that the online world now provides unprecedented opportunities unprecedented opportunities to spread false or misleading information very quickly and to create a false impression that a particular position has widespread support, thus giving it unwarranted credibility. Against this background and having regard to similar issues that arose during pre-legislative scrutiny of the Bill, when publishing the Electoral Reform Bill 2022 my colleague, the Minister, Deputy O’Brien, signalled that he had asked the Attorney General to prepare proposals and options for inclusion in the Bill with a specific focus on the protection of integrity of electoral processes that could include a role for an coimisiún in this regard. The new provisions in Part 5, which were published on 10 June, will place Ireland in a much better position to combat potential threats to the integrity of elections and referendums.

Seanad amendment No. 1 amends the Long Title to provide for the insertion of a new Part 5 in the Electoral Reform Bill 2022. In terms of consequential amendments, the insertion of a new Part 5 and the additional functions assigned to an coimisiún toghcháin to protect the integrity of our elections and referendums gives rise to a small number of consequential amend-

ments to Part 2. Seanad amendments Nos. 2 to 5, inclusive, and No. 7 all relate to consequential amendments having regard to the insertion of the new Part 5.

I turn now to provisions in respect of the new Part 5 itself, which comprise amendments Nos. 12 to 40, inclusive. To better understand the principal threats to the integrity of elections and to perceptions of the integrity of how elections are conducted, a number of key concepts are set out in the new Part 5, specifically in section 142, on which I will now elaborate. Definitions of “disinformation”, “misinformation” and “manipulative or inauthentic behaviour” are included in this Part. Following on from these broad concepts the provisions of the new Part 5 will provide an coimisiún with new monitoring and investigations functions with regard to the dissemination of disinformation relating to online electoral information and misinformation relating to online electoral processes, information as well as functions to prevent manipulative or inauthentic behaviours online. These are sections 143, 148, 157, 158 and 162.

Section 146 requires online platforms to report possible disinformation, misinformation or manipulative inauthentic behaviour in the online sphere to an coimisiún at the beginning of an electoral campaign period.

Section 147 requires online platforms to put in place a notification mechanism for users to report possible disinformation relating to online electoral information and misinformation relating to online electoral processes information.

Section 144 requires an advisory board to be established to provide advice to an coimisiún on the nature and effect of disinformation and misinformation and on the use by an coimisiún of its powers under Part 5.

Section 145 provides for the establishment of a stakeholder council to provide advice and opinions to an coimisiún generally and on the preparation and use of codes of conduct under Part 5.

Sections 151 to 155, inclusive, provide powers to an coimisiún in respect of its monitoring and investigatory functions.

Sections 159 and 160 also provide for an appeal mechanism against any notices or orders issued by an coimisiún.

Section 150 requires that an coimisiún will be required to consider the impacts of its actions on specified rights under the Constitution.

Section 161 provides that an coimisiún may publish codes of conduct that will be developed in consultation with the advisory board and stakeholder council. These codes of conduct may apply to online platforms, candidates at an election, political parties, third parties and other relevant persons.

Finally, section 163 provides for offences and penalties in respect of a failure to comply with any of the proposed notices under order or orders issued under Part 5; section 164 for making certain false statements regarding electoral period or an election campaign period; section 165 for using undisclosed bots to mislead or influence an election or referendum; and section 166 for a failure to comply with the obligations placed on online platforms.

Part 4 and the new Part 5 are required to be notified to the European Commission under EU Directive 2015/1535 laying down a procedure for the provision of information in the field of

technical regulations and of rules of information society services, otherwise known as technical regulation information system, TRIS, notification process. Consultation periods are ongoing on Parts 4 and 5 under the TRIS process. This provides an opportunity for stakeholders and the European Commission to provide comments or observations on the relevant provisions in the Bill. Any comments or observations arising from consultation process can be considered in advance of the commencements of Parts 4 and 5.

In conclusion, the insertion of a new Part 5 and the additional functions it provides to an *coimisiún toghcháin* to protect our democracy against the spread of disinformation, misinformation and manipulative or inauthentic behaviour online will place Ireland in a much better position to combat the potential threats to the integrity of our elections and referendums in the future.

**Deputy Michael McNamara:** I wish to return to the general principle. It is more than 100 years since this *Dáil* was established. We will soon be celebrating the anniversary of De Valera's 1937 Constitution, Article 15.2.10 of which states: "The sole and exclusive power of making laws for the State is hereby vested in the *Oireachtas*: no other legislative authority has power to make laws for the State." This is not a case of the *Oireachtas* making laws for the State. There are amendments that have not been reached in the *Seanad* and are not going to be reached here. They have never once been discussed in this *Oireachtas*. The President is, of course, part of the *Oireachtas*. The President will have to scrutinise them but, according to the Constitution, he has 14 days to scrutinise every Bill that we are ramming through now, and he has to sign them. He does not have a discretion. He has either to sign them or send them to the Supreme Court. Lots of people will protest that he signs this, that or the other. He or she, whoever the President is, has to sign the Bill. This is not the *Oireachtas* making laws. It is not what we were elected to do.

This point has been raised and the *Ceann Comhairle* has expressed his sympathies with the Minister. The Minister is a fundamentally decent man from a fundamentally decent party but does it ever occur to Ministers to say "No", this is not how we do our business", or "I will not be led by the nose around the place by my Civil Service and there is a point at which I say 'No'?" That is what it is; what is happening here is patently obvious to anybody. I do not wish to sound anti-Civil Service but we have to have a democratic Government that controls the Civil Service, which implements its programme and its legislative agenda and does so at its behest, not a Government that is elected and Ministers go into a Department and says, "What do I have to sign now? What do I have to do now? Where do I have to go now? Oh God maybe they will not like the fact that we cannot discuss this Bill. Well sure, if they do not, too bad."

I remember once when Deputy Howlin was a Minister I thought it was bad – and it was bad – Bills were guillotined. It was very rare though. In one instance I tabled an amendment and the civil servant smiled and said "We are not going to reach your amendment, are we because we are going to guillotine the Bill?" The best of luck to him, a much cleverer man than I, a far more knowledgeable man, maybe a man much better versed in the Constitution, but he did not have a mandate; I did. That is what democracy is supposed to be about. My constituents could get rid of me; indeed they did and they will again some day, I have no doubt about that. It is a matter of when; that is the same for all of us. However, you cannot get rid of the civil servant sitting beside you. That is not a democracy. It is a democracy when if you do not like what is happening, you can change it. We seem impervious to change. It does not matter whether it is the Green Party, *Fianna Fáil*, *Fine Gael* and the best of luck to *Sinn Féin* when it gets into power. It is not going to change much, unless it changes how we do our business and the Ministers and

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Secretaries Act, 1924, which was the result of a War of Independence which was what it was all about, is addressed.

Boris Johnson is an abomination but at least he implemented his programme. At least it is a democracy over there and they are getting rid of him, but we cannot get rid of our permanent government here because nobody takes control of anything. It is just, “Where is the latest photo opportunity?” I am asking the Minister of State a question. I have no doubt about his commitment to democracy or to the ideals on which he was elected. At what point does it become unacceptable to bring a Bill through two Houses and give neither House time to discuss many of its provisions? How is that democratic? How does he think that is acceptable? Before we get into the minutiae of the Bill, although we will not get into the minutiae, can the Minister of State answer that overarching question? It is not just this Bill. There is another Bill coming through in a couple of minutes and it is the same conveyor belt process.

How we do our business is the Government is elected to govern and to be held accountable. At the previous election, I noted there were some Ministers giving out about civil servants and that they could not implement their programme. It is the job of the senior Minister and junior Ministers to manage the Department. This is not a Minister managing a Department but a Department managing a Minister. I am sorry. This is not personal and it has nothing to do with the Minister of State. This is simply unacceptable and undemocratic. It is not what the State and Constitution are about. When this legislation goes to the courts, as it will given that it is a complete mess, deference will be given. What the Oireachtas, in its wisdom, is doing is failing to even consider the Bill. It might as well be toilet paper but the courts will give deference to what the Oireachtas does here. I am sorry but I will not vote any further on this Bill. It is a sham, not because I disagree with what the Minister of State wants to achieve but because how he is doing it is wrong.

I look forward to the questions that I have raised being answered.

**An Ceann Comhairle:** I assure the Deputy that we will come back to the Minister of State.

**Deputy Eoin Ó Broin:** In speaking to this group of amendments, it not only confirms the concerns of the Deputies who spoke earlier but demonstrates how much worse it is than that. This was meant to be really important legislation. We have spent in committee a considerable amount of time working on a cross-party basis, probably more so than on any other legislation we have dealt with in this Oireachtas, to ensure the Electoral Reform Bill and the important and long-overdue provisions would secure cross-party support and, therefore, public support because it makes a series of major changes to the electoral system. We spent an awful lot of time on the impact of digital social media and online social media on the electoral process, not only in terms of threats but also opportunities, such as the democratising nature of social media when it is properly managed and access of first-time candidates and smaller parties to more flexible forms of promotion of their agendas, candidacies, etc. In fact, all of us expressed the strong view at the committee that the provisions of the Bill, as initially proposed, with respect to online media regulation during elections was too weak. We received significant and positive advice from some of the country’s and Europe’s leading experts on these matters. We are now in a position where something we really wanted is being presented to us in detailed technical form and neither this House or the other House had a chance to discuss it.

I am less concerned about the discussion. I completely agree with Deputy McNamara that we will not even have time to properly scrutinise and seek expert advice - legal, technological

and advocacy advice - to ensure that what is in this text will do what we and the Minister of State would like this legislation to do. The reason this is so concerning is that the expert, the leading advocates and monitors of these kinds of technologies, told us that these technologies are accelerating at such a pace that even if what is in the Bill is okay, and I am not even sure it is, technology will have moved on dramatically. The experts and some of the country's most eminent political scientists who specialise in Irish and global elections recommended that some of these matters should be functions of the electoral commission to ensure that what it is recommending to Government is based on the most up-to-date evidence and best practice from across the world.

I will highlight a few concerns with the amendments as presented. The difficulty is that the moment I start raising questions someone who might be mischievous - not anybody in this room - might say that I am not in favour of regulating online social media platforms, tackling disinformation and ensuring the integrity of the democratic process. It is quite the opposite; we argued that we needed those measures in the Bill. However, for example, the definition section refers to "manipulative or inauthentic behaviour". Many members of the public may say this is not a phenomenon that is limited solely to online political activity. In fact, they might say it has been the bread and butter of certain types of politics since Greco-Roman times, but the definitions are incredibly general and brief and, therefore, open to wide interpretation.

I am a strong critic of micro-targeting, particularly when it happens without the consent of the person whose data have been mined to target. However, to give an example, in non-digital media there are forms of micro-targeting. We take advertisements in specialist magazines because we know certain types of people read them. On Facebook, for example, many first-time candidates and small-party candidates will use some of the boosting functions, which are open and transparent. That is a form of micro-targeting. That is not what anybody is concerned about in terms of the impact on the integrity of the electoral system. We are concerned about the Cambridge Analytica type of activity that we saw, for example, in the Brexit referendum.

Then there is "misinformation". If I read this correctly, the definition states it "means any false or misleading online electoral process information that may cause public harm..." Then there is a definition of process information, which is actually just information about the electoral process, registration, voting, candidates, etc., as opposed to wider meanings. We have not been given time to consider whether these are the right definitions. If they are not, everything else that flows from them is deeply problematic.

On the definition of "online platform", I do not understand why we are setting the bar so high in terms of applying this to online platforms of at least 100,000 unique monthly users. We know of the big platforms but we also know increasingly there are sub-platforms, small platforms or websites that may not fall within the scope of that. Are we saying, for example, that it will be wrong to engage in manipulative or inauthentic behaviour through various forms of micro-targeting and online electoral processing information but that will only apply to platforms that meet the high threshold set down in the criteria and I am free to go off and do that on my own website or through some other mechanism? That seems to be what is provided for.

The definition of "public harm", the foundation of this section, "means any serious threat to the fairness or integrity of an election or referendum". These definitions are so broad that it is hard to understand who will get to decide. Deputy McNamara is correct that this legislation will end up in the courts and some judge will have to decide. If we are being asked to simply rubber-stamp this at such short notice and without adequate scrutiny or adequate expert advice

from people far more qualified than us to give us a sense of this, that is a problem.

I am all in favour of the intention behind this set of amendments. I am deeply troubled not only that the Bill is being rushed through the House but about its drafting. I mean no disrespect to the officials. I say this at this point every year and I have a slightly different take on it than Deputy McNamara. The officials are put under an enormous amount of strain by Ministers who want to be seen to get things done and demand the churning out of legislation so that they can get the photo opportunity, as Deputy McNamara said, with the Bill they have passed. I have enormous sympathy for the officials and staff in the Bills Office who have to deal with all of this stuff. I am saying that honestly. However, if all of that pressure is being placed on the officials and legislation does not go through the various screening processes, we could approve something here that, in and of itself, could undermine the integrity of the electoral process. That is a profound worry.

These amendments should be withdrawn given how cross-party and collegiate Members have been. We have been having fights, not only yesterday in this Chamber but also in the committee on all sorts of issues, but we were pretty much at one on this Bill. These amendments should have been brought back to the committee. There is no reason an amending Bill could not be introduced later in the year to go through proper pre-legislative scrutiny and proper scrutiny on Committee Stage with an opportunity for amendment. We could then agree an electoral amendment Bill that everybody is happy with. We had an unholy row at the end of the Dáil stage on amendments the Minister of State did not draft and probably did not even want to see on the floor of the Dáil, and which should not have been in this Bill. Here we are again souring the end of an important and predominantly positive piece of Oireachtas work with this set of amendments. I do not want to oppose the amendments because I support the intention behind them but I am not convinced they are right. Therefore, a withdrawal at this point is the correct course of action for the Government.

**Deputy Cian O’Callaghan:** I very much agree with Deputy Ó Broin. Withdrawal is the responsible thing to do here. It is worth saying that these issues were discussed at the committee. Legislation to address these issues around online political activity was sought but to bring these amendments in now without any level of scrutiny, given the seriousness of the issues and the requirement that they be scrutinised, is the wrong approach. They should be withdrawn and draft amendments should go to the committee to be scrutinised. We should also be able to get expert advice on this.

What is being attempted here needs to be done. Nothing like this has ever been done before in Ireland, certainly in terms of trying to regulate online electoral and political activity. Having clarity around the processes and the terminology is very important. Many of these definitions on misinformation, disinformation and so forth, and the very strong powers that are to be given to the electoral commission, rest on the definition of “public harm”. The legislation defines “public harm” as meaning any serious threat to the fairness or integrity of an election or referendum. Given that the Minister of State, Deputies Ó Broin and Howlin and I will all have different ideas on what “fairness” could be, how the electoral commission decides what is fair and is not fair needs a lot of scrutiny. That is a huge power being given to the commission that gives it the power to take decisions and issue takedown notices and everything else that can and will affect the outcome of elections. It is a very serious responsibility that it is being given. For us not to have clarity around that definition, not to have that properly scrutinised, not to know what are the safeguards that are being built into these powers that are being given to the commission, or not to know what level of accountability is being put on this is not acceptable. To

hand all of those powers to the commission and not to know what the thinking is behind that, to me, is deeply problematic.

I hope the Minister of State can give us information on that now. The thing to do would be to withdraw these amendments and let them be scrutinised properly, so all of us, across the political system, can be happy with these amendments and can support them, as has been done to date with the parts of the Electoral Reform Bill that were brought through the committee process.

**Deputy Brendan Howlin:** I am at a disadvantage to other Members here because I did not deal with this Bill, which my colleague did, and I am not a member of the committee. I was asked to look at these matters because my colleague has Covid. I am deeply concerned. I know the Ceann Comhairle is an advocate for the proper working of these Houses. The previous Dáil, perversely, because it was a minority Government, ensured there was no guillotining of Bills because the Government did not have a majority to do it. Everything was scrutinised and everything was the better for it. It was frustrating for Ministers occasionally, I have no doubt, and I have been on that side of the House too. However, the notion that fundamental law is created without proper scrutiny is a disaster.

I echo Deputy Ó Broin's suggestion that the new amendments that had not been looked at in the Seanad should be withdrawn now. We can pass the Bill with any amendments that are needed that are of a technical nature and then come back in the next session with a short amending Bill, with proper time for pre-legislative scrutiny and with proper committee debate and input from the experts in regard to it.

I go back to the point I made. There are aspects of this Bill where, if we enact it, it will not be what the Government intends it to be. My colleague wrote a letter to the Minister of State on 6 July in regard to this Bill and the Minister of State has not replied yet. In that letter, he legally sets out the Minister of State's stated intent and why that is not the actual wording of the Bill, and where the Minister of State briefed a journalist to say that is the intent of it, but that is not the actual impact of it. It is clear that we need a better go at this than is being afforded in this Bill.

I am very conscious that this is fundamental to the working of our democracy. It is our electoral system. We have been talking about an electoral commission for a generation, in truth, and it is very good that the Minister of State has got to this point and has built such a political consensus on it. I commend the Minister of State and his officials on that. However, he should not upset that consensus now for the sake of giving us the additional time. We need to have the commission established and we can do all of that by passing this Bill now, but I ask the Minister of State to withdraw the amendments that are contentious and bring them back in a short amending Bill in the new session. In that way, we can all be content that the electoral law, upon which our very democracy is based, is secure and we can buy in on a cross-party basis, which I know and believe is the Minister of State's objective.

**Deputy Malcolm Noonan:** Points were made specifically in regard to this important part of the Bill. I closely followed the deliberations of the Oireachtas joint committee, where it was widely debated. I commend the committee on its deliberations at pre-legislative scrutiny stage. These were concerns that were raised in pre-legislative scrutiny, as Deputy Ó Broin mentioned. They are fundamental citizens' rights and fundamental to the robustness of our democracy and, from that point of view, they are very important to us. I appreciate the comments made by Dep-

uty Howlin in regard to the collegiate nature of bringing the Bill to this stage. I want to reassure the Deputies that the Attorney General has been central to the drafting of these amendments.

The definition of an online platform is consistent with the definition in Part 4 of the Bill. Specific questions were raised by Deputy Ó Broin in regard to definitions. First, “disinformation” is defined in the new Part 5 to refer to false or misleading content that is spread with the intention to deceive and which may cause public harm. Second, “misinformation” is broadly taken to mean false or misleading content shared without harmful intent, though the effects may still be harmful. Finally, a broad principled approach is taken with regard to the meaning of “manipulative or inauthentic behaviour”, given this type of behaviour is ever-evolving, as Deputy Ó Broin said. In this regard, “manipulative or inauthentic behaviour” means tactics, techniques and procedures that constitute a deceptive use of services or features provided by an online platform, including user conduct, having the object of artificially amplifying the reach or perceived public support of particular content; are likely to influence the information visible to other users of the platform; by reason of their nature, character, context or any other relevant circumstance give rise to the inference that they are intended to result in the dissemination, publication or increased circulation of false or misleading online electoral information; and may cause public harm. I hope that is some clarification of the question the Deputy has asked.

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

**Deputy Malcolm Noonan:** The broader issue around citizens’ rights is important in the context of recent experiences across the world and we all have plenty of examples of it. This demonstrates that many of the most pressing threats to the integrity of our democracy and electoral processes are based on harmful techniques for distorting or manipulating public expression. In that context, it is important to note that the State has obligations, under both the Constitution and the European Convention on Human Rights, to support and protect each citizen’s right to become informed about their democracy in a free and unfettered manner and the right of both citizens and representatives to participate in robust political debate under a fair and equal process. In this regard, the new provisions explicitly require the electoral commission, in considering the exercise of its powers under this part, section 150, to consider and give due weight to the right to freedom of expression, the right to freedom of association, the right to participate in public affairs and the obligation of the State to defend and secure the fairness and integrity of elections and referendums. It will be essential that any actions proposed by the electoral commission under this part will pass a proportionality test which will require assessment of a number of key factors, including the nature of the conduct being targeted and the extent to which it threatens election integrity to ensure that such actions are necessary and compatible with our rights under the Constitution and the European Convention on Human Rights.

I reiterate the point on the establishment of the commission’s research and advisory functions. On that point the Deputy makes about emerging technologies and how this space is changing rapidly, that research and advisory function in the commission is critical to advising and changing how this all evolves. I had a meeting with Technology Ireland in regard to its issues around it and assurances have been given in that regard.

It is important, taking on board the points made by all the Deputies, to acknowledge our appreciation for the goodwill that was generated around the development of this Bill. A huge amount of work has gone into it and this particular issue is an important and integral part of it. It has been devised, as I said, in view of concerns raised by Deputies and Senators at pre-legislative scrutiny and it is an important aspect of the Bill. The situation is evolving for us all

and we probably are into new territory in terms of how we deal with these issues in Ireland. This country can become a leader in supporting the robustness of our democratic processes. I respect Deputies' views but it is important that we get the Bill passed.

**Deputy Michael McNamara:** I am still unclear as to how the decision was made to guillotine the Bill. Did the Minister of State ask the Government Chief Whip to allocate 45 minutes for the debate and say to himself we all can shove it after that? Did his officials suggest this would be a good approach and he went along with it, or did he lead the approach? Did the Chief Whip agree that this wonderful and novel legislation is going to turn us into a shining light of democracy across the Council of Europe area, as the Minister of State just described, or did he think it a load of codswallop and decide to give only 45 minutes of Dáil time to it? I want to know how we arrived at a situation whereby we are going to pass this Bill into law and ask the courts to give deference to this House in having passed the law without anybody here or in the other House having had time to scrutinise it. We are all expected to vote for this Bill and then we will have no choice because it will be law and everybody has to follow the law. The courts, as I said, are expected to give deference to the House in this regard. Before that vote takes place, it is important to know how we arrived at the situation whereby this length of time was allocated for the debate and amendments are being put through that have not been discussed in the Seanad and will not be discussed here. It is important for the sake of democracy, which this Bill is designed to protect, that the Minister of State outline how this came about.

**An Ceann Comhairle:** The Minister of State will have to do so in 37 seconds.

**Deputy Malcolm Noonan:** There has been significant debate on all Stages of the Bill.

**Deputy Michael McNamara:** Not on these amendments.

**Deputy Brendan Howlin:** We have not debated these amendments.

**Deputy Eoin Ó Broin:** I want to put on the record that we will be back here at some point to deal with amending legislation. This Bill is going to end up in the courts. It is almost like a mirror image of the substitute consent legislation we will deal with shortly, the first version of which was not right and was rushed through at the end. That legislation was subject to significant legal challenge, which forced the Government to bring forward amending legislation. In the case of this Bill, we could do it the right way by way of amending legislation we all support.

**An Ceann Comhairle:** The time is up, Deputy.

**Deputy Eoin Ó Broin:** One way or another, the Bill is coming back to us. It is a shame it is being done in this manner.

**An Ceann Comhairle:** The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 12 July 2022: "That the amendment set down to Seanad amendment No. 50 is hereby negatived, the Seanad amendments not disposed of are hereby agreed to in Committee and agreement to the amendments is accordingly reported to the House." Is that agreed?

**Deputies:** No. Vótáil.

Question put:

*The Dáil divided: Tá, 79; Níl, 61; Staon, 0.*

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<i>Tá</i>	<i>Níl</i>	<i>Stáon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Bacik, Ivana.</i>	
<i>Browne, James.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	
<i>Burke, Colm.</i>	<i>Browne, Martin.</i>	
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	
<i>Butler, Mary.</i>	<i>Cairns, Holly.</i>	
<i>Byrne, Thomas.</i>	<i>Canney, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Carthy, Matt.</i>	
<i>Calleary, Dara.</i>	<i>Clarke, Sorca.</i>	
<i>Cannon, Ciarán.</i>	<i>Collins, Joan.</i>	
<i>Carey, Joe.</i>	<i>Collins, Michael.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>	
<i>Collins, Niall.</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>Ellis, Dessie.</i>	
<i>Dillon, Alan.</i>	<i>Farrell, Mairéad.</i>	
<i>Donnelly, Stephen.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Donohoe, Paschal.</i>	<i>Funchion, Kathleen.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gannon, Gary.</i>	
<i>English, Damien.</i>	<i>Gould, Thomas.</i>	
<i>Feighan, Frankie.</i>	<i>Guirke, Johnny.</i>	
<i>Flaherty, Joe.</i>	<i>Harkin, Marian.</i>	
<i>Flanagan, Charles.</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, Martin.</i>	
<i>Haughey, Seán.</i>	<i>Kerrane, Claire.</i>	
<i>Heydon, Martin.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Higgins, Emer.</i>	<i>McGrath, Mattie.</i>	
<i>Humphreys, Heather.</i>	<i>McNamara, Michael.</i>	
<i>Kehoe, Paul.</i>	<i>Mitchell, Denise.</i>	
<i>Lahart, John.</i>	<i>Murphy, Catherine.</i>	
<i>Lawless, James.</i>	<i>Murphy, Paul.</i>	
<i>Leddin, Brian.</i>	<i>Murphy, Verona.</i>	
<i>Madigan, Josepha.</i>	<i>Mythen, Johnny.</i>	
<i>Martin, Catherine.</i>	<i>Nolan, Carol.</i>	

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<i>Martin, Micheál.</i>	<i>O'Callaghan, Cian.</i>	
<i>Matthews, Steven.</i>	<i>O'Donoghue, Richard.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Reilly, Louise.</i>	
<i>McEntee, Helen.</i>	<i>O'Rourke, Darren.</i>	
<i>McGrath, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>McGuinness, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>McHugh, Joe.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Moynihan, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ryan, Patricia.</i>	
<i>Noonan, Malcolm.</i>	<i>Shortall, Róisín.</i>	
<i>O'Brien, Darragh.</i>	<i>Smith, Bríd.</i>	
<i>O'Brien, Joe.</i>	<i>Smith, Duncan.</i>	
<i>O'Callaghan, Jim.</i>	<i>Stanley, Brian.</i>	
<i>O'Connor, James.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Dea, Willie.</i>	<i>Tully, Pauline.</i>	
<i>O'Donnell, Kieran.</i>	<i>Ward, Mark.</i>	
<i>O'Donovan, Patrick.</i>	<i>Whitmore, Jennifer.</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 Eoin Ó Broin and Cian O'Callaghan.

Question declared carried.

**Planning and Development (Amendment) (No. 2) Bill 2022 [Seanad]: Second Stage (Resumed)**

**An Leas-Cheann Comhairle:** I must now deal with a postponed division relating to the Second Stage of the Planning and Development (Amendment) (No. 2) Bill 2022. Last Thursday, 7 July 2022, on the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 80(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 77; Níl, 62; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Canney, Seán.</i>	
<i>Cannon, Ciarán.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Coveney, Simon.</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>Donohoe, Paschal.</i>	<i>Ellis, Dessie.</i>	
<i>Duffy, Francis Noel.</i>	<i>Farrell, Mairéad.</i>	
<i>English, Damien.</i>	<i>Funchion, Kathleen.</i>	
<i>Feighan, Frankie.</i>	<i>Gannon, Gary.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Gould, Thomas.</i>	
<i>Flaherty, Joe.</i>	<i>Guirke, Johnny.</i>	
<i>Flanagan, Charles.</i>	<i>Harkin, Marian.</i>	
<i>Fleming, Sean.</i>	<i>Healy-Rae, Danny.</i>	
<i>Foley, Norma.</i>	<i>Healy-Rae, Michael.</i>	
<i>Griffin, Brendan.</i>	<i>Howlin, Brendan.</i>	

Dáil Éireann

<i>Harris, Simon.</i>	<i>Kelly, Alan.</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>Humphreys, Heather.</i>	<i>McGrath, Mattie.</i>	
<i>Kehoe, Paul.</i>	<i>McNamara, Michael.</i>	
<i>Lahart, John.</i>	<i>Mitchell, Denise.</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>Martin, Micheál.</i>	<i>Nolan, Carol.</i>	
<i>Matthews, Steven.</i>	<i>O'Callaghan, Cian.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Donoghue, Richard.</i>	
<i>McEntee, Helen.</i>	<i>O'Reilly, Louise.</i>	
<i>McGrath, Michael.</i>	<i>O'Rourke, Darren.</i>	
<i>McGuinness, John.</i>	<i>Ó Broin, Eoin.</i>	
<i>McHugh, Joe.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Pringle, Thomas.</i>	
<i>Naughton, Hildegarde.</i>	<i>Quinlivan, Maurice.</i>	
<i>Noonan, Malcolm.</i>	<i>Ryan, Patricia.</i>	
<i>O'Brien, Darragh.</i>	<i>Shanahan, Matt.</i>	
<i>O'Brien, Joe.</i>	<i>Shortall, Róisín.</i>	
<i>O'Callaghan, Jim.</i>	<i>Smith, Bríd.</i>	
<i>O'Connor, James.</i>	<i>Smith, Duncan.</i>	
<i>O'Dea, Willie.</i>	<i>Stanley, Brian.</i>	
<i>O'Donnell, Kieran.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Donovan, Patrick.</i>	<i>Tully, Pauline.</i>	
<i>O'Dowd, Fergus.</i>	<i>Ward, Mark.</i>	
<i>O'Gorman, Roderic.</i>	<i>Whitmore, Jennifer.</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>		

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<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 Mattie McGrath and Michael McNamara.

Question declared carried.

### **Planning and Development (Amendment) (No. 2) Bill 2022 [Seanad]: Instruction to Committee (Resumed)**

Debate resumed on the following motion:

That it be an instruction to the Committee on the Planning and Development (Amendment) (No.2) Bill 2022, that:

(a) Standing Order 233(2) is modified to provide that the Committee has the power to make amendments to the Bill which are outside the existing subject matter of the Bill, in relation to:

(i) the Valuation Acts 2001 to 2020 to enable the Commissioner of Valuation to defer the roll out of the national revaluation programme; and

(ii) the Maritime Area Planning Act 2021, which amendments are technical in nature and include: amendments to Maritime Area Consent provisions; amendments of provisions for the early appointment of the Chief Executive Officer designate by the Minister ahead of the establishment of the Maritime Area Regulatory Authority (MARA); and amendments strengthening the enforcement provisions in the maritime area that will be available to MARA;

(b) Pursuant to Standing Order 187, the Committee has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill in relation to:

(i) short term letting provisions in the Planning and Development Act 2000;

(ii) provisions concerning Ministerial directions regarding statutory plans and related provisions in the Planning and Development Act 2000;

(iii) provisions relating to flexibility in planning applications in the Planning and Development Act 2000; and

(iv) judicial review provisions in the Planning and Development Act 2000;

and to change the title of the Bill, and for consequential amendment of the long title to

reflect the content of the Bill, and make other consequential amendments required to take account of the changes above.

-(Minister of State at the Department of Housing, Local Government and Heritage, Deputy Peter Burke)

**An Leas-Cheann Comhairle:** I must now deal with a postponed division on the motion regarding an instruction to committee on the Planning and Development (Amendment) (No. 2) Bill 2022. Earlier today, on the question, “That the motion be agreed to”, a division was claimed, and in accordance with Standing Order 80(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 78; Níl, 63; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Canney, Seán.</i>	
<i>Cannon, Ciarán.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Collins, Niall.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Coveney, Simon.</i>	<i>Cronin, Réada.</i>	
<i>Cowen, Barry.</i>	<i>Crowe, Seán.</i>	
<i>Creed, Michael.</i>	<i>Cullinane, David.</i>	
<i>Crowe, Cathal.</i>	<i>Daly, Pa.</i>	
<i>Devlin, Cormac.</i>	<i>Doherty, Pearse.</i>	
<i>Dillon, Alan.</i>	<i>Donnelly, Paul.</i>	
<i>Donnelly, Stephen.</i>	<i>Ellis, Dessie.</i>	
<i>Donohoe, Paschal.</i>	<i>Farrell, Mairéad.</i>	
<i>Duffy, Francis Noel.</i>	<i>Funchion, Kathleen.</i>	
<i>English, Damien.</i>	<i>Gannon, Gary.</i>	
<i>Feighan, Frankie.</i>	<i>Gould, Thomas.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Guirke, Johnny.</i>	
<i>Flaherty, Joe.</i>	<i>Harkin, Marian.</i>	
<i>Flanagan, Charles.</i>	<i>Healy-Rae, Danny.</i>	
<i>Fleming, Sean.</i>	<i>Healy-Rae, Michael.</i>	
<i>Foley, Norma.</i>	<i>Howlin, Brendan.</i>	

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<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>Humphreys, Heather.</i>	<i>McGrath, Mattie.</i>	
<i>Kehoe, Paul.</i>	<i>McNamara, Michael.</i>	
<i>Lahart, John.</i>	<i>Mitchell, Denise.</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>Martin, Micheál.</i>	<i>Nolan, Carol.</i>	
<i>Matthews, Steven.</i>	<i>O'Callaghan, Cian.</i>	
<i>McConalogue, Charlie.</i>	<i>O'Donoghue, Richard.</i>	
<i>McEntee, Helen.</i>	<i>O'Reilly, Louise.</i>	
<i>McGrath, Michael.</i>	<i>O'Rourke, Darren.</i>	
<i>McGuinness, John.</i>	<i>Ó Broin, Eoin.</i>	
<i>McHugh, Joe.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Pringle, Thomas.</i>	
<i>Naughton, Hildegarde.</i>	<i>Quinlivan, Maurice.</i>	
<i>Noonan, Malcolm.</i>	<i>Ryan, Patricia.</i>	
<i>O'Brien, Darragh.</i>	<i>Shanahan, Matt.</i>	
<i>O'Brien, Joe.</i>	<i>Shortall, Róisín.</i>	
<i>O'Callaghan, Jim.</i>	<i>Smith, Bríd.</i>	
<i>O'Connor, James.</i>	<i>Smith, Duncan.</i>	
<i>O'Dea, Willie.</i>	<i>Stanley, Brian.</i>	
<i>O'Donnell, Kieran.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Donovan, Patrick.</i>	<i>Tully, Pauline.</i>	
<i>O'Dowd, Fergus.</i>	<i>Ward, Mark.</i>	
<i>O'Gorman, Roderic.</i>	<i>Whitmore, Jennifer.</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 Eoin Ó Broin and Cian O’Callaghan.

Question declared carried.

### **Teachtaireacht ón Seanad - Message from Seanad**

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Seanad Éireann has passed the Communications (Retention of Data) (Amendment) Bill 2022, without amendment.

### **Planning and Development (Amendment) (No. 2) Bill 2022 [Seanad]: Committee and Remaining Stages**

#### NEW SECTION

**Acting Chairman (Deputy Marc Ó Cathasaigh):** Amendments Nos. 1 and 82 are related and may be discussed together.

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke):** I move amendment No. 1:

In page 3, between lines 11 and 12, to insert the following:

“PART 1

PRELIMINARY AND GENERAL

#### **Short title, collective citation, construction, and commencement**

1. (1) This Act may be cited as the Planning and Development, Maritime and Valuation (Amendment) Act 2022.

(2) The Planning and Development Acts 2000 to 2021 and *Part 2* may be cited together as the Planning and Development Acts 2000 to 2022 and they shall be construed together as one.

(3) The Maritime Area Planning Act 2021 and *Part 3* may be cited together as the Maritime Area Planning Acts 2021 and 2022 and they shall be construed together as

one.

(4) This Act, other than *sections 3 to 7 of Part 2*, and *Part 4*, shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may by order or orders appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.”.

The amendment concerns changes to the Short Title to incorporate the Government amendments, the citation of the Planning and Development Acts, 2000 to 2021, and Part 2 of this Act, to be construed as one, and changes to Part 3 of the Maritime Area Planning Acts, 2021 and 2022, to be construed together as one, and commencement provisions. Amendment No. 82 provides for consequential alteration to the Long Title to allow for the amendments to be brought forward on Committee Stage.

I wish to respond to recent misleading reports in the media that the Government is trying to ram through or to rush legislation without proper scrutiny. This is simply incorrect. The Government amendments being considered on Committee Stage are broadly technical in nature or are urgent. For example, the few short Valuation Acts amendments are needed in advance of a legislative deadline to publish out-of-date pre-pandemic property valuations in September 2022. The similarly brief short-term letting amendments are urgently needed to help address the current supply shortage in the private rental sector, specifically in rent pressure zones, RPZs, which are the areas of highest housing demand, thereby delivering increased numbers of units to the sector and stabilising rents.

The section 31 amendments will introduce clarity and consistency of language and procedure into the ministerial direction process. These amendments need to be operational as soon as possible in advance of the end of the summer to benefit from the Office of the Planning Regulator, OPR, and stakeholders such as the public, planning authorities, regional assemblies and the Minister in the review of several ongoing statutory development plans, which plans are otherwise due to be adopted by the end of the summer. The design-flexibility provisions have been worked on for some time by my Department with the assistance of the Office of the Attorney General. Equally, they are being applied to the maritime area planning amendments, which are urgently needed to facilitate up to eight expected large-scale applications for offshore wind farms. Initial maritime area consents, MACs, are currently being considered by the Minister for the Environment, Climate and Communications in advance of the commencement of a pre-planning process with An Bord Pleanála. Such renewable energy projects will go a long way towards helping to achieve Ireland’s renewable energy targets for 2030. If the flexibility provisions are not in place, together with the numerous other minor technical amendments to the maritime area planning legislation, the developers might delay their application processes to wait for this innovative and useful legislation.

Finally, the judicial review legislation amendments, which amount to two pages only, were proposed to address straightforward issues in the judicial review process, to help move judicial review cases on quickly and to have timely decisions on them. As I confirmed to the House this morning, we have reflected on the concerns relating to the judicial review amendments raised by colleagues in the House and have, as a result, proposed to withdraw what was known as amendment No. 25 in the combined white list of Committee Stage amendments – that amendment appeared to be raising most concerns – so it could be reconsidered in future legislative proposals by the Government. The remaining two judicial review proposals are quite straightforward

and seek to better align our judicial review process with the provisions explicitly provided for in the EU's environmental impact assessment directive outlining that administrative processes should be exhausted before recourse is had to expensive and lengthy judicial review processes.

I trust the above gives a better outline of the reasons for the inclusion of the amendments today, most of which were flagged in substance on 1 April in the Seanad. Opposition Senators were briefed on 25 May and some Deputies attended. Further briefings were held this week. An hour and a half was allocated but the time was not used up because members of the Opposition ran out of questions to raise.

**Deputy Mattie McGrath:** The Minister of State should be in a pantomime.

**Deputy Eoin Ó Broin:** Perhaps we should reset the tone of this conversation because I do not think any of us will benefit if we have a row. We are going to have some strong disagreements about the legislation but, just as we did with the Maritime Area Planning Bill and other significant Bills, we can have a rational conversation without trying to provoke each other. To respond directly to the Minister of State's comments, I believe the media coverage is accurate. I will set out in as non-provocative a way as I can why I believe that to be the case.

We should be spending the two and a half hours on the substitute consent Bill. That is significant legislation. Not only do Deputies on this side of the House have significant concerns about its provisions but so too do many legal experts and environmental NGOs. We have tabled significant amendments that we wanted an opportunity to discuss. On Thursday night last week, we received 48 pages of amendments. To put it in context, the Bill we are meant to be debating here is 18 pages. The amendments that are going to take up most of our time amount to 48 pages. The Minister of State is correct that some of them are completely without controversy. The proposed changes with respect to the OPR legislation and the Valuation Acts are relatively straightforward. They are technical and minor, and there is no issue with them. The amendments with respect to short-term letting provisions will be welcomed by many of us on this side of the House because, as I said this morning, a Sinn Féin Private Members' Bill with the same effect was supported without Government opposition some weeks ago. However, there are some significant questions as to whether the amendments will do what the Minister of State says they will do. In that regard, we support their intent but want to tease them out.

To describe amendments Nos. 25 and 26, or just amendment No. 26, as technical does not reflect the potential significance, confusion and legal delays they will cause if they are got wrong. We can get into the detail on this when we come to it. The amendments are at the very centre of many of the public concerns that have been expressed in the newspapers.

The issue of the design envelope was raised during Committee Stage. It was something the Government and Department had decided not to proceed with. My understanding is that it is on foot of the loss of a legal challenge that these proposals are now being made. The problem is that it is not just about wind energy in that the design envelope is also being proposed to apply to terrestrial planning, including residential planning. If we have time, we will get to this; I hope we do. When we were dealing with the offshore wind discussions in the context of the planning regime, some of the people made a very convincing case as to why one would need or why it would be reasonable to have some design-envelope flexibility for offshore wind projects given that they take such a long period and that the technology is advancing so rapidly. I can, therefore, understand the logic of it; however, if the legislation is got wrong or is not drafted in the right way, what is being presented as something to meet our rapidly advancing renewable

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energy target deadline through wind generation could make matters more difficult. I do not understand why the Government would apply a design envelope to residential developments. These normally take a set period. There is a five- or ten-year planning permission and the types of building technologies used are not stipulated in it, so I have significant concerns over how the design envelope applies to offshore wind. I am opposed to the provision as it stands, although I will listen to the Minister of State's view on how it applies to terrestrial planning and residential developments.

With respect to information, we are very grateful that his officials briefed us for an hour and a half. He should keep in mind that such briefings are for officials to answer technical questions; they do not represent full scrutiny. They entail officials providing time so we can understand what is written on the page. With respect to the amendments before us, there will be no scrutiny by outside experts and we will not know what industry and the NGOs have to say. We will not know what some of the legal experts in this specific area or the Irish Planning Institute have to say. Significant, profound changes are proposed. These are not simple technical-efficiency measures; they are significant technical changes. Not only are we not getting enough time to debate them on Committee Stage but we are not getting time for any scrutiny at all. We can have a row if the Minister of State wants, or we can have a rational discussion. We might not agree at the end of it, but these changes, the substitute consent Bill and the amendments we make to it will have profound impacts on people all over this State for years to come.

I will finish with a general comment. The profound impacts are best seen in one of the most egregious substitute consent cases in the history of the State, that of Derrybrien. Pretty much everyone present will know that case very well. Since Governments repeatedly got the planning rules and regulations wrong, the communities in the part of the country in question had to live with the consequences of mistakes of this House for decades. They are still living with those mistakes because, while substitute consent has rightly been refused, the very real issue of the remediation of the enormous amount of social, economic and environmental damage in Derrybrien has yet to be resolved. That is before we even talk about the millions of euro in taxpayers' money spent on fines.

We have a significant discussion to have. I hope we get through some of the amendments and I hope the Minister of State listens to some of the arguments we are making. We are not here to mislead. A number of us here have spent a lot of time discussing planning legislation with him. We take this stuff seriously. I have significant concerns, even about the portions of the amendments I am minded or open to support. The amount of time allocated for scrutiny, debate and voting is wholly inadequate. This is why I believe that newspaper reports are accurate.

**Deputy Richard Boyd Barrett:** A mountain fell down because all the trees on the top of it were cut down and a wind farm was built. This had devastating consequences for a community. If we do not get this stuff right, it has very serious consequences. A huge number of fines were then levied on this country for years. We are now planning major industrial development in our marine area. We have a Government that is giving a special pass, as I see it, to a number of legacy projects that will see massive industrial development all around the near coastal area along the entire east coast and much of the rest of the country. By any stretch it will have a big impact on people, fishers and the marine environment. God knows what it could do to the marine environment. If these things can make mountains fall down, they can also do a lot of damage to marine life and the marine environment if we do not get them right. We have a Government that has given a special pass to these legacy projects. They are all projects of private corporations. They are not projects of the State but of private corporations interested in making

money from our marine when we have the lowest number of marine protected areas anywhere in Europe. This itself is a sign of the lack of commitment in the State to protecting our marine environment.

Now the Government has come along with a Bill that is supposed to deal with the issues of substitute consent that arose out of Derrybrien. It introduced a Bill on this issue, which is very serious in and of itself, and then, at the last minute in the last week of the Dáil session when a deluge of legislation is being piled through and guillotined, we get dozens of pages of amendments that introduce wholly new issues. These new amendments impact on matters such as the plans for industrial development of the marine and large-scale residential developments, which I did not mention on the previous occasion.

Let us consider what a shambles strategic housing developments were. Of course, they were not a shambles for the private developers and the investment funds based in Guernsey and the Virgin Islands making a fortune. They were a shambles from a planning point of view and for the communities they impacted. They have done nothing but worsen the housing situation. We have major amendments that will in the case of large-scale residential developments allow developers to have flexible planning applications. Is the Minister of State serious? What is the basis for this? After the mess that was made of the strategic housing developments, there will be flexible applications for the replacement of such developments. This has serious implications for public participation, the Aarhus Convention and the credibility of the entire planning process.

The Minister of State has come in here very feisty I must admit and fair play to him. He was obviously told to come in fighting. He is saying the amendments are technical. There is nothing technical about it. We have a new type of planning application for something that is very controversial, to put it mildly, as a replacement for strategic housing developments and developers can ask for a flexible application in which they do not have to give all of the details of what they will build. Immediately alarm bells start ringing when the Government comes in and says this is technical when it is self-evidently not technical. It is very substantial.

The massive industrialisation of our marine environment is not technical. We all want off-shore wind and renewable energy but we are deeply concerned that we have not protected as we should have the areas where this industrialised development should not take place. The Government wants flexible applications where circumstances could dramatically change. These changes could have a very serious impact on our marine environment. In case anybody says that even raising these points means we are not serious about the environment let us remember the biggest carbon sink on the planet is the sea and what lives in the sea. If we mess up the sea and marine biology in the name of addressing climate change, we will potentially do the opposite and do more damage to the climate and to biodiversity. These are not small issues; these are very serious issues.

Even with regard to the measures that we like, such as those relating to short-term lets, we wonder why they are being introduced for only six months. We need to have serious scrutiny of these matters. What sort of enforcement will there be? Does it mean anything if there will not be enforcement? All of this needs to be scrutinised. None of it will be scrutinised because of the guillotine and the fact the amendments have been introduced at the last minute.

The briefing we got the other day was not a place to argue. We were trying to get our heads around the massive number of amendments. Something I asked for, as Deputy Matthews

knows, is whether we could please have an explanatory memorandum to explain what the hell is in these amendments. It was not available at the time. Because we asked for it, it was eventually produced at 8.58 this morning. That is when we received it. Now we are dealing with all of these amendments and the Bill is being guillotined. If this is not a disgrace in terms of legislation I do not know what is. Please do not tell us it is technical. Do not try to fool the public, the media or whoever it is the Minister of State is trying to fool by saying such things. This is sharp practice and there is no question about it. It is sharp practice with things that have very serious implications for our environment and the public.

**Deputy Cian O’Callaghan:** This is not any way to handle legislation. What has happened here is that the Government has rolled what is effectively seven different Bills into one. Only one of these, the original part on substitute consent, has received any scrutiny. It alone requires significant discussion and scrutiny on this Stage. Parts of what the Government has brought forward at the last minute are non-controversial, such as on valuations. The part on short-term lets is welcome but very much needs scrutiny and there is no question about this. We have to ask why the Government is so keen to avoid scrutiny of these measures.

It is an abuse and misuse of language to describe some of these amendments as “technical” and “streamlining”. Issues regarding judicial review go far beyond streamlining and technical amendments. For the record, this is how the amendments were presented in the Second Stage contribution of the Minister last week. It is how they were presented during the briefing we received on Monday. They were passed off as streamlining technical measures. The profoundness of some of these amendments was not given consideration.

Amendment No. 25 has been withdrawn and this is an admission by the Government that it got that completely wrong. Effectively it was a get out of jail free card for An Bord Pleanála if it made mistakes or broke the law when making planning decisions. This is an incredible thing to try to do at time when we need more accountability and safeguards in respect of An Bord Pleanála. This is particularly with regard to the concentration of power in the hands of a small number of individuals who decide on a vlarge number of controversial and significant planning applications.

It is important to get planning legislation right. The substitute consent measures are trying to fix problems with regard to the Derrybrien wind farm. The State has paid out or owes €19.5 million in fines for making mistakes and getting legislation wrong. This is not to mention all the consultancy costs, legal costs, time and resources on top of the €19.5 million and the remediation costs that will be faced for the damage done. If we want to get this legislation right and our planning legislation right, we need to get out of the Government’s mindset, which is one of trying to blame the Judiciary for the job it is doing. Our job is to get legislation right and make sure it is clear and effective. If we do that, there will be fewer delays in the courts and there will be fewer delays in the provision of housing and infrastructure. The mindset on this is completely wrong.

The calls from the Environmental Pillar representing 32 environmental NGOs, including the Irish Planning Institute, on this need to be respected. The strong calls for the withdrawal of amendments Nos. 12, 13, 26, 40, 41, 42 and 77 should be listened to by the Government. They should be withdrawn and brought back. The Government should let them go through scrutiny. If the Minister of State is so convinced by these different measures, why not have them scrutinised? Why not hear from experts and get these issues thrashed out? There seems to be a lack of confidence in the amendments the Government is rushing through, which are anything

but technical and streamlining, and it does not want them to be scrutinised. That is extremely serious.

There has been no public discussion or comment on the design envelope measures being extended to large-scale residential developments. That is a significant move, which needs to be debated and scrutinised.

**Deputy Mattie McGrath:** I will raise a point about this situation we find ourselves in this evening. Maybe the Minister of State will explain to us. Last Thursday, when we were dealing with the Bill, the Minister of State, Deputy Niall Collins, was here. I do not think he has any role in it, or maybe he has. I did not get to check his portfolio, but I thought it was education. We should all be in education because the Government needs to learn a lot from this behaviour. Did it not even listen to Uachtarán na hÉireann when he criticised, after Christmas, the volume of legislation that he had sent to him to deal with? Some 12 Bills will be delivered in the coming weeks.

This is a whole new Bill, but we were shocked when the Minister, glibly and quite arrogantly, told us that he would introduce five new sets of amendments. I think there were six sets of amendments when they arrived. There are 69 different amendments. The Minister of State comes in and tells us they are mostly technical. Many of these issues are not technical at all. This is ham-fisted and rushed and the legislation is very serious.

The Minister of State then made a plea to us on this side of the House regarding how urgent short-term lettings are. Did the Government only find out in the past couple of weeks that there was a problem with short-term lettings? It beggars belief. I do not know what is driving the Government, who it is working for or whatever.

Not so long ago, we dealt with the Maritime Area Planning Act and there are a plethora of amendments before us again and the Government is telling us that if we do not take them now and deal with them, we might not reach our 2030 climate targets. Is it only now the Government found that out? We have been telling it that for ages. Until such a time as we reach the targets that we have set, we must keep our lights on in some form or other, to keep them working and to have some kind of energy. It will be slow, difficult and challenging, but we cannot sign a blank cheque here for wind developers or whoever else offshore. I am not against this development, but we certainly need time to scrutinise it because there is ecology and wildlife in the sea that has to be protected as well. It is very sharp practice and very poor.

In conjunction with this, there is an inquiry going on into An Bord Pleanála. What will Joe public think about this? Many felt they did not get a fair hearing. Many of whom I am dealing with in my constituency have had issues with planning, went to appeal, the inspectors of An Bord Pleanála came down and did the job they are employed to do and gave a report. We now know that the reports, 90% of the time, were rejected by a few members of the board. We did not know before. I have no insight. There there only three members looking at the report and adjudicating. What is the point in paying the inspectors, if this is going to go on? First, there was nothing in this inquiry, then there was more and then there was nothing and then we saw a resignation on Friday night last week of a pretty senior person.

Confidence in the planning system is at an all-time low. My county, Tipperary, just finished its county development plan after considerable work. I thank the planners and the councillors who finished it Dé Luain, last Monday. A lot of work has to bed in and settle. We will have to

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live with that plan for the next five years. We had the last plan for seven years because of Covid, delays and everything else.

The only way we found out about An Bord Pleanála was because of judicial reviews and now, I think, the Government will try to curtail them as well.

Some of the legislation, certainly, is to deal with a Supreme Court case, but it is kind of dealt with in such a way as to tell those learned gentlemen across the river with the wigs and gowns, not to mess with the Government, because it can change the rules to make them more compliant. I am very disappointed.

I am very disappointed because I know the Minister of State and I knew him before ever he was in government to be reasonable and flexible but I think he is spending too much time with the Minister. How could I forget his name? I call the Minister, Deputy Darragh O'Brien, the new Rambo from Dublin north because the arrogance is oozing out of him. I would not mind if anything meaningful was being done, such as building houses that we need for the people but, instead, we are told that we are shameful and not right or responsible by not accepting these amendments. I think the Minister of State said the Government has withdrawn amendment No. 25 relating to the judicial reviews, but the Government would not withdraw any of them if it was not challenged and he was critical of the media.

There is a duty on us to interrogate, examine and try to amend or point out the flaws in legislation, but we cannot do that with no time. When I questioned this last week, I was told flippantly by the Minister that we would have a briefing last Monday. However, some of us have commitments in constituencies and we cannot just come in at the drop of a hat, because the Government has forced us in to giving a briefing on a Monday. As Deputy Boyd Barrett said, the only explanatory memorandum that arrived came this morning at two minutes to nine.

In fairness to the Bills Office and the drafters of legislation, they have worked all night some nights recently. It is totally unfair on those good people who do great work. It is totally unfair to foist all this legislation, not only this Bill, but the five other Bills we have today, on them and expect them to work through the night to deal with them. The best people in the world will make mistakes in those kinds of situations, such as typos, due to lack of sleep and being tired. The Government could teach some of the dictators and their regimes out foreign about sleep deprivation. It is a mess. It is like filling a mixer when mixing concrete. The Government has fired everything into the mix and hopes it will come out in a good mix, but it will not. It will come out in a Dolly Mixture or like Liquorice Allsorts, and we will not have anything decent as a result.

No regulatory impact analysis has been done on any of the legislation, especially this legislation, to see how it will bed in. There is no review clause. There is nothing. It is wild west kind of legislation, which goes from An Bord Pleanála and short-term lets and the maritime Bill with regard to wind, to giving more power to the OPR. How did we ever manage in our little country before we had that office? I remember being on the county council back in the 1990s and again in the 2000s drafting county development plans. We did not have to be looking over our shoulders or to be browbeaten by the OPR and told at every step that the office would not accept this.

Are we taking away every last vestige of power that the elected members of the county councils have in the making of the plan?

*8 o'clock*

We had to fight with management and could never get independent legal advice because it was not available to us. We had to take the same legal advice the manager got, which was totally unfair and discriminatory, unless we wanted to pay for it ourselves. That was prohibitive and councillors could not do it. Now we have the Office of the Planning Regulator as well.

We now have all these officers and offices with brass plates on the walls, fancy furniture and nice jobs for the boys. I said this last week and I will say it again. I think Deputy Matthews is still here. He was critical of me for criticising NGOs and An Taisce. I make my criticism without fear or favour because what An Taisce did with regard to the Glanbia cheese plant in Kilkenny was nothing short of national sabotage. I am being repetitive now but the Acting Chairman might allow me to continue. An Taisce had no issue with the plant, the emissions licence, the planning or anything else. Its issue was with the herd number. How could we have a situation where An Taisce was able to object to this and go to the courts with it three or four times, I believe, and threaten to go the European court as well? In fairness to the Taoiseach, who I do not give much praise, he did say to me one day here that this system of judicial reviews would have to be looked at. Thank God, the sod was turned on the plant two weeks ago and it has commenced. We are so lucky the Dutch investors stayed with us and stayed the course because this would not happen in many other places. Now it is being built.

Meanwhile, we were lorrying big laden trucks full of milk up to Strathroy and all over the country. There was no talk of the carbon footprint of that. That case shows the narrow-mindedness and pettiness of An Taisce. When Deputy Danny Healy-Rae and I, along with colleagues, had a meeting with the An Taisce we got nothing but disdain. I was never against An Taisce because it did great work on tidying villages, heritage, the Green Flag scheme and much else. I am not dismissing it and saying it should stay at that but I question its role with that Glanbia plant and in many other areas. Its staff are do-gooders who are well-paid, well-heeled and many of them are retired from senior positions on good pensions. The trouble An Taisce is putting householders and people who want to build their own homes through is nothing short of disgraceful.

I am not reckless; we want good planning. However, I must pick Deputy Boyd Barrett up on one point. His good colleague, Deputy Gino Kenny, was down walking my mountains, as I call them, the Knockmealdown Mountains, two weeks ago. All Deputies are welcome. Deputy Boyd Barrett might come sometime but I do not know how he would move a mountain. He said a mountain was moved at Derrybrien. I have not been on Derrybrien-----

**Deputy Richard Boyd Barrett:** It fell down is what I said.

**Deputy Eoin Ó Broin:** Literally. It fell down into-----

**Deputy Mattie McGrath:** There was a slippage, yes. A landslide.

**Deputy Richard Boyd Barrett:** Yes.

**Deputy Mattie McGrath:** That is not moving a mountain. You do not move mountains.

**Deputy Richard Boyd Barrett:** No, I said it fell down.

**Deputy Mattie McGrath:** No, he said a mountain fell down but a mountain could not fall down.

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**Deputy Eoin Ó Broin:** The slippage was mountainous. Do not doubt it at all.

**Deputy Danny Healy-Rae:** It was a small bit of a slip now.

**Deputy Mattie McGrath:** A small bit of a slip. Anyway, I am just saying we get carried away in our language too. Come and see the mountains-----

**Deputy Eoin Ó Broin:** We get carried away with language. There is not a chance.

**Deputy Mattie McGrath:** Yes. I mean the mountain fell-----

**Deputy Eoin Ó Broin:** I am being friendly.

**Acting Chairman (Deputy Marc Ó Cathasaigh):** I ask Deputies to get back to the debate in hand.

**Deputy Mattie McGrath:** The mountain fell down but thank God it did not fall on top of anyone as there would have been an even greater calamity. I am aware that matter is the subject of a court case as well.

The approach to this Bill is totally anathema to good governance and good legislation. It smacks of pure disrespect for the Opposition and everybody else. It will be wide open for legal challenges.

I am in favour of houses being built and everything else but I am not in favour of the big conglomerates building numerous houses. They can get ease of access to planning and adjust it as they go along. That is not good legislation either. We must think of the small people, na daoine beaga, who want to build a house. I know of at least 20 young couples in my county who have the wherewithal to build a house and have a site but cannot get planning to build one in the middle of a housing crisis. There are many things that could have been addressed in this Bill and they have not been.

I will leave it at that for the moment. I am very disappointed at the way this Bill has come to us. The Minister of State might give me an explanation, if he can, as to why it was the Minister of State, Deputy Niall Collins, who was here last week dealing with this legislation. I have nothing against him but he is at the Department of Further and Higher Education, Research, Innovation and Science. It only added insult to injury.

**Deputy Duncan Smith:** I am not going to speak for long because there are Members present who have amendments down that need to be reached and discussed. I have been in the Dáil a relatively short time but even people who have been here much longer would expect a Bill that enters on First Stage and is debated on Second Stage would bear a general similarity to the Bill that emerges at the end of the process with respect to content and intent. That cannot be said about this legislation. To paraphrase Deputy Cian O'Callaghan, one Bill went in but nearly seven came out, with the stuff that has been added late.

The Minister of State indicated that this was flagged in April and late May. What was not flagged to anybody at the committee, spokespersons or the House was that we would have an avalanche of 48 pages of amendments dropped on the last voting day of this session. That is not to say, unfortunately, that this is unexpected from this Government because this is becoming how business is done. However, planning and development has a long, sorry and negatively impactful history on communities all over our country but also on faith and trust in politics,

which have been at a low for a number of decades now. If we get to the root of that, it is due to bad planning and bad development.

That is why when it comes to scrutiny and debating legislation, we need to have time and space. That applies especially for smaller groups and parties when we are dealing with complex areas of planning. It is not just that it goes to the spokesperson who will have one staff member. A large amount of resources are needed to engage with the various stakeholders, NGOs, legal experts and planning experts. We in Opposition owe it to the people to hold the Government to account and we need to be able to do that work. The Government is denying us the ability to do that through the way it is bringing legislation to this House.

Take a number of the concerns we have. On the whole, the short-term lettings measures appear to be okay but we still have not debated them. Research carried out by our housing spokesperson, Senator Moynihan, indicated the problems with short-term lets are happening outside the rent pressure zones and throughout the country, including all along the western seaboard, but the Bill only refers to the RPZs. That issue would have been discussed in the committee or in pre-legislative scrutiny if the Government had been honest and played with a straight bat on Bill.

We can look at the initial reaction of various groups. We have An Taisce and the Environmental Pillar raising concerns about this. Who is welcoming it? That it is the Construction Industry Federation, CIF, welcoming it is what tells the tale. This is what gets all our backs up, raises our antennae and has us asking what is happening here and what stroke is being pulled. The Minister of State came in here and told us this is technical. I am sorry but no Bill of 18 pages should come out the other side following technical amendments alone at 48 pages. Those are not technical amendments but wholesale change of legislation on planning and development at the eleventh hour that could impact short-term lets, our offshore and onshore, maritime area planning and the whole shebang. It is an awful way to do legislation and politics. To bring forward in this way legislation on an issue with such a troubling history in such a troubling time, given what is going on in An Bord Pleanála, means any faith we have in this Government to deal with planning and development is absolutely obliterated.

**Deputy Danny Healy-Rae:** I too am very concerned by the rushing of this Bill. I fear it is going to adversely affect businesspeople, people who create jobs and people who pay their taxes and even pay for the likes of us in here. They contribute to the State's coffers in a big way. This Bill being rushed through like this will be at the expense of many hard-working people who are trying to do their best, create jobs and provide infrastructure. They will be denied such by the rushing through of this Bill.

I can see this is going to override county councillors and local authorities. Having been a member of a local authority for many years and having dealt with a number of county development plans, I know the work that councillors and directors of services do. Joined together at every time in our history, they came up with county development plans for their county. They have accrued knowledge and experience from a lifetime working for and with people. They know their areas and the needs of the people. We must consider the people of today who are creating jobs and employing people. Those are the people we must respect and for whom we must try to do our best.

The Government has been in office for two years and it has green all over it. There has been talk of doing this and that for years, green energy and so forth. How is it that the Government

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could not get the Bill right without the need to throw in so many amendments at the last minute? Why could the Government not put its work together and have it ready? It was unable to get it ready in the first place. We are now past Second Stage. Surely this Bill should have been tied up properly and not rushed through the Chamber at the last minute. The elected Members have been given no proper chance to scrutinise it or get consensus that what we are doing is right. Now we know for sure what we are doing is wrong because it has been expedited so much.

We are giving power to An Bord Pleanála to override local authorities and giving power to the Planning Regulator. Does anyone know if he has ever been to Kerry? Has he ever been to the west? Where is he from? Does he know the areas we are representing? I do not know if the Minister of State knows the planning regulator but I certainly do not. I do not depend on him and I do not depend on An Bord Pleanála.

I too have experience of local young fellows who have got planning permission in sensitive areas. I know of one farm of 365 acres that was in a special area of conservation, SAC. The local authority, in its wisdom, granted the young fellow permission to be near his ageing parents and allowed him to build a house on the 365 acres. That application was challenged by An Taisce and sent to An Bord Pleanála. An inspector came down and agreed with the grant of permission but other members of the board refused it. The man in question is now living 20 miles away from his elderly mother, who is living alone. His father has died and he was the only one who was able to drive. The son is in and out of the place every day but cannot live there with his family because he was denied that right by An Taisce, which is supposedly composed of good people. That is what they did to this poor couple. The same thing has happened in several other instances. I will leave it at that with respect to what An Taisce has done.

This Bill regulates substitute consent procedures.

**An Leas-Cheann Comhairle:** In respect of what the Deputy has said, a decision was made by An Bord Pleanála and not An Taisce, in the interests of clarity.

**Deputy Danny Healy-Rae:** It was An Taisce that appealed the decision. Perhaps the Leas-Cheann Comhairle was not here for the start of my contribution.

**An Leas-Cheann Comhairle:** That is okay. The decision was taken by An Bord Pleanála. It would not be An Taisce that takes the decision. That would fall to An Bord Pleanála.

**Deputy Danny Healy-Rae:** That is so, but An Taisce caused the issue. Kerry County Council, in its wisdom, granted permission. The inspector came down and agreed with that decision. However, the application went back to An Bord Pleanála and was refused. That is where the matter lies. I am sorry that is the case because the people involved are good and hard-working. This is what An Taisce did to them. I do not agree with An Taisce and will never stand with it when it hurts people like that. The people it hurts are human beings. I will never forgive An Taisce for that while there is blood running through my veins.

This Bill amends the Planning and Development Act 2000 to regulate substitute consent procedures for applications regularising existing developments and requiring retrospective environmental impact assessments. It will provide for a single-stage application process. It allows for simultaneous applications for any future development to An Bord Pleanála. These are all going to be referred to An Bord Pleanála, along with substitute consent for all developments. It also allows for the refusal to consider applications for retention of unauthorised developments in certain cases. That is wrong. If we do not allow an applicant the right to due process,

it is undemocratic. It is unfair for someone who may be employing people and delivering infrastructure to communities. It would be unfair for someone to be deprived. Who would decide? Is it An Bord Pleanála? Is it the regulator? That is of concern to me. Who is going to make that decision? It is clearly not going to be the local authorities or county councillors. Who is going to make the decision? Will it be some unelected official, as Deputy Mattie McGrath said, in a mansion of an office somewhere but nobody knows where and nobody knows the person or people making the decisions?

I will move on to consider offshore wind turbines and maritime planning. I know the Government is rolling out offshore wind projects on the eastern side of the country. I am far away from those people but I know they are very concerned about what is happening off the coast of Wicklow and Dublin. They have issues and they have not been and will not be heard. This Bill will be rammed through and those people will not be allowed a say. No one will hear their concerns. It will be much the same off the west coast of Kerry where issues also arise. I am not much of a fisherman and I do not know much about the sea but I do know that in all cases, trawlers, boats and fishermen have certain routes through the bay or the ocean because there are impediments of one kind or another. They have their routes in the same way as the planes in the sky have theirs. There is one route and that is the route they have to use for safety and many other reasons. I hope those people will not be infringed upon because they have been hurt enough already.

The Bill also deals with RPZs and Airbnb. It seems to me and many other people that the Government thinks those measures will sort out the housing problem. I can tell the Minister of State that he has no hope in the world in that regard. People who do short-term lets will never do long-term lets. They have their reasons. If they have to, they will give it up, and most likely they will. The Government will certainly not benefit from those houses. There are other Members here shouting for that and looking to end short-term lettings. It will not affect or help the people who are on housing lists. It will hurt people in rural areas of Kerry, such as Killarney, which was declared an RPZ by a Deputy in this Chamber. It was meant to be for Killarney town but it has been brought out to large part of east Kerry where people used to let their second house, maybe the old family house that they did up on the farm, and derived a little bit of income from it for perhaps three or four months of the summer. Kerry is a lovely place today and in fine weather, but it is not so attractive to tourists in the winter when it is rainy and places are not green any more. Short-term lets were attracting a certain type of tourists to rural places. The local pubs, shops and whatever else in the local village benefited from a few extra people being around for the few months. If Deputies are going to stop short-term lettings, and there are other Deputies here who will vote against it, I can guarantee that these people will not rent their houses long term. They have no notion of doing it, never did it and will not do it in the future.

The Government is wasting a lot of time with this effort. The way to help people who are on the housing list, as Lemass and de Valera did back in 1960s or whenever, is to build social and council houses. People were housed then and they also built rural cottages. The local authorities gave out demountable homes but are stopped from doing that now. Unless there is a fire or a flood, the local authority will not bring out a demountable home. However, they used to before. If a house fell down or the roof fell in now and it was so bad that there were no windows or doors in it, they will not bring out a demountable home now. Rather, they will try to force the person into some rented accommodation in the nearest town or village and there might not be a town or village anywhere near the person.

I know of one person who died in his van. I am sad about because I raised it with the Minis-

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ter of State. I thank him for coming back to me about it. I will be fair to every man and woman. The Minister of State did come back to me on that. However, the man has died since, so I will not be on about him any more. He died in a van because we could not get a demountable home out to him. If the local authority wishes to bring one out, it has to look for planning permission and do so many other things that it would take 12 months. It used to be called emergency housing, but it is not emergency housing any more.

I hear that some other kind of houses can now be built now and the Government wants to build a lot of them for other types of people in bigger towns or cities with no problem and without any planning permission. I do not think that is fair. I am very concerned that we are wasting time getting rid of Airbnb and other short-term lets because it will not help the housing situation one iota.

**Deputy Steven Matthews:** To bring some clarity to the situation, this Bill started off as the substitute consent Bill, which was how we referred to it. It came to the Joint Committee on Housing, Local Government and Heritage back in 2021. There was a request to waive pre-legislative scrutiny on it because of an urgent matter to deal with. The committee refused, but we acted speedily and availed of a briefing with the Department officials. We have had many briefings with the Department officials on some of the very complex planning amendment legislation and planning Acts we had to pass over the past two years. I acknowledge the Department and officials are always available to us to brief the committee members.

The main parts of the substitute consent Bill are to streamline and tidy it up. There is nothing wrong with streamlining or tidying up planning processes. We have a planning system that has been amended multiple times over the past ten years and it is difficult to follow. We have a massive amount of EU law, European law and environmental directives transposed into Irish law. It is a difficult area, which is why I welcome the review of the planning system.

Prior to this Bill being brought to us in committee, as committee members may remember, we had just passed another Bill, the Planning and Development, and Residential Tenancies, Act. That was done speedily and quickly in response to the Ballysax court case on the two-stage leave process for substitute consent. An exceptionality was looked at in the leave to apply stage and then public participation in the second stage. We had a barrier between public participation, a very important part of substitute consent, which is the judgment of exceptionality. What Government did was move to remove that barrier to provide for public consultation at the exceptionality stage. That was a good move.

The members of the committee moved speedily. I think the court case was in June 2020 and by December 2020, we had passed that Bill. Within six months, we had addressed a barrier to public participation in the planning system in very complex, difficult environmental law. That is to our credit. I am glad the committee supported that. It just goes to show that not everything the Government is trying to do in planning is somehow underhanded, rushed or not in the public interest, as it is being presented here tonight. The core principles of our Planning and Development Act are sustainability and proper planning underlined by the principle of the common good. Many of the amendments to this Bill are for the common good and I am happy support many of them.

I will not spend much time on this because there are a number of amendments and we want to get to them. I noticed the Opposition voted not even to proceed and against Second Stage, in other words, not even to allow us to proceed to Committee Stage to scrutinise these amend-

ments. In a way, that is shutting down the debate. I am happy to see the amendments discussed and debated and explained by the Minister of State, with an opportunity provided for him to take amendments or modify some that have been tabled. We do that on Committee Stage and we have seen that regularly on Committee Stage in the Select Committee on Housing, Local Government and Heritage at any rate. I do not expect tonight to be any different, but we will see how that goes.

The measure on short-term lettings is a very positive move because it was practically impossible for local authorities to enforce the changes that were brought previously. That included chasing down advertising on various platforms and keeping track of houses where planning permission had been sought. It makes sense to penalise people who seek to have short-term lettings, thereby removing the house from use as long-term housing, which we all know is so badly needed in this country. In addition, it makes sense to impose substantial fines on somebody who is not willing to comply with the law in that regard and make it easier for planning authorities to enact that law. They are under enough pressure as it is without imposing on them legislation that was difficult and stressful to apply.

I suggest that where a short-term let property is advertised and the owner has availed of planning permission, the planning file number should be available or easily found on the advertisement. This is to prove that the property has planning permission and to ensure the would-be occupier of the property - the person who may wish to rent it - can be certain of compliance with planning. People want to be sensible and rent something that is compliant with the law.

On the ministerial directives under section 31, I note the wide criticism of the Planning Regulator. To be honest, if we had a strong planning regulator 20 years ago, we would not have had the Mahon tribunal, for a start, and we probably would not have had many of the very poor planning decisions we have seen across this country. Planning decisions made in local authorities by county councillors are often taken against the professional advice of their senior planners, the chief executive, Transport Infrastructure Ireland, the National Transport Authority, NTA, or expert groups such as An Taisce. We often see decisions to zone land or include other planning objectives into a plan. The Planning Regulator, which was an outcome of the Mahon tribunal, is tasked with ensuring that those plans are compliant with national or regional planning frameworks. I would support more powers for the Planning Regulator. I am not suggesting that we withdraw powers from local authorities. Where those powers and that responsibility lie with councillors, however, they must employ and use those powers reasonably rather than trying to insert objectives that do not comply with national planning guidance. That is why we have sprawl as well as transport emissions arising from people living two-hour commutes from the city and being stuck in traffic all day, with the associated high costs. It is why we have dormitory towns that people leave at 6 a.m. or 7 a.m. and to which they do not return until late in the evening. They are not able to participate in their communities. That is the result of poor planning. It is what bad planning is about. Inserting in a development plan an objective that does not comply with national planning is not doing a favour for somebody. It might be doing a favour for one or two individuals but it deprives the public of the common good that should be enshrined in planning. I welcome the amendments to section 31 that we will discuss later.

I have not read the amendments to the Valuation Act in detail. I briefly read through them. They do not cause me any concern.

The changes to the Maritime Area Planning Act are sensible. They do not strike me as particularly controversial but I look forward to discussing them in greater detail if and when we

get to them further on in the Bill.

As regards the issue on flexibility in design, I support that. I support that we need flexibility in certain types of planning applications, primarily in the context of the highly technical and quickly evolving machines that are being put in place offshore. Those turbines are in development all the time to achieve greater efficiencies, such as greater internal efficiencies that might result in a turbine needing wider blades but a lower hub or, in some cases, a higher hub. All those design criteria have to be taken into account. There is a long time lag between submitting a detailed plan at planning application stage and then purchase and construction and putting the machines in the sea. Significant changes can happen in that time and we need to provide that flexibility. We know we need to develop offshore wind. We know the potential it has. That has been highlighted by the war in Ukraine and the difficulties with where much of Europe currently sources its fossil fuels. We need to get off those fuels. Doing so is eminently sensible. We need a planning system that is flexible enough to allow that but confined enough to allow planners to make a decision. We do not want planners to be put in a position where the flexibility is so wide, it leaves decisions wide open to judicial review or another review or appeal, but in addition, we do not want them to be unable to make a decision on the facts in front of them. There needs to be good guidance for planners in this regard so there is no subjectivity when it comes to what is acceptable in the context of flexibility and what is not. I have spoken to people who are knowledgeable in this area and they have expressed concerns about the method that is being used to do it. I support the concept of it but there are questions in respect of the method we are applying here today.

As regards judicial review, I am glad amendment No. 25 has been removed or deferred. It was a leap too far. It was sensible to withdraw the amendment at this stage. As the Minister of State is aware, the programme for Government contains an agreement to review and reform judicial review. That is needed for all sides that wish to take a judicial review. It is often a neighbourhood group or non-professionals who come together and take a real risk in taking on the very onerous task of seeking judicial review. They do so because they are seeking justice in the planning system and access to justice. We could never deny that access to justice. Access to justice is one of the tenets of a free democracy. If needed, I will stand up every day and fight for people's right of access to justice. I am glad amendment No. 25 to section 50 has been removed.

Amendment No. 26 - it was amendment No. 11 in the Minister's list of amendments - relates to the exhaustion of the appeals process. To my knowledge and understanding, it is generally at the end of the appeals process when all avenues have been exhausted and a decision has been made that leave for judicial review is granted. That is common practice at the moment. There are a very low number of cases. I know the case brought by the North East Pylon Pressure Campaign is referred to quite often. There are probably a few more cases in which a judicial review was granted before it was exhausted. To put into law what is commonly being done provides a little more surety in the system. It is not especially controversial. We will have to streamline judicial review, and decisions along the lines of this will have to be taken at some stage.

The second part of amendment No. 26 relates to remitting to the planning authority by the courts. That, too, is something that is generally happening. There have been cases, however, in which a judge has remitted it right back to square one when that may not have been necessary. That has caused delay in cases where the development or application, if rectified, may have been compliant. The applications were sent back a stage too far. I do not see how an applicant

for development having the opportunity to ask a judge to remit the application back to the planning authority stage is a barrier to access to judicial review. The judicial review is complete at that stage. The decision has been made and the applicant for development is requesting the judge to remit it back to a certain stage. I do not see that as a barrier.

I will leave it at that. I look forward to speaking on further amendments.

**Deputy Peter Burke:** I will comment briefly on a few points. I hope our dealings in the context of the Maritime Area Planning Act demonstrate that I have listened to the Opposition. We took a series of amendments from the Opposition, withdrew some amendments and came back on Report Stage with further amendments in consultation with the Opposition. I firmly put that on the record. We have listened today in terms of our withdrawal of amendment No. 25 due to concerns raised. Deputy Matthews rightly articulated those concerns.

I did not say that all these amendments are technical in nature, as was suggested by some Members. I said that some of them are technical and some are urgent in nature. I specifically went through each of the sections to which I referred and the category of each amendment.

I did not criticise the media. I referred to reports in the media in terms of contributions that were made in respect of the Bill being rushed. I wish to be clear on that. I gave my rationale. Some members of the Opposition are passionate and make strong contributions. I, too, have the right to stand up for my case. I hope we can do that respectfully across the House, as is fair and reasonable.

As regards comments in respect of the design envelope and housing, obviously, that is already custom and practice in the courts due to a High Court decision, but it is the planning authority that adjudicates on that.

As regards flexibility in the context of applications, that puts public consultation at the heart of the planning process. Citizens get to see every option in front of them and those options have to be presented when the application goes through the local authority rather than having a series of separate planning applications. That is reasonable and balanced.

With regard to judicial review, we have withdrawn amendment No. 25. In terms of the administrative process, this involves a small number of cases, as was rightly pointed out, but there being a process that should be utilised before a judicial review is taken gives consistency.

With regard to other aspects that have been referred to in the context of a planning application going back to a previous stage, that is already custom and practice. The courts have already determined that in a number of applications. Again, it underwrites that with statutory certainty, which is important. The changes in respect of the Planning Regulator are important.

Sometimes when listening to the varied responses from the Opposition, particularly hearing, first, that people should be allowed object whenever they want and then, second, the same person giving out about someone taking a judicial review against a particular case. It would be hard for a legislator to respond to some of those comments. I want to say clearly and firmly that, as a citizen and as someone who was democratically elected to this House, I am firm in my belief that the right of the public to challenge a public decision should be protected. That is very important. My issue is that it should be adjudicated on in a timely manner and the vehicle to do that should be very clear in our primary legislation. That is what we are about. I am quite prepared to work with Members of the Opposition, as I hope have demonstrated in the past.

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**Deputy Richard Boyd Barrett:** The Minister of State would go a long way to convince us that is true if, in the same way he withdrew amendment No. 25, he would withdraw amendments Nos. 12, 13, 40, 41, 42 and 47. Maybe he could let us know if he is serious about that and save us the bother of having a needless debate because otherwise this is going to be guillotined through. We are not going to reach most of the amendments. I do not know what he means when he says he is open to co-operation because whatever is said here is going to make absolutely no difference because, at whatever time, all the Minister of State's amendments will just be through and that will be the law. I am not sure what the Minister of State means when he says he is interested in co-operating.

**Deputy Peter Burke:** I have shown my evidence already. By withdrawing an amendment, I was making that very clear to the House. I have no issue if we proceed and go through each amendment. That is the way we should go forward.

Amendment put and declared carried.

## SECTION 1

**An Leas-Cheann Comhairle:** Amendments Nos. 2 and 3 are related and may be discussed together.

**Deputy Peter Burke:** I move amendment No. 2:

In page 3, between lines 11 and 12, to insert the following:

“PART 2 AMENDMENT OF PLANNING AND DEVELOPMENT ACT 2000”.

This amendment inserts the wording regarding Part 2 of the principal Act. Amendment No. 3 provides an additional definition to the definition of “Principal Act” to mean the Planning and Development Act 2000 and the definition of “Board” to mean An Bord Pleanála that “Minister” means the Minister for Housing, Local Government and Heritage.

Amendment agreed to.

**Deputy Peter Burke:** I move amendment No. 3:

In page 3, between lines 14 and 15, to insert the following:

“ “Minister” means the Minister for Housing, Local Government and Heritage;”.

Amendment agreed to.

Section 1, as amended, agreed to.

## SECTION 2

**An Leas-Cheann Comhairle:** Amendment No. 4 is in the name of the Minister of State and there are two amendments to it in the name of Deputy Cian O'Callaghan. Amendment No. 4 and amendments Nos. 1 and 2 to amendment No. 4 will be discussed together.

**Deputy Peter Burke:** I move amendment No. 4:

In page 3, between lines 15 and 16, to insert the following: “**Amendment of section 3A of Principal Act**2. Section 3A of the Principal Act is amended—

(a) by the insertion of the following subsections after subsection (1):

“(1A) A person shall not, during the relevant period, advertise or cause the advertisement of a relevant property for short term letting purposes, or enter into any arrangement in respect of a relevant property for short term letting purposes, unless the use of the relevant property for those purposes—

(a) is in accordance with a permission granted under Part III, or (b) is exempted development for the purposes of this Act.

(1B) A person who contravenes subsection (1A) shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine. (1C) A person shall be deemed not to have contravened subsection (1A) in respect of a relevant property if the person produces proof, provided by a planning authority in accordance with regulations made under subsection (2), of the matters set out in paragraph (a) or (b) of that subsection in respect of the relevant property. (1D) The relevant period may, by order of the Minister made before the expiry of that period, be extended for such period (being a period not exceeding 6 months) as is specified in the order. (1E) An order under subsection (1D) shall be made by the Minister where he or she is satisfied that it is necessary in order to address an acute shortage of rental accommodation (other than for short term letting purposes) in rent pressure zones. (1F) An order under subsection (1D) shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.”,

(b) by the substitution of the following subsection for subsection (2):

“(2) For the purposes of this section, the Minister may make regulations—

(a) requiring such persons as are specified in the regulations to provide a planning authority with such information as may be specified and at such intervals as may be so specified in relation to short term lettings in the administrative area of the planning authority, and

(b) requiring a planning authority to provide to such persons as are specified in the regulations such proof of the matters set out in paragraph (a) or (b) of subsection (1A) in respect of a relevant property as may be specified in the regulations.”,

and

(c) by the insertion of the following definitions in subsection (5):

“ ‘relevant period’ means the period of 6 months commencing on the day following the commencement of *section 2* of the *Planning and Development, Maritime and Valuation (Amendment) Act 2022*;

‘relevant property’ means a house or part of a house that is not a principal private residence and is located in a rent pressure zone.”.

This amendment relates to the short-term letting provisions in section 3A of the principal Act which are aimed at strengthening the pre-existing regulatory controls in regard to short-

term letting. In this correction the Government recognises the issue of a significant number of properties that have been withdrawn from the long-term rental market in recent years that have instead been diverted to use in short-term lettings. This has had significant negative impacts on the supply and availability of private residential rental accommodation, especially in RPZs which are urban areas of highest housing demand, with further knock-on implications for rental prices in these areas. This trend has been facilitated in particular by the use of online platforms. We need to get more properties in the long-term private rental market to help meet demand and the accommodation shortage in this area, specifically in RPZs which, as I have indicated, are the urban areas of highest housing demand. These pressures on the private rental sector have been further exacerbated by the recent and likely future arrival of large numbers of people fleeing from Ukraine into the State who are in need of medium- and long-term accommodation.

This amendment essentially proposes that for an initial six-month period, which period may be extended for a further six months subject to positive resolutions by both Houses of the Oireachtas, non-principal private residences in RPZs shall not be advertised or accept bookings on online platforms or other media for short-term letting purposes without the necessary planning permission for such use being put in place in respect of the property concerned or the property concerned being otherwise exempted. The amendment further gives the Minister regulation-making powers to require the owners of short-term letting properties or their nominated agents to provide evidence of planning compliance as certified by the planning authority or exemption from same for the purpose of confirming entitlement to advertise a non-principal private residence located in an RPZ and on an online platform or other media.

We will be looking at regulations to resolve the issue Deputy Matthews raised regarding the planning permission number. In addition, the amendment proposes that non-compliance with these provisions shall be an offence for both individual property owners concerned and the online platforms or other media who facilitate the advertising of non-principal private residences in RPZs. Offences for non-compliance with the provisions will, in each individual case, be subject to a class A fine under the planning Act, that is, up to €5,000 or six months in prison or both, with a further possibility of a fine of up to €1,500 per day in each day the offence continues.

It is my intention that, further to the supplementary regulations to be made subsequent to the enactment of this Bill, the new arrangements in regard to the advertising of non-principal private residences in RPZs will apply from 1 September next, which commencement shall be confirmed by way of commencement order to be signed further to the enactment of this Bill. I have outlined these new regulatory controls in the short-term letting sector will be in place for an initial period of six months during which time it is envisaged that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and Fáilte Ireland will work towards the establishment of a new registration system for short-term letting properties, as committed to in Housing for All and with a view to ensuring homes are used to best effect in the areas of highest housing need. However, should there be any delay in the establishment of the new Fáilte Ireland registration system, it will be possible to extend the provisions proposed in this amendment for a further six-month period subject to a positive resolution by both Houses of the Oireachtas.

In regard to enforcement of the new provisions, the new rules should be much more straightforward to enforce than the pre-existing 2019 provisions. In this connection, the online platforms will be required to associate an indicator with each property advertised on their platforms to confirm they are planning-compliant. It should be relatively easy for the planning authorities to check from their own planning records whether these indicators are valid and without the need to inspect the properties concerned. Where the indicators are not valid or where proper-

ties are advertised without the necessary indicators, enforcement action can be pursued against individual property owners concerned as well as the online platforms advertising the properties concerned.

**Deputy Eoin Ó Broin:** This is a set of amendments that I support in principle but I require a number of clarifications, if the Minister of State does not mind. I am confused as to how this new set of regulations, the existing planning requirements and the future Fáilte Ireland registration or licensing process will interact. Will the Minister of State talk us through whether the planning requirements as currently exist under what I call the Eoghan Murphy regulations will continue to exist or if they will they be replaced by the Fáilte Ireland registration requirement? If it is the latter, how does a local authority determine whether a property should be a short-term or a long-term let? While there are huge inadequacies with the enforcement of the previous set of regulations, there is a value in a planning authority being able to make a decision in terms of whether a property should get the change of use or not. If the Minister of State will talk us through that, that is very important.

The second thing is, why six months? Does that imply that, if and when Fáilte Ireland has its registration process in place, there will not be a sanction on platforms for advertising properties that are not compliant with the new rules? Will the Minister of State clarify that for us as well?

Also, in regard to the timelines, to be clear, when does the Minister of State expect this legal obligation on platforms to take effect? When can the local authority I presume, actually start cleaning up the act? I was quite appalled by the Airbnb statement I read in the newspapers the other day. It has been facilitating law-breaking for a number of years. During Covid, many properties went out for short-term let, but it has been knowingly and willingly advertising properties that do not have either appropriate exemption or planning permission. It has been profiting from it and it is doing it now. It is important, whatever the Government does here, that it is clear when it starts so that we can all monitor to ensure Airbnb cleans up its act and stops facilitating illegal planning.

**Deputy Cian O’Callaghan:** I move amendment No. 1 to amendment No. 4:

In the second line of subsection (1B), proposed to be inserted by section 2(a), after “fine” to insert “or to imprisonment for a term not exceeding 12 months or to both, or on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both”.

In relation to my amendments and the class A fines proposed here, the maximum fine in Barcelona for a platform that advertises an illegal short-term let is €600,000. Is it the case that under this legislation the maximum fine is only €5,000, and why such a low fine in comparison with what is being done in Barcelona? Will the Minister of State clarify that fine of €5,000 applies to platforms as well in terms of their advertising? Will the Minister of State provide clarification that the class A fine referred to in his amendment incorporates a possible six months’ imprisonment and the possibility of fines of up to €1,500 each day the offence continues?

There is a risk with this that potentially a platform or someone who is on the higher end of the scale in terms of what he or she might be doing here could be making more money from breaches of the law than they would pay out in fines. Why is the Minister of State opting for something so low by international standards?

Why are the RPZs not applying throughout the country? For clarity, there is a case for

short-term lets in tourist areas etc., but there is also a strong case to have balance in that regard and to have local authorities being able to enforce the need for retaining some long-term rental accommodation so that people who are working in tourist areas are able to find somewhere to live, which is a real issue at present. There is a housing rental crisis throughout the country, not only in RPZs. That is why I am wondering why areas outside of RPZs are not getting protection here.

Does the Minister of State acknowledge there is a real issue with the way RPZ rules are written because 77 local electoral areas are not currently classified as RPZs and are unlikely ever to be classified as such because of the way those rules are written? They have insufficient data, there are not 30 registrations of new tenancies each quarter that justifies them even being considered a RPZ, and the rules around average rents include cities such as Cork, Limerick and Galway. It would be hoped that some of the rural areas would never exceed the average rents that are defined by the inclusion of those city areas.

**Deputy Richard Boyd Barrett:** This is one of these substantial last-minute amendments the Government has brought in, the purpose of which we agree with. As well as some of the questions I have already heard asked, as I alluded to in my opening contribution, I want to understand clearly what is being done here.

It is not legal to offer for short-term let properties that do not have the planning permission to do so or the exemption that would allow them to do so. It is against the law but companies are doing it. We are now bringing in an amendment which will prohibit and then penalise platforms or owners who advertise properties that do not have permission or who cannot show they have the permission, but we will only do so for a period of six months. I do not understand that. Maybe I am missing something. If the Minister of State can explain it, that is fine. If it is illegal and they should not be doing it, why would the prohibition on it be only for six months? I do not understand that. Surely if they do not have the permission and they do not have the exemption, they should not be doing it and any penalties that apply to the owner or the platform advertising should apply because they are not complying with the law. Why would there be a six-month limit? Maybe I am missing something. If that can be explained to me, I would be glad. That seems a little strange.

**Deputy Peter Burke:** The first amendment proposed by Deputy Cian O’Callaghan relates to the penalties that should be applicable to non-compliance with the proposed new short-term letting provisions. What is essentially proposed is that the penalties to be applied should be a class A fine with the term of imprisonment being increased to up to 12 months on summary conviction and up to two years on conviction on indictment. As I outlined in my remarks on the Government amendment on this point, it is proposed that the penalties to be applied for non-compliance will be the standard class A fine, which is up to €5,000, six months’ imprisonment or a combination of both, with the possibility of further fines of up to €1,500 for each day the offence continues.

These penalties, which will be applicable to both property owners and online platforms, are appropriate and will provide sufficient deterrent or a disincentive effect if properly enforced by planning authorities. In this connection, robust enforcement by planning authorities will be key in ensuring the proposed new short-term letting provisions will have their intended effect. Accordingly, I must oppose Deputy O’Callaghan’s amendment on the fines being applied in this regard.

The second amendment proposed by Deputy O’Callaghan would, if accepted, result in the proposed new short-term letting provisions being applicable not only to RPZs but also to other areas in the country. Legal advice provided to the Department in this regard indicates that for a measure to be able to withstand legal challenge, it must be balanced and reasonable as well as proportionate to the objective it seeks to achieve. The principal areas where there is a shortage of long-term private rental accommodation is in designated RPZs, which are the urban areas of the highest housing demand. We need to get more properties into the long-term private rental market to help meet the demand and accommodation shortage in these designated areas. There is less of an acute shortage of long-term rental accommodation in areas outside of designated RPZs where rental prices are not as high. Therefore, having regard to the legal advice provided by the Department, it is likely the measure could be deemed disproportionate if extended nationwide. Deputies will be aware of the specific criteria an RPZ must meet.

Regarding other queries that have been raised about the Planning and Development Act, this new regime, as soon as the law is enacted and the regulations are prepared, will come into effect quite quickly.

Regarding planning requirements, the same criteria that currently apply for the granting of change of use will continue to apply and will transfer over to the Fáilte Ireland registration system. As we pointed out, there are three revisions. The first is that a non-principal private residence in an RPZ cannot accept a booking online. Previously, it was in relation to the property owners. That is bringing more clarity - a clear line of sight. The second redefines so that the Minister can make the regulations in terms of the specific nature. The third relates to the class A fine that I referred to.

**Deputy Richard Boyd Barrett:** The Minister of State did not answer my question.

**Deputy Eoin Ó Broin:** It may well be I did not understand the answer as oppose to it was not answered. The Minister of State said that the change of use function will transfer to the Fáilte Ireland registration. It is important we clarify that. Right now, if I am a property owner, I apply to the local authority for a change of use or I write and I get my exemption. When Fáilte Ireland takes over this responsibility, will I still have to apply for a change of use or will I simply go to Fáilte Ireland for it to register me, and if I go to it to register me, who has the ability to make the decision as to whether it is appropriate for a short-term let or a long-term let in the location concerned because that is a planning decision? Will the Minister of State clarify that transition?

When the change of use function transfers to Fáilte Ireland, will the fines for the advertising of non-compliant properties continue, and if so, why is there only a six-month relevant period, albeit to be extended in this? I am still not clear on the interaction of those.

*9 o'clock*

On RPZs, the criteria the Minister of State set out, particularly with respect to larger urban areas and higher rents, may have been the case when the RPZ legislation was introduced in 2016. Anybody who has been looking at what is happening with rents in rural counties outside RPZs for the past 12 to 18 months will know there have been increases. In fact, rents in County Galway are now higher than they are in the city, and it is the same in counties Donegal, Roscommon and Leitrim. The scale of rent increases there is huge. The Minister of State is not going to deal with that today, but I urge the Department to re-examine that issue, because Dep-

uty Cian O’Callaghan makes a very important point that needs to be addressed at some stage.

**Deputy Richard Boyd Barrett:** I want my question to be absolutely clear. I think it is a similar question to Deputy Ó Broin’s, although the Minister of State is not quite getting it. As I read it, for the next six months, if someone advertises a short-term residential tenancy for which they do not have permission for a change of use or an exemption, they will be breaking the law and they will be fined and, potentially, imprisoned. However, in six months’ time, unless the Minister renews it, they can advertise a tenancy for which they do not have permission and which is in breach of the law, and they will not be subject to a fine or imprisonment. I do not understand that. If someone should not be doing short-term lets because they have not got permission to do them, then why would there be a six-month expiry date on the penalties for advertising that? Unless I am missing something, this is an example of what happens when there is rushed legislation. It does not make any sense. There should be no expiry date on that. How, under any circumstances, could it be right for Airbnb to advertise at any time, anywhere, short-term lets for a property that does not have the permission for short-term lets?

**Deputy Cian O’Callaghan:** First, companies that do short-term lets like Airbnb make hundreds of millions of euro in profit. That is why places like Barcelona that take this seriously subject them to fines of approximately €600,000 for breaches. The Minister of State thinks a fine of €5,000 is somehow going to cut it but it is not.

On RPZs, I urge the Minister of State to look at this because it needs to be dealt with urgently. Deputy Ó Broin is right that when these rules were first written, it was probably envisaged that we would not have the kind of crisis we have in areas that are not covered by RPZs, so the rules were written in a way that means some of the more rural areas will simply never get in. In those local electoral areas, they do not have enough new rental registrations each quarter that would make them even eligible to be considered for an RPZ. That is why, in terms of RPZs and the lack of any rent regulation, it is totally unfair that they have been excluded from these much-needed measures.

To give one example that was highlighted by “Prime Time” on RTÉ, residents in Tubbercurry have been hit with rent increases of 75% and 80%. How can anyone deal with that sort of increase? Right now, that is putting people at risk of homelessness and making them homeless in some of those areas because of the scale of the increase and the lack of availability of properties to rent, where there is a surplus of former rental properties that are empty most of the year and which were now short-term lets. That urgently needs to be addressed. While I appreciate the Minister of State is not going to do it this evening, I appeal to the Government to look at that.

**Deputy Peter Burke:** To respond to Deputy Boyd Barrett, in my opening remarks on this amendment I clearly outlined the rationale for the six months as a bridging mechanism and said it would be extended by a positive resolution by both Houses of the Oireachtas should the Fáilte Ireland online registration system not be up and running. It is a bridging provision and, hopefully, by the end of the six months, the Fáilte Ireland registration system will be ready.

Second, the planning authority adjudicates on planning and it makes the determination. People must have that determination to register with the Fáilte Ireland online system. Fáilte Ireland is best placed to adjudicate on the online advertisements to see if they are compliant and, therefore, go after those who are non-compliant.

**Deputy Eoin Ó Broin:** When that registration system is in place with Fáilte Ireland, will

there still be a fine or sanction for a platform or property owner who advertises a property that is not registered?

**Deputy Peter Burke:** Yes.

**Deputy Eoin Ó Broin:** That will be dealt with by way of whatever registration legislation is-----

**Deputy Peter Burke:** Yes.

**Deputy Eoin Ó Broin:** Will it be comparable with this in its scale and scope, as we would expect?

**Deputy Peter Burke:** Absolutely. That is the intention.

**Deputy Eoin Ó Broin:** Fine. That is perfectly clear.

Amendment to amendment put and declared lost.

**Deputy Cian O’Callaghan:** I move amendment No. 2 to amendment No. 4:

In the second line of the definition of “relevant property”, proposed to be inserted by section 2(c), to delete “and is located in a rent pressure zone”.

Amendment to amendment put and declared lost.

Amendment No. 4 agreed to.

Section 2, as amended, agreed to.

Amendments Nos. 5 and 6 not moved.

#### NEW SECTION

**An Leas-Cheann Comhairle:** Amendments Nos. 7 to 11, inclusive, are related and will be discussed together.

**Deputy Peter Burke:** I move amendment No. 7:

In page 3, between lines 22 and 23, to insert the following:

#### “Amendment of section 31 of Principal Act

**3.** Section 31 of the Principal Act is amended-

(a) in subsection (3), by the substitution of “section 31AM(8) or 31AO(7)” for “section 31AN(9) or 31AP(9)”,

(b) in subsection (4)(b), by the deletion of “, in the case of a plan,”,

(c) in subsection (8), by the substitution of “, the Minister and, where relevant, the regional assembly concerned” for “and the Minister”, and

(d) by the substitution of the following subsection for subsection (16):

“(16) Where paragraph (a) of section 31AN(4A), paragraph (a) or (c) of sec-  
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tion 31AN(9), paragraph (a) of section 31AP(4A) or paragraph (a) or (c) of section 31AP(9) applies to a matter to which this section relates, then the Minister shall issue a direction accordingly.”.”.

Amendment No. 7 relates to technical drafting amendments to section 31 of the Principal Act as required to address cross-referencing, duplication of language and notifications to the regional assembly. In this context, two references to other sections will be replaced with appropriate references and the relevant regional assembly will now be issued with a chief executive’s report. This amendment to section 3D inserts references to new sections 31AN(4)(a) on development plans and 31AP(4)(a) on local area plans. This amendment will be dependent on acceptance of the amendment inserting subsection (4)(a) in sections 31AN and 31AP of the Principal Act. These amendments are to commence on enactment. However, transitional provisions have been provided to allow for the chief executive’s notice of the requirement to furnish the report to the regional assembly. Therefore, the amendment to this process will only apply where the Minister has yet to issue a notice under section 1 for the purposes of subsections (3) and (4) of that section.

Amendment No. 8 relates to minor drafting amendments to section 31AM of the principal Act in regard to development plans to improve consistency and clarity of language. Minor amendments have been made to the wording to reflect the consistency of the development plan with the national planning framework and to replace “in a development plan” with “of a development plan”.

Amendment No. 9 relates to technical drafting amendments to section 31AN of the principal Act dealing with the development plans required to address cross-referencing, duplication of language, notifications to the regional assembly and the cathaoirleach of the planning authority and timeframes. This amendment provides for the provision to include a copy of the statement to also be sent to the relevant regional assembly and provides for copies of the report to also be issued to the cathaoirleach of the planning authority. On commencement, this provision will only apply where an inspector has yet to be appointed. Subsections (12), (13) and (15) of section 31AN of the principal Act are to be deleted as these provisions are already catered for in subsections (18) to (20), inclusive, of section 31.

The amendment also provides for a specific subsection allowing for the office to recommend the Minister to issue a direction, with or without minor amendments, and include a three-week timeframe for this process. This aligns with the practice whereby the office has been working to a three-week timeline, reflecting the current timeline set out for appointment of an inspector. On commencement, this provision will only apply where the chief executive has yet to issue a report on the submission of the draft direction to the office.

Two new subsections are inserted after subsection (4). One is to address the process for the Minister to consider the recommendations of the office and provide for a six-week time period for the Minister to issue a final direction, with or without minor amendments, subject to environmental assessments, if required. Transitional provisions are included to ensure any directions currently at draft stage where the Office of the Planning Regulator has recommended that the Minister issue a final direction, with or without minor amendments, are not bound by the six-week time limit. The second new subsection sets out the process to apply where the Minister does not agree with the recommendation of the office. This process is currently set out at draft direction stage and, therefore, it is appropriate to incorporate this procedure at final direction stage.

An amendment to subsection (9) is also proposed to allow for the Minister not to agree with the recommendation from the office where the inspector has been involved.

The final provision in this amendment amends subsection 31AN(16) to include reference to the new subsection 31AN(4A), which sets out the process for the Minister to determine whether strategic environmental assessment or appropriate assessment is required to be carried out.

Amendment No. 10 is a minor drafting amendment to section 31AO of the principal Act in regard to local area plans to ensure consistency of language with other sections by reflecting that a local plan is amended by, rather than varied by, the planning authority.

Amendment No. 11 provides for technical drafting amendments to section 31AP of the principal Act dealing with local area plans. The amendments previously discussed are, in essence, mirrored in this section for local area plans. This amendment provides for a copy of the statement also to be sent to the relevant regional assembly and provides for copies of the report to be issued to the cathaoirleach of the planning authority. On commencement, this amendment will only apply where an inspector has yet to be appointed.

Subsections (12), (13) and (15) of section 32AP are to be deleted as these provisions are already catered for in section 31, subsections (18) to (20), inclusive. This amendment also provides for a specific subsection allowing for the office to recommend that the Minister issue a direction, with or without minor amendments, and include a three-week timeframe for this process. On commencement, this amendment will only apply where the chief executive has yet to issue a report on the submissions to the draft direction to the office.

Two new subsections are to be inserted after subsection (4), one to address the process for the Minister to consider recommendations of the office to provide a six-week time period for the Minister to issue a final direction, with or without minor amendments, subject to environmental assessments, if required. The second new subsection sets out the process to apply where the Minister does not agree with the recommendation of the office. This process is currently set out at draft direction stage and, therefore, it is appropriate to incorporate this procedure at final direction stage.

An amendment to subsection (9) is also proposed to allow for the Minister not to agree with the recommendation from the office where an inspector has been involved.

The final provision in this amendment amends section subsection 31AP(16) to include reference to the new subsection 31AP(4A), which sets out the process for the Minister to determine whether strategic environmental assessment or appropriate assessment is required to be carried out.

**Deputy Eoin Ó Broin:** Who said politics are not fun?

**Deputy Richard Boyd Barrett:** That was as clear as mud.

Amendment agreed to.

**Deputy Peter Burke:** I move amendment No. 8:

In page 3, between lines 22 and 23, to insert the following:

**“Amendment of section 31AM of Principal Act**

4. Section 31AM of the Principal Act is amended—

(a) in subsection (2)(b), by the substitution of “consistency of the development plan with the National Planning Framework” for “consistency with the development plan and the National Planning Framework”, and

(b) in subsection (5)(c), by the substitution of “of a development plan” for “in a development plan”.”.

Amendment agreed to.

**Deputy Peter Burke:** I move amendment No. 9:

In page 3, between lines 22 and 23, to insert the following:

**“Amendment of section 31AN of Principal Act**

5. Section 31AN of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(b) by the substitution of the following subsection for subsection (4):

“(4) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall, no later than 3 weeks after receipt of that report—

(a) recommend to the Minister that he or she issue the direction with or without minor amendments, or

(b) for stated reasons, where the Office is of the opinion that—

(i) a material amendment to the draft direction may be required,

(ii) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or

(iii) it is necessary for any other reason, appoint a person to be an inspector.”,

(c) by the insertion of the following subsections after subsection (4):

“(4A) The Minister shall consider a recommendation of the Office under subsection (4)(a) that he or she issue a direction with or without minor amendments and—

(a) where the Minister agrees with the recommendation, the Minister shall, no later than 6 weeks after receipt of the recommendation, subject to

subsection (16), issue the direction under section 31 with or without minor amendments, or

(b) where the Minister does not so agree with the recommendation, then the Minister shall—

(i) prepare a statement in writing of his or her reasons for not agreeing,

(ii) cause that statement to be laid before each House of the Oireachtas, and

(iii) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(4B) As soon as practicable after a statement has been prepared under subsection (4A)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(d) in subsection (7)(a), by the insertion of “and the Cathaoirleach of the planning authority” after “the chief executive”,

(e) by the insertion of the following subsections after subsection (9):

“(9A) Where the Minister does not agree with a recommendation of the Office under subsection (9) where paragraph (a) or (c) of that subsection applies, then the Minister shall—

(a) prepare a statement in writing of his or her reasons for not agreeing,

(b) cause that statement to be laid before each House of the Oireachtas, and

(c) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(9B) As soon as practicable after a statement has been prepared under subsection (9A), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(f) by the deletion of subsections (12), (13) and (15), and

(g) in subsection (16), by the substitution of “subsection (4A) or (9)” for “subsection (9)” in each place where it occurs.”.

Amendment agreed to.

**Deputy Peter Burke:** I move amendment No. 10:

In page 3, between lines 22 and 23, to insert the following:

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**“Amendment of section 31AO of Principal Act**

6. Section 31AO of the Principal Act is amended in subsection (7)(i) by the substitution of “as amended by the planning authority” for “as varied by the planning authority”.

Amendment agreed to.

**Deputy Peter Burke:** I move amendment No. 11:

In page 3, between lines 22 and 23, to insert the following:

**“Amendment of section 31AP of Principal Act**

7. Section 31AP of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (4):

“(4) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall, no later than 3 weeks after receipt of that report—

(a) recommend to the Minister that he or she issue the direction with or without minor amendments, or

(b) for stated reasons, where the Office is of the opinion that—

(i) a material amendment to the draft direction may be required,

(ii) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or

(iii) it is necessary for any other reason, appoint a person to be an inspector.”,

(b) by the insertion of the following subsections after subsection (4):

“(4A) The Minister shall consider a recommendation of the Office under subsection (4)(a) that he or she issue a direction with or without minor amendments and—

(a) where the Minister agrees with the recommendation, then the Minister shall, no later than 6 weeks after receipt of the recommendation, subject to subsection (16), issue the direction under section 31 with or without minor amendments, or (b) where the Minister does not so agree with the recommendation, then the Minister shall—

(i) prepare a statement in writing of his or her reasons for not agreeing,

(ii) cause that statement to be laid before each House of the Oireachtas, and

(iii) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(4B) As soon as practicable after a statement has been prepared under subsection (4A)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(c) in subsection (7)(a), by the insertion of “and the Cathaoirleach of the planning authority” after “the chief executive”,

(d) by the insertion of the following subsections after subsection (9):

“(9A) Where the Minister does not agree with a recommendation of the Office under subsection (9) where paragraph (a) or (c) of that subsection applies, then the Minister shall—

(a) prepare a statement in writing of his or her reasons for not agreeing,

(b) cause that statement to be laid before each House of the Oireachtas,

and

(c) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(9B) As soon as practicable after a statement has been prepared under subsection (9A), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(e) by the deletion of subsections (12), (13) and (15), and

(f) in subsection (16), by the substitution of “subsection (4A) or (9)” for “subsection (9)” in each place where it occurs.”.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 12 to 14, inclusive, are related and will be discussed together.

**Deputy Peter Burke:** I move amendment No. 12:

In page 3, between lines 22 and 23, to insert the following:

**“Amendment of section 32B of Principal Act**

**8.** Section 32B of the Principal Act is amended by the insertion of the following subsection after subsection (5):

“(6) A request by a prospective LRD applicant under subsection (1) may include a request that the LRD meeting be treated as a meeting for the purposes of section 32I and such request shall comply with section 32H(2).”.

This amendment, which depends on the acceptance of amendment No. 13, provides for the

prospective applicant for a large-scale residential development, LRD, may request that the existing LRD meeting is also to be held for the purpose of seeking an opinion regarding flexibility.

Amendment No. 13 inserts sections 32H and 32I into the principal Act. These sections set out details regarding the pre-application process for persons seeking to submit a flexible application under section 34 of the principal Act. Section 32H provides that a person who intends to apply for planning permission under section 34 of the principal Act may request a meeting with the planning authority for the purpose of obtaining an opinion as to whether it is appropriate that a flexible application for permission be made. The request must be accompanied by certain specified information, including the circumstances in which the prospective applicant considers it may be appropriate that certain details of the proposed development be unconfirmed at the time of the planning application.

Section 32I provides that the planning authority must issue an opinion or notification as to whether it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed certain details of the application. An opinion must set out the details that may be confirmed at a later stage and the circumstances the planning authority considers appropriate to allow a flexible application to be submitted.

The provisions for sections 32J, 32K and 32L are consequential amendments regarding the pre-application procedure.

**Deputy Eoin Ó Broin:** These are some of the most controversial sections in the Bill and I am strongly opposed to all three amendments. I have some questions regarding them. I can see no set of reasons whereby a developer seeking permission for an LRD would need a design envelope. If my memory about the strategic housing development, SHD, process is correct, I understand there was a provision under that fast-track planning procedure, section 146B, that allowed for alterations to a plan, but that involved public participation.

This is not the same as with the wind technology example that I and Deputy Matthews spoke about. Residential developments are straightforward and the technology is well established. The planning permissions do not stipulate whether certain types of building methodologies are used. They all must be fully compliant with building and fire safety regulations. Therefore, I do not believe there should be a design envelope facility and there should definitely not be one without any public participation. I will discuss this point further when we come to amendment No. 13. I wish to know who asked for this change, because this is here because somebody lobbied for it. I do not know whether it was the Attorney General, officials or private developers. This provision is here, however, because some people said they thought it should be here. It was not in the LRD legislation. It is important that we get an answer to this question.

Turning then to amendment No. 13, I respectfully disagree with Deputy Matthews on this element of the design envelope. As I said at the start, I am open to the concept of the design envelope, but there is no public participation in this context at the application, decision or implementation stages. This is genuinely problematic. I am not against the idea of a design envelope, particularly for offshore wind, so long as it is done right. From the start of these debates, however, I have argued that if we do not get the public participation facet right at the very start, then it will end up leading to protracted judicial reviews and delayed wind farm and renewable energy projects.

I am also genuinely concerned that this lack of public participation, especially at the imple-

mentation stage, is potentially in breach of the environmental impact assessment, EIA, directive, the habitats directive and the water framework directive. Regarding the circumstances relating to the proposed development, as set out in paragraph 2(e)(ii) of the amendment, the scope of this is left to the regulations. From reading this legislation, we simply have no idea how wide, broad or deep a latitude or flexibility within design envelopes will be provided for. The Minister is correct that he did state at an early stage that some of these amendments were technical and some were urgent. These amendments, however, are neither technical nor urgent. They are deeply problematic and this objective would be much better achieved by way of amending legislation in the autumn, rather than rushing this through this evening.

**Deputy Richard Boyd Barrett:** A resolution of the European Parliament was sent to me which was agreed on 1 June 2021. It relates to the impact of offshore renewable energy on fishers and the marine environment. This resolution was adopted and recommended by the rapporteur. To cut a long story short, what it basically states is, notwithstanding the commitment of the European Union to develop its offshore renewable resources, it should not do so in such a way that would displace fishers or do things that could potentially damage the marine environment. It says that the precautionary principle should apply. In other words, where we are not sure what the impact might be, the precautionary principle should apply. This is right.

The commitment to developing our offshore renewable resources is clear in this resolution, as well as the priority and urgency of doing this, but it is equally clear in stipulating that doing so should not damage communities with a close connection to an area, where social or economic activities could be potentially damaged by a specific type of development. The resolution cites things such as the reef effect that can sometimes accompany the establishment of these offshore wind farms. There is potential in this regard for a reef effect. In other words, reefs are created as a result of putting these things in place. This can have significant and far-reaching impacts on marine life, on fish and so on, and consequently on those who make their livelihoods from fishing. Reference is also specifically made to the electromagnetic impact of cables, even cables buried underground, and how those cables can then impact on marine life.

The whole predication of this amendment is that developers can come along and say they are going to put forward a planning application, but that certain details of that planning application cannot be provided when the application is submitted and that what may eventually be developed may be different from what was applied for. The grounds given for this provision is the rapid advance of technology. When we consider the issues at stake here, however, that makes us even more worried. Pile driving is another process mentioned in respect of its potential impact on a specific marine environment. Regarding the rapid advance of technology, we have already established that it is precisely the advance of those types of technologies that could have all sorts of spin-off consequences in terms of their impact on marine life. Of course, the new technologies may have different effects from the old technologies. The new technologies may have more impact in respect of what type of pile driving is undertaken, for example, and the technology used to undertake that operation. Such new technologies may also create reefs or damage fish, in respect of the routes fish take and whether they will continue to inhabit a particular area.

In fact, when I talk to the fishers in the areas where many of these legacy and relevant projects are sited near the coastal area off the east coast, some of which will be as close as 8 km and 10 km, in places like the Kish Bank, the Codling Bank, and so on, which are spawning grounds for fish etc., those people are convinced, and this point is alluded to in the European Parliament resolution, that this type of activity is not compatible with the continuation of fish-

ing in those areas at all and that they will be gone from those areas, which are their traditional fishing grounds.

That is bad enough as it is. If applications are opened, however, regarding what technologies may be used for the construction of these projects or the types of cables that can be used, for example, and their potential impact on marine environments and fish, and all the rest of it, the idea that such applications could be opened based on new technology is more worrying. Therefore, I am not convinced that this is necessary or justified. I am most certainly not convinced that there is any justification for it in respect of large-scale residential development on land. I do not see the need for that at all. That has definitely been lobbied for by someone.

I repeat what I said earlier about SHDs and the shambles they turned out to be. That SHD legislation was written by the developers. I have strong suspicions regarding this opened type of planning application, which can change further down the line, and therefore bypass potentially the proper stakeholder consultations, public participation and EIAs in respect of LRDs. I just do not see the justification for that. I would like the Minister of State to explain the circumstances in which a developer might put in an application for an LRD without giving all the details of that development, only for things to change further down the line. I do not see the justification for that and, arguably, it breaches the environmental impact assessment directive and so on.

It is similarly very concerning in terms of offshore developments. An Taisce, which went to the trouble of writing to us this morning, is pretty clear in its view that this raises serious concerns around the environmental impact assessment and habitats directives, public participation etc. There are simpler, more legally compliant and more effective ways to address these challenges without creating the legal and procedural problems associated with the proposed approach. We need to discuss that, but we are not really going to because it will be a short-circuited discussion and the Bill will be rammed through. At whose behest and as a result of whose lobbying will this happen? Somebody requested that this be included and the Government has bowed to that lobbying. We do not know who the lobbyists are but it does not take much to guess that they are on-land and offshore developers.

I am deeply opposed to these amendments. They should, at the very least, be scrutinised seriously or withdrawn from the Bill. It is more sharp practice with potentially very damaging environmental, social, economic and cultural implications.

**Deputy Cian O’Callaghan:** Amendment No. 12 is about measures to allow flexibility for emerging technologies to be extended to large-scale residential developments. I have a real difficulty understanding the rationale behind the amendment in the context of large-scale residential developments. They are not like wind farms which can have a delay between the granting of planning permission and the commencement of the development. We all hope when a large number of houses are granted planning permission that the developer goes ahead with building as per the planning permission. What is the need for flexibility to allow for emerging technologies if delays are not envisaged? Could granting them this level of flexibility potentially create an incentive for developers to delay works?

Who asked for this? Who thinks they will benefit from it? How do they think they will benefit from it? Has this been lobbied for by those who are more interested in speculation and increasing the value of sites, in saying the planning permission they got comes with added flexibility along with other measures? People who are interested in getting on with the building of

homes would not necessarily lobby for this. It appears to have come from speculative quarters.

Amendment No. 13 is about pre-approval and what goes into applications. There are significant problems with regulations being left to the Minister and how wide open that is. There are no parameter constraints on that. I have serious concerns about that and the lack of public participation at the design envelope stage. There would be no notices or submissions. The decision from that would not be published until later in the process. This presumably runs contrary to the EIA directive. If you do not know what you have allowed, how can you assess it? That is the legal problem that will, if it is not addressed, give rise to significant delays and challenges.

Amendment No. 14 is about the implementation stage. It provides no obligation in terms of consent. There is only an obligation to notify. No consent is required. Surely that is contrary to the EIA and habitats directives.

The Minister of State is bringing forward amendments that are not legally sound, do not comply with directives, and will ultimately fail and lead to delays, and then the Government will have to come back to the Chamber to make more change, which it will probably do on the last day of a term and rush amendments through again. Why not progress this legislation properly so that we can cut out delays and litigation, and get on with a sound planning framework to help to deliver the needed infrastructure and housing?

**Deputy Thomas Gould:** I echo the calls of my colleague, Deputy Eoin Ó Broin, and other Deputies here. Rushed legislation is bad legislation. A call has been made to withdraw these amendments and to look at them as part of the legislation that the Government will bring forward in the autumn. There are serious concerns about why these amendments are coming in at this stage of the game. Here we are at lastminute.com, with the Dáil breaking for the summer tomorrow, and a raft of amendments are being tabled.

We have been very constructive on the Oireachtas joint committee on housing. We are trying to put forward solutions. We know there are problems that need to be solved. The Government and the Minister of State are making a mistake here. There are serious concerns about the lack of public consultation. I ask the Minister of State to take on board those points.

**Deputy Peter Burke:** I confirm that, to my knowledge, this is genuinely in response to the Derryadd case of June 2021, when the Attorney General recommended this course of action for wind developments. In terms of custom and practice, under judicial precedent from a number of cases, it is already permitted through the courts in regard to residential development. It was decided, in conjunction with the Office of the Attorney General, not to limit it, thereby including it for all.

Regarding residential developments, it could be attenuation ponds, renewable solar panels, and issues like that, but the specification and details are known and there is full sight of that available. It is only additional options, rather than putting in a series of subsequent planning applications, and that would provide certainty. We are essentially codifying what is already there and has already been permitted previously through the courts.

I confirm that there has been absolutely no lobbying on this. It has come from that specific court case I mentioned and working in consultation with the Attorney General and his office.

**Deputy Eoin Ó Broin:** I have two quick follow-up questions. If that is the case, and it is

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custom and practice and a general principle that can be considered, why is it being restricted to large-scale residential developments and not all planning applications? I am not at all convinced that specifications of solar panels on roofs or the size and depth of attenuation ponds, for example, fit into the design envelope. We all know there is a degree of flexibility in terms of final plans.

The Minister of State has not addressed any of the concerns raised about the absence of public participation during the application, decision, or implementation stages and whether it is in conflict with a number of EU directives.

**Deputy Cian O’Callaghan:** If this is about attenuation ponds and solar panels, why is the Bill not restricted to those areas? Why are there no protections or safeguards in the Bill for that? The Bill is wide open and the way it is written means it could apply to anything at all in a large-scale residential development. If that is the case, why are there no restrictions or safeguards?

**Deputy Richard Boyd Barrett:** When the Minister of State gives us those assurances, it is apparent he has been given them by someone else. While I do not doubt that he is honestly relaying what he has been told, it does not satisfy me that we are having a fully rounded and well-interrogated scrutiny of these amendments that relate to large-scale residential developments and large-scale industrial infrastructure that will fill the near-coastal area all around our coast with industrial developments. We are talking about large-scale, massive industrial development. We are allowing these developments flexibility. This is where proper scrutiny is required. I would not be satisfied unless I hear from all the stakeholders on this. It is fine to hear from Government officials, who have their view. I do not know where they are getting their advice from, be it from the Attorney General or whoever, but I want to hear from all the stakeholders who have a stake in this so that we can make an informed decision about whether what the Minister of State just said is true and that there is really nothing to see here. I am not convinced that that is the case, even more so because of my deep anxiety about the site selection process for these big industrial offshore “relevant projects” that got special designation in the marine planning Act, whereby developers chose their own sites. That is what happened. They decided where they wanted to build. Even on land developers do not have that, but now, for some of the biggest industrialised development we have ever seen in the marine area, the developers have decided the sites in advance of any plan or any proper designation of marine protected areas. Then there are little bits like this about what has to be provided when looking for this flexible application, namely, “such other information, drawings or representations as the prospective applicant may wish to provide or make available”. I repeat, “may wish to”. Surely the onus should not be on the developer to decide what he feels like putting forward in his application. He might wish to give us some details in the application or he might wish not to do so. This is so wide open to abuse it is beyond belief. Developers could hold back stuff. They could say they want flexibility when actually they plan to do something different from the outset from what they have put in the application. Let us be honest that this is open to abuse and open to developers to say, “This is how we get the application through, and afterwards we can disclose the truth about what is actually in the application and what we are really planning.” We certainly have not had the opportunity to scrutinise this legislation to ensure that this is not the case and that we have safeguards against that. We have not heard from the experts who could really tell us whether this open to abuse.

This just is not on. It is not on to do this in the manner in which the Government has done so with the time available to scrutinise the Bill. The letter from An Taisce says it all and is directed very strongly at the Green Party, quite rightly. I am pretty surprised the Green Party are

going along with this.

**Deputy Peter Burke:** As I said, there are seven to eight urgent wind farm developments to take place. I also said it was decided not to limit this because it is already available in custom and practice to all planning applications. The specifics have to be given. It is absolutely not true to say that someone can essentially get a planning application through and tell the truth after the fact because the options have to be contained in the application, and public consultation is at the core of that. It is not in the case of a lot of pre-planning processes but it is in this case. The public can participate and they will get to see the range of options. That is more consistent and provides more clarity than a series of planning applications prior to that. I assure Members that the Office of the Attorney General and our Department officials are confident that this is a very solid proposal and is needed.

Amendment put and declared carried.

**Deputy Peter Burke:** I amendment No. 13:

In page 3, between lines 22 and 23, to insert the following:

**“Opinion in relation to planning application**

9. The Principal Act is amended by the insertion of the following sections after section 32G:

**“Application for opinion under section 32I**

**32H.** (1) A person who intends to apply for permission under section 34 (referred to in this section and section 32I as a ‘prospective applicant’) may, before making such an application (referred to in this section and section 32I as the ‘proposed application’), request a meeting for the purposes of section 32I with the planning authority or authorities in whose functional area or areas the proposed development would be situated.

(2) A request under subsection (1) shall be in writing, be accompanied by the appropriate fee and include—

(a) the name and address of the prospective applicant,

(b) a site location map sufficient to identify the land on which the proposed development would be situated,

(c) a brief description of the nature and purpose of the proposed development and of its possible effects on the environment,

(d) a draft layout plan of the proposed development,

(e) a description of—

(i) the details, or groups of details, of the proposed development that, owing to the circumstances set out in subparagraph (ii), are unlikely to be confirmed at the time of the proposed application, and

(ii) the circumstances relating to the proposed development, including

such circumstances as the Minister may prescribe in relation to any class or description of development for the purposes of this subparagraph, that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in subparagraph (i) including, in particular, whether the prospective applicant may be able to avail of technology available after making the proposed application that is more effective or more efficient than that available at the time of the application,

(f) an undertaking to provide with the proposed application, either—

(i) two or more options, in respect of each detail or group of details referred to in paragraph (e)(i), containing information on the basis of which the proposed application may be made and decided,

(ii) parameters within which each detail referred to in paragraph (e)(i) will fall and on the basis of which the proposed application may be made and decided, or

(iii) a combination of subparagraphs (i) and (ii),

(g) such other information, drawings or representations as the prospective applicant may wish to provide or make available, and

(h) such other information as may be prescribed.

(3) A planning authority that receives a request under subsection (1) or section 32B(1) may, prior to a meeting taking place under section 32I, consult with any person who may, in the opinion of the planning authority, have information that is relevant for the purposes of the meeting in relation to a proposed development.

(4) Where a planning authority consults with a person under subsection (3), a written record shall be taken of such a consultation and kept by the planning authority and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates.

(5) Where a prospective applicant submits a request in accordance with subsection (1) or section 32B(1), the planning authority shall convene a meeting to take place within the period of 4 weeks beginning on the date on which the request is received by the planning authority.

(6) The following persons shall attend a meeting convened under subsection (5):

(a) the planning authority;

(b) the prospective applicant, one or more persons on his or her behalf, or both.

(7) The planning authority shall ensure that planning authority officials attending the meeting on its behalf have a sufficient level of relevant knowledge and expertise in the matter concerned.

(8) The planning authority shall keep a record in writing of any meeting con-

vened under subsection (5), including a copy of the request for the meeting and accompanying documents, the names of those who participated in the meeting and any explanation provided under subsection (11) or section 32I(7) and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates.

(9) A record kept by a planning authority under subsection (8) shall only be made public when a planning application in respect of the proposed development is made in accordance with section 34.

(10) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient for the purposes of holding a meeting convened under subsection (5), including—

- (a) matters that are required to be considered at the meeting,
- (b) matters that may be considered at the meeting, and
- (c) the manner in which the meeting is to be conducted.

(11) Where, on the expiry of the period specified in subsection (5), the meeting has not taken place, the planning authority shall proceed to convene the meeting as soon as practicable, notwithstanding that the period has expired, and provide the applicant with a written explanation why the meeting did not take place in the specified period.

### **Opinion as to flexibility with regard to application for permission**

**32I.** (1) The planning authority shall, within the period of 4 weeks beginning on the date on which the meeting convened under section 32H(5) takes place, consider—

- (a) the information included in the request for the meeting under section 32H, and
- (b) any other relevant information that is made available at the meeting,

and determine if it is satisfied that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed certain details of the application.

(2) Where the planning authority determines that it is satisfied in accordance with subsection (1) it shall provide an opinion to that effect to the prospective applicant.

(3) Where the planning authority determines that it is not satisfied in accordance with subsection (1) it shall notify the prospective applicant to that effect.

(4) An opinion under subsection (2) shall specify—

- (a) the details, or groups of details, of the proposed development as proposed by the prospective applicant that may be confirmed after the proposed application has been made and decided,

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(b) the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a), and

(c) that, in respect of each detail, or group of details, referred to in paragraph (a), the proposed application shall, in addition to any other requirement imposed by or under this Act, be accompanied by the information referred to in section 32H(2)(f).

(5) An opinion issued by a planning authority under subsection (2) shall only be made public when a planning application in respect of the proposed development is made in accordance with section 34.

(6) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient for the purposes of the planning authority providing an opinion under subsection (2), including the form of the opinion.

(7) Where, on the expiry of the period specified in subsection (1), the planning authority has failed to provide an opinion or notification, the planning authority shall proceed to do so as soon as practicable, notwithstanding that the period has expired, and provide the prospective applicant with a written explanation why it failed to provide the opinion or notification in the specified period.

#### **Procedure without prejudice to performance by the planning authority of other functions**

**32J.** Neither the taking place of a meeting under section 32H nor the provision of an opinion or notification under section 32I shall prejudice the performance by the planning authority of its functions under this Act or any regulations under this Act or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

#### **Effect of steps not being completed within the time period**

**32K.** A person shall not question the validity of any steps taken by a planning authority by reason only that the procedures set out in sections 32H and 32I, were not completed within the time referred to in the sections concerned.

#### **Offence of taking payment, etc. in connection with section 32H procedure**

**32L.** A member or official of a planning authority who takes or seeks any favour, benefit or payment, direct or indirect (on his or her own behalf or on behalf of any other person or body), in connection with the provision of an opinion or notification under section 32I commits an offence.””.

Amendment put:

<i>The Committee divided: Tá, 79; Níl, 62; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	

*Dáil Éireann*

<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Canney, Seán.</i>	<i>Clarke, Sorca.</i>	
<i>Cannon, Ciarán.</i>	<i>Collins, Joan.</i>	
<i>Carey, Joe.</i>	<i>Collins, Michael.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>	
<i>Collins, Niall.</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>Ellis, Dessie.</i>	
<i>Dillon, Alan.</i>	<i>Farrell, Mairéad.</i>	
<i>Donnelly, Stephen.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Donohoe, Paschal.</i>	<i>Funchion, Kathleen.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gannon, Gary.</i>	
<i>English, Damien.</i>	<i>Gould, Thomas.</i>	
<i>Feighan, Frankie.</i>	<i>Guirke, Johnny.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Healy-Rae, Danny.</i>	
<i>Flaherty, Joe.</i>	<i>Healy-Rae, Michael.</i>	
<i>Flanagan, Charles.</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>Harkin, Marian.</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>Murphy, Catherine.</i>	
<i>Humphreys, Heather.</i>	<i>Murphy, Paul.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Verona.</i>	
<i>Lahart, John.</i>	<i>Mythen, Johnny.</i>	
<i>Lawless, James.</i>	<i>Nolan, Carol.</i>	
<i>Leddin, Brian.</i>	<i>O'Callaghan, Cian.</i>	
<i>Madigan, Josepha.</i>	<i>O'Donoghue, Richard.</i>	
<i>Martin, Catherine.</i>	<i>O'Reilly, Louise.</i>	

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<i>Matthews, Steven.</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>McGuinness, John.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>McHugh, Joe.</i>	<i>Ó Snodaigh, Aengus.</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>Naughton, Hildegarde.</i>	<i>Shanahan, Matt.</i>	
<i>Noonan, Malcolm.</i>	<i>Shortall, Róisín.</i>	
<i>O'Brien, Darragh.</i>	<i>Smith, Bríd.</i>	
<i>O'Brien, Joe.</i>	<i>Smith, Duncan.</i>	
<i>O'Callaghan, Jim.</i>	<i>Stanley, Brian.</i>	
<i>O'Connor, James.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Dea, Willie.</i>	<i>Tully, Pauline.</i>	
<i>O'Donnell, Kieran.</i>	<i>Ward, Mark.</i>	
<i>O'Donovan, Patrick.</i>	<i>Whitmore, Jennifer.</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>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 Eoin Ó Broin and Richard Boyd Barrett.

Amendment declared carried.

10 o'clock

**An Leas-Cheann Comhairle:** The time permitted for this debate having expired, I am required to put the following question in accordance with an order of the Dáil of 12 July: “That the amendments set down by the Minister for Housing, Local Government and Heritage other than amendment No. 25 and not disposed of are hereby made to the Bill; in respect of each of the sections not disposed of, other than section 23, which is hereby deleted, that the section or, as appropriate, the section, as amended, is hereby agreed to in committee, the Title, as amended, is hereby agreed to in committee; the Bill, as amended, is accordingly reported to the House; Fourth Stage is hereby completed; and the Bill is hereby passed.”

Question put:

<i>The Committee divided: Tá, 78; Níl, 62; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Canney, Seán.</i>	<i>Clarke, Sorca.</i>	
<i>Cannon, Ciarán.</i>	<i>Collins, Joan.</i>	
<i>Carey, Joe.</i>	<i>Collins, Michael.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>	
<i>Collins, Niall.</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>Ellis, Dessie.</i>	
<i>Dillon, Alan.</i>	<i>Farrell, Mairéad.</i>	
<i>Donnelly, Stephen.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Donohoe, Paschal.</i>	<i>Funchion, Kathleen.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gannon, Gary.</i>	
<i>English, Damien.</i>	<i>Gould, Thomas.</i>	
<i>Feighan, Frankie.</i>	<i>Guirke, Johnny.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Healy-Rae, Danny.</i>	
<i>Flaherty, Joe.</i>	<i>Healy-Rae, Michael.</i>	
<i>Flanagan, Charles.</i>	<i>Howlin, Brendan.</i>	

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<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>Harkin, Marian.</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>Murphy, Catherine.</i>	
<i>Humphreys, Heather.</i>	<i>Murphy, Paul.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Verona.</i>	
<i>Lahart, John.</i>	<i>Mythen, Johnny.</i>	
<i>Lawless, James.</i>	<i>Nolan, Carol.</i>	
<i>Leddin, Brian.</i>	<i>O'Callaghan, Cian.</i>	
<i>Madigan, Josepha.</i>	<i>O'Donoghue, Richard.</i>	
<i>Martin, Catherine.</i>	<i>O'Reilly, Louise.</i>	
<i>Matthews, Steven.</i>	<i>O'Rourke, Darren.</i>	
<i>McConalogue, Charlie.</i>	<i>Ó Broin, Eoin.</i>	
<i>McGrath, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>McGuinness, John.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>McHugh, Joe.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Moynihan, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Quinlivan, Maurice.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ryan, Patricia.</i>	
<i>Noonan, Malcolm.</i>	<i>Shanahan, Matt.</i>	
<i>O'Brien, Darragh.</i>	<i>Shortall, Róisín.</i>	
<i>O'Brien, Joe.</i>	<i>Smith, Bríd.</i>	
<i>O'Callaghan, Jim.</i>	<i>Smith, Duncan.</i>	
<i>O'Connor, James.</i>	<i>Stanley, Brian.</i>	
<i>O'Dea, Willie.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Donnell, Kieran.</i>	<i>Tully, Pauline.</i>	
<i>O'Donovan, Patrick.</i>	<i>Ward, Mark.</i>	
<i>O'Dowd, Fergus.</i>	<i>Whitmore, Jennifer.</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>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 Eoin Ó Broin and Cian O’Callaghan.

Question declared carried.

**Payment of Wages (Amendment) (Tips and Gratuities) Bill 2022: Committee and Remaining Stages**

Section 1 agreed to.

SECTION 2

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 2 are related and will be discussed together.

**Deputy Louise O’Reilly:** I move amendment No. 1:

In page 3, between lines 29 and 30, to insert the following:

“(c) is paid with the intention that it is a gift from a customer to a server(s) intended for the benefit of the server and other employees;”.

I apologise, because I do not have numbered amendments. I sincerely hope I am talking to the right one. This is the amendment that relates to the gift. The purpose of this is to ensure that service charges are paid as a gift to workers. It is not for employers to add on additional charges. If a business wants to charge extra for a meal, it can add it to the price of the meal or drink. The business should not include this as a stealth charge. I specifically submitted this amendment in order to put on the record my concern with regard to a tweet from the Restaurants Association of Ireland, which was put out just after the Bill was in the Seanad. It sounded as though it was attempting, or thought there would be some way, for it to be able to circumvent this legislation. One of the tweets read that its understanding was that businesses are still permitted to apply a group booking charge as part of the new legislation. This looks as though some businesses might be trying to evade or avoid it or get around it.

I believe that the intention is to ensure that cannot happen. I would have thought that the wording was robust enough but, given that the tweet was put out as the Bill was being discussed, I naturally have concerns. I imagine that the Tánaiste will also have concerns, if he thinks someone will circumvent his legislation. It does a bit of a disservice to us, as legislators,

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if we are very clear about what the intention is. To be fair to the Tánaiste, he has been very clear. The ink was not even dry on the legislation before this tweet went out. That is where my concern comes from.

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar):** Do I have it right in that this is the grouping of amendments Nos. 1 and 2?

**An Ceann Comhairle:** Yes.

**Deputy Leo Varadkar:** As I understand it, this group of amendments seeks to classify tips and gratuities as a gift from a customer. The Deputy's purpose is to extend the tax treatment of personal gifts to tips and gratuities received in the course of employment, which would mean that they would be liable for capital acquisitions tax, rather than income tax. Having considered this issue and consulted with the Revenue Commissioners, while a tip may be perceived as a gift in the sense that it is a voluntary payment, it is in fact a reward for good services rendered during the individual's employment. This is a key legal distinction between a personal gift and a tip.

If the individual is not working in that position, they would not have received a tip. Tips are explicitly linked to the service being provided by the recipient in the course of their employment. They are not made on grounds that are purely personal to the individual, in the way that a birthday or wedding gift would be. They are inextricably linked to the person's employment. Therefore, I am advised that, for these legal reasons, a tip could not be classified as a gift. I am advised that this interpretation is supported by case law and recent determinations by the Tax Appeals Commission.

With regard to a group booking charge, it is possible for a restaurateur or hotel, or an events organiser, to impose a group booking surcharge. Sometimes, that is necessary, because extra staff have to be taken on and perhaps paid premium pay. What is very clear from this legislation is that the surcharge could not be described as a service charge. It would be very clear to the customer that this was not a service charge and was not going to staff in addition to their wages.

**Deputy Louise O'Reilly:** Whether it is a big booking or a small booking, the people coming in are all paying for their service and the food. If one has a restaurant that has 30 seats, it is the same if those 30 seats are full by way of a group booking or 15 individuals picking up the phone and booking a table for two. The restaurant is getting the money, in any event. I do not accept that they have to put on more staff. If there are more people and more bookings, there is more staff. It does not matter whether these bookings are made up of three ten-person bookings, 15 two-person bookings or, indeed, 30 one-person bookings. The same number of staff will be required.

It has been a long time, but I worked in catering and hospitality for a number of years. The boss would always know in advance if there would be a big booking in. I have a concern. I accept what the Tánaiste is saying with regard to the case law. That is fine, but I have a concern that calling it a group booking charge is just like a service charge. We would have always understood, where if one is booking a table, it says service charge will apply for bookings over six or eight. I am sure the Tánaiste understands the concern I have. It relates directly to the tweet that I felt was an attempt, before the ink was even dry, to try to circumvent what I believe is the intention of the legislation.

**Deputy Catherine Murphy:** I picked that tweet up in exactly the same way. I would have

been one of the people to assume that, for example, a service charge was the same as making it easy to give a tip. I think many people have been under the same impression. I picked that tweet up in exactly the same way, in that it was a loophole. It is important that there is the prospect of reviewing this. I also would have thought that every restaurant wants to be full. They only have so many tables and chairs. I would have thought it was an advantage to have a booking for 30 people. One would nearly give a discount to fill the restaurant, if one was to be guaranteed that. There can be no-shows and things like that and it is a whole other day's work but I would hate to think this would be trying to get around that or be a loophole, and that was how I picked it up as well.

**Deputy Leo Varadkar:** I thank the Deputies. We made a very significant change in this legislation as it developed on foot of the debate in the Seanad in particular but also the debate here. The original plan was proprietors or employers would just need to be clear about what a mandatory service charge was and where the money went. We have changed that now in this law. When this law is passed and fully commenced, a mandatory service charge must be treated in the same way a tip or gratuity would be. It cannot be used to make up basic wages. It must be given to staff as though it was a tip. That is very important because for years people have been not leaving a tip because they thought the mandatory service charge was the tip. In fairness, it is something I have been asking about every time I have gone to a restaurant or a bar for the last year or two. In almost all cases that is the case but not always. Once this legislation is enacted and commenced it will be very clear a mandatory service charge is the same as a tip. That is increasingly important because now more and more people leave the money electronically as they do not carry cash the way they used to, and this will do that.

However, the legislation is not intended to abolish all surcharges and there will be occasions where proprietors impose a surcharge. It might for example be an energy surcharge, which you see being applied in some places now, or be a group booking surcharge. I am told if you have a very large booking of 30 or 40 people there are additional costs and you need to take on additional staff to those you would need if there were the same number of people in different groups. It could be for a party for example, and there are additional costs associated with that. This is why I cannot accept the amendment tonight. There is a one-year review written into this legislation and I am keen to see how it operates. If we find it is being abused or manipulated in some way, the option is there for us to come back to it in the House.

Amendment put and declared lost.

**Deputy Louise O'Reilly:** I move amendment No. 2:

In page 4, between lines 10 and 11, to insert the following:

“(c) made with the intention that it is a gift from a customer to a server(s) intended for the benefit of the server and other employees;”.”

Amendment, by leave, withdrawn.

Section 2 agreed to.

### SECTION 3

**An Ceann Comhairle:** Amendment No. 3 is in the name of Deputy Catherine Murphy. I ask her to move and address the amendment.

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**Deputy Catherine Murphy:** I withdraw it.

**Deputy Paul Murphy:** Is this not my amendment?

**An Ceann Comhairle:** I apologise, it is Deputy Paul Murphy's.

**Deputy Paul Murphy:** I appreciate we have the same last name and it is a common name. It happens.

**An Ceann Comhairle:** *Mea maxima culpa.*

**Deputy Paul Murphy:** I appreciate Deputy Catherine Murphy thinking on her feet and deciding she had no idea what this is so she had better withdraw it.

**An Ceann Comhairle:** Is the Deputy withdrawing it in any case?

**Deputy Paul Murphy:** I move amendment No. 3:

In page 4, lines 19 to 26, to delete all words from and including “(1) The” down to and including line 26 and substitute the following:

“(1) Sections 4B to 4F shall apply to all employers carrying on a business in the State in relation to which the payment of tips or gratuities by customers typically applies.”.

I am not, I am just joking.

At the moment in section 4A, which is proposed to be added to the principal Act, there is this big long process about the things the Minister should take into account in terms of whether the essence of what we are passing here applies to an employer or a class of employers. He or she must take into account “whether or not employers to which the regulations relate are carrying on a business in the State in relation to which the payment of tips or gratuities by customers typically applies”. I agree with that. It is the provision that makes sense but then there is a whole load of other stuff and I do not understand why it is there. For example, the second provision refers to “the likely impact of such regulations on employment, either generally or in the particular economic sector to which the regulations relate”. Let us say we have an emerging sector where tips are increasingly being paid, which can happen, that is, tips become normal in an area of the economy where they were not normal before. Does that raise the possibility employers' organisations can say if we had everyone paying tips here, or if we ensured everyone could not steal the workers' tips, then we would have to let workers go and employment could be affected?

The amendment is very simple in the sense it removes all the other things that must be considered and simply says this should “...apply to all employers carrying on a business in the State in relation to which the payment of tips or gratuities by customers typically applies”. Surely that is the thing. What matters is that this is a sector of the economy where tipping exists, is common etc. as opposed to all the other things that are referenced.

**Deputy Leo Varadkar:** I thank the Deputy for explaining the intention of the amendment. My understanding is it would place an obligation on employers to comply where it may not make sense to do so. The provisions of the Bill will be applied by means of ministerial regulation where it is appropriate to do so and in consultation with representative organisations

representing both employers and employees. The regulations will apply to sectors where tips and gratuities are a regular feature and where there is often significant customer uncertainty as to what a service charge is for.

As drafted, the Deputy's amendment would have the unintended effect of removing the protections this Bill intends to create for platform workers. This is because if the amendment were accepted section 4F would only apply to an employment relationship. The fact is platform workers generally are not employees and indeed the same could apply to some self-employed people. We have ensured the protections of the Bill as currently drafted will extend to them and that customers will be entitled to know whether the tips they intend to direct to those workers will actually reach them. The amendment would remove this protection and based on legal advice I cannot accept it.

**An Ceann Comhairle:** Is the Deputy pressing the amendment?

**Deputy Paul Murphy:** I get another go, do I not?

**An Ceann Comhairle:** He does if he wants to. He may have as many goes as he likes.

**Deputy Paul Murphy:** Thanks very much, a Cheann Comhairle, or you could give it to the other Deputy Murphy if you want.

I will have to read carefully around section 4F when the Tánaiste is next speaking, given the points he has raised. He is saying the regulations will apply in circumstances where the payment of tips typically applies in a section of the economy, but that is not the case, or not necessarily, as it is currently written. That is one of the things to be taken into account by the Minister in deciding whether he or she will use regulations to make it apply here but it is not definitely the case. It is one of the things to be taken into account. That is a problem. He or she can have regard to the fact tips are normally paid here but look at all the other factors that are referenced and say that on balance he or she does not think these should apply. That is a weakness in the Bill as proposed.

**Deputy Leo Varadkar:** If I can give reassurance to the Deputy, I hope and anticipate I will be the Minister who is signing these regulations in a few weeks' time or a few months' time. I want to be very clear the regulations will apply to the hospitality sector, including restaurants, hotels, cafes, pubs etc. I also intend they should apply to personal services where people often leave a tip, for example a barber, hairdresser or beautician, and also to platform workers. That is the intention here. Of course, future Ministers could extend it to other sectors.

The concern my officials have is this amendment would have the unintended affect of applying the protections only to people who are formal employees and could take it away from people who are not employees and are contract workers or self-employed. That is why I am advised not to accept it.

**Deputy Paul Murphy:** Okay. I will withdraw it.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 4, 5 and 7 to 9, inclusive, are related and may be taken together.

**Deputy Paul Murphy:** I move amendment No. 4:

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In page 6, lines 18 and 19, to delete “by an electronic mode of payment” and substitute “, including by an electronic mode of payment”.

The purposes of this - there are a number of amendments that are very similar - is to say this should not just apply to tips that are paid by electronic modes of payment, in other words, credit or debit cards or whatever, but should apply to all tips. Tip theft happens with cash tips. You can have a situation where there is a glass beside the cashier that people put money into and the employer can take half of it out and leave it so only half of it is to be doled out between the workers. It is a significant enough weakness. In general, this legislation is very welcome but it is a problem that it does not cover this potentially substantial area of tip theft by not including it. It is pretty basic.

It would be good if the Tánaiste would agree to take on board any one of these amendments. There are a few different ways we could word it; I am not precious in that regard. Tip theft is not only a problem in the context of electronic payments; it also applies to cash payments. Workers need protection. That is an important issue.

**Deputy Louise O’Reilly:** I share the concerns of Deputies Paul Murphy and Catherine Murphy. I also have a further concern. The mechanism for redress is through the Workplace Relations Commission, WRC, but that would not apply in the case of cash tips. I am sure we all do the same thing in restaurants. If we are tipping, we ask the people serving us if they get to keep the tip if it is in cash. They will say “Yes” or “No”. In some instances, the server will say the tips go into a glass behind the counter and are distributed. The intention behind the Bill is to end tip theft, which is theft of money from workers who are on very low pay. Let us not forget why we are here. It is just as wrong for employers to skim money off credit cards and take it as it is for them to take it out of a jar intended for the workers individually.

I appreciate that there is provision for a review after 12 months. I am conscious that for workers on very low incomes, a year without protection in the context of those cash tips could be problematic. However, redress is not available even if that is happening. We are all deciding that is not a good thing and it should not be allowed for an employer to rob tips from workers. However, employers can do that if it is a cash tip and the WRC redress would not be open to the employees. It seems to me a bit of a loophole which would be open to exploitation. It is important to say that these complaints do not apply to every employer. We do not need to legislate for those employers who always do the right thing. We are here to legislate for the ones who do not. Cash tips should also be covered.

**Deputy Leo Varadkar:** I acknowledge at the outset that tip theft is a problem. It is real, and we would not be introducing this legislation if it was not. We do not have reliable data as to how common it is or if it is more common in the case of electronic tips or cash tips but we think it is more likely to be common in the case of electronic tips because they go through the books, if you like, of the employer and proprietor who controls the money. When a tip is in cash, it is controlled by the staff most of the time and never goes through the company books. Tips are divided among the staff, and it is left to them to decide whether or not to declare tips as additional income.

The amendments being proposed would extend the provisions of the Bill relating to tips and gratuities to payments made in cash as well as by electronic means. Deputies are keen to extend the Bill in full to cover all cash tips and gratuities, and I have sympathy with that proposal. There is a general prohibition on making deductions from an employee’s tips but the

full regime governing electronic tips cannot be extended to cover cash. The reason for that is simple, that is, cash left voluntarily is not traceable. It may never even come under the control of the employer, as I said earlier, so there is no evidence on which to base enforcement actions. Electronic payments, however, create an evidential trail that can be examined if there is a complaint. We should recognise that most payments are now being made electronically and that fewer people are using cash on a regular basis. We make a considerable proportion of our purchases, including in-person purchases, through electronic transactions by means of debit or credit cards, e-wallets and so on.

Enacting this Bill can also give consumers the confidence to tip electronically, knowing that if they do so, it will definitely go to the staff. When they add an electronic tip, they will know that it is required to be distributed to staff and that those staff have access to the WRC if they have a complaint. I assure the House that in a case where a customer pays a bill that includes a mandatory service charge, the bill and receipt leave an evidential trail whether the payment is made electronically or in cash. This means that if there is a complaint about the distribution of the mandatory service charge, the WRC can consider that complaint and adjudicate on it.

**Deputy Paul Murphy:** I hear what the Tánaiste is saying and I do not dispute it. It is overwhelmingly likely that the majority of tip theft occurs on electronic payments. It is much easier for that to happen. The vast majority of bills these days are probably paid by cards rather than cash. However, the theft of cash tips definitely still happens, and the Tánaiste has acknowledged that. He suggested that we cannot legislate for it because it would be difficult to prove and I do not fully understand the logic there. One can definitely think of circumstances in which it would be impossible to prove. In such a case, there might be paper evidence but an offence cannot be proved. It is also feasible to think of circumstances in which it could be proved. A series of employees might be willing to testify that every single night, the employer comes in, goes through the tip jar and takes half of the money in it. That is very conceivable. Surely a right of redress must be provided for those workers who are affected. We can understand that it might be difficult to prove in some circumstances but let us give them the opportunity to go to the WRC and prove their case as opposed to admitting defeat before we start by saying we cannot possibly legislate for those whose tips in cash form are robbed.

**Deputy Louise O'Reilly:** Perhaps the Tánaiste could explain the situation. The intention behind the Bill is to ensure people do not have their tips robbed from them. I get that. It is why we are all here. We accept it is a problem that needs to be dealt with. Not every case that comes before the WRC has a paper trail or includes absolute proof. Sometimes a union official will only have the evidence that his or her own members can bring and that is enough. One might not be able to put a hand on a receipt or some kind of electronic trail but there may be evidence from workers. One will hear that from workers. The Tánaiste has met with workers so he will know that. How would it work in that case? Would such a case be precluded from access to the WRC even if there is some evidence? I understand the issue around evidence and the fact that we cannot legislate for situations in which there is no evidence. If there were sufficient evidence to sustain an industrial relations case, which I acknowledge is not the same threshold of proof that would apply in a court, would the Tánaiste envisage access to the WRC being possible under the terms of this legislation? If that is precluded completely, there is a problem. There is not going to be a paper trail when a cash tip is left, but how would it work in a case where a number of workers are capable of saying that tip theft happens every evening, every second night or whatever? Those staff should somehow come under the jurisdiction of this legislation. If they are left out, all cases are going to be left out. As I said, cases before the

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WRC, the Labour Court or wherever else do not always include a paper trail. Sometimes the evidence of the people who are experiencing the issue is sufficient.

**Deputy Leo Varadkar:** I thank the Deputies for their contributions. I have some sympathy with the arguments being made. I have given this matter some consideration and discussed it with my officials and advisers. The advice I have is that it would not be practical to enforce this particular provision. I refer to the report of the Low Pay Commission in that regard. It is also possible that the circumstances the Deputies describe where people would be willing to swear an affidavit to say that money was stolen from them is already covered under larceny provisions. Even with those sworn testimonies, it would still be hard to prove without other evidence.

As I have said, a one-year review is built into these provisions. I would be happy to consider the matter again at that point.

Amendment put and declared lost.

**Deputy Louise O'Reilly:** I move amendment No. 5:

In page 6, line 18, after “by” where it secondly occurs to insert “means of monetary payment and/or”.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 6 and Nos. 10 to 16, inclusive, are related and will be taken together.

**Deputy Paul Murphy:** I move amendment No. 6:

In page 6, between lines 19 and 20, to insert the following:

“(1A) (a) An employer to which this section applies shall, within 6 months of the entry into force of this Act, negotiate an agreement with employees providing for tips or gratuities to be distributed in a fair manner.

(b) An agreement under subsection (a) can be reviewed upon the request of twenty percent of the relevant employees.”.

The purpose of amendment No. 6 is to compel employers to negotiate an agreement with their employees about the distribution of tips. This amendment applies to the section of the Bill which deals with a situation where tips are distributed between employees. This is the worker’s money. It is not the employer’s money. Therefore, the employees should have a decisive say in how the money is distributed between them. There should be a negotiation between the employer and the employees within six months of this Bill coming into force to agree how tips are going to be divided up. The amendment would also legislate for that to be reviewed at the request by one fifth of the relevant employees.

The other part is adding in the possibility of a review coming on the back of a workplace inspection as to whether a fair distribution of tips is taking place. We are removing the reference to the fact that whether the employee is on full-time or part-time contract of employment is something to be taken into account, given that section 4B(4)(c) includes the proportion or number of hours worked by the employee. It is entirely reasonable that would be taken into ac-

count in terms of how tips are divided. Once you are taking that into account, then there is no need to separately consider the point of full-time or part-time.

Third, in relation to what is currently in section 4B(4)(e), “the role and influence of the employee in providing service to customers”, I do not understand what the meaning of “influence” is. I do not see why we need to have “influence” referenced here and therefore can delete it.

The next point is, again, to prioritise the question of an agreement, that where you can prove that you have an agreement that is not manifestly unfair, that takes priority.

I think the other amendments are Deputy O’Reilly’s.

**Deputy Leo Varadkar:** Amendments Nos. 6, 13 and 16 would require the employer to negotiate and obtain an agreement of employees on the matter of the distribution of tips and gratuities. As it stands, the Bill provides that the employer must consult their employees. It also establishes a legal entitlement for workers to receive their tips and gratuities paid in electronic form with the provision that these tips and gratuities should be paid out to workers in fair and transparent manner. Requiring the employer to obtain the agreement of the employees is a high threshold for the employer to meet and is not within their control.

We also believe the amendment is impractical, as it would require the consent of all employees before a change in policy could be introduced. Even one employee, or a minority of employees, could prevent a policy change against the wishes and interests of the majority of employees and the employer. This would be profoundly undemocratic. Seeking to introduce some form of qualified majority is equally likely to be impractical but would not be impossible.

An important requirement of the new Bill is that the employer must provide a statement to workers showing the amount of electronic tips obtained in a period and the portion paid to individual employees for that particular period. This will ensure transparency.

Amendment No. 10 seems confer a new function on the WRC adjudicators of inspecting workplaces and determining whether the distribution of tips and gratuities is fair. It is difficult to justify carrying out inspections in circumstances where nobody has made a complaint and would not be a good use of the WRC’s resources. Employees can have recourse to the WRC if they have a grievance and make a complaint. I am satisfied that this will provide ample protection for them.

Amendments Nos. 11, 12 and 14 seek to amend the factors that a WRC adjudicator can consider in determining an employee complaint on whether tip distribution is fair. I think the factors in the Bill as it stands are well balanced. They are relevant and, crucially, they are not restrictive. The adjudicator can, of course, consider other factors where they consider them to be relevant.

Amendment No. 15 would be a disproportionate intrusion on an employer. Employees in small business where employers also do work will usually have a good understanding of the level of work the employer does. They also already have the protection that they must be aware of the tips and gratuities policy. They can have recourse to the WRC if they have a complaint. This amendment would require employers to send out their personal financial information to their staff on a regular basis. This would even include staff who may be employed on an only occasional or part-time basis and every employee would then become a data processor under general data protection regulation, GDPR. I understand the intention behind the amendment

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is to ensure that staff are informed if their employer is taking a proportion of the tips. That is an understandable request or desire and we do not want to let abusive employers off the hook. However, we think it will be disproportionate and intrusive in this regard and would leave employees in the position where they would become data processors under GDPR.

**Deputy Louise O'Reilly:** We need say this out loud. We are dealing with vulnerable workers, very often migrants and part-time workers, as the Tánaiste said, and people who do not have much power at the level of the workplace. Of course, the only way to increase that power is to join a union, get active in it and not wait around for legislation.

The purposes of these amendments is to balance it in favour of the employees. I accept what the Tánaiste said in relation to data control or a data processor. However, there needs to be some level of transparency so that a worker – and we know these are low-paid workers – would have some sort of knowledge as to whether the employer is taking something. The Tánaiste said that in smaller employments there is usually a good understanding of how much work the employer is doing, and there is. However, equally, the employer might not be doing half the work, but taking half the tips. I am not saying all employers would do this, but we know that it happens and we would not be here if it did not. There is a balance to be struck. Clearly, people are entitled to some privacy in relation to personal information. However, there is, equally, the right of the worker to know. If you are already only getting a share of half because half has gone to the employer, you will not know that from the statement that you get. There is an unfairness in that. This set of amendments is just to bring a little bit more transparency, particularly for the workers who, as we all know, are very often vulnerable or low-paid workers who do not have that power at the level of the workplace.

**Deputy Leo Varadkar:** I understand and appreciate the intentions behind the amendments. However, I cannot accept them for two reasons. The requirement that the consent of all employees would be required for a change in policy is too onerous. We are not talking about a majority here; we are talking about unanimity. I just do not think that is a practical provision when it comes to amendments Nos. 6, 13 and 16, to have a situation whereby the employer and the vast majority of employees want a certain policy and a blocking minority or even one individual could block a change to that policy. I am sure that was not what was intended by the amendment. However, the Office of the Parliamentary Counsel said that would be the effect.

Again, we need to bear in mind that sometimes the employer is a worker too. You will often see in a small restaurant or small café, the person who is the employer – the owner – is very busy on the shop floor, taking orders, delivering meals and behind the till. The employer can be a worker as well. Under amendment No. 15, you would see employees getting financial information about the employer or another worker, and that is private information. I would have real concerns about that being done. If it is the case, for example, that the worker-owner, if you like, is taking half or even a quarter of the tips, that would be known because there has to be a tips and gratuities policy, and it would have to be made clear in that policy that a certain worker or someone who was somehow getting a disproportionate share of the tips. I think if I saw that policy, I would be very suspicious. Therefore, I think it is covered in that regard.

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 7:

In page 6, lines 21 and 22, to delete “by an electronic mode of payment” and substitute

“, including by an electronic mode of payment”.

Amendment put and declared lost.

**Deputy Louise O’Reilly:** I move amendment No. 8:

In page 6, line 21, after “by” where it secondly occurs to insert “means of monetary payment and/or”.

Amendment put and declared lost.

**Deputy Louise O’Reilly:** I move amendment No. 9:

In page 6, line 23, after “by” to insert “means of monetary payment and/or”.

Amendment, by leave, withdrawn.

**Deputy Paul Murphy:** I move amendment No. 10:

In page 6, line 35, after “fair” to insert the following:

“or in considering on foot of a workplace inspection whether or not a distribution under subsection (1) of tips or gratuities to an employee is fair”.

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 11:

In page 7, to delete lines 3 and 4.

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 12:

In page 7, line 5, to delete “and influence”.

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 13:

In page 7, line 11, after “distributed” to insert the following:

“where such an agreement is deemed to have been negotiated fairly with employees and is not itself manifestly unfair, it shall take precedence over other factors and circumstances”.

Amendment put and declared lost.

**Deputy Louise O’Reilly:** I move amendment No. 14:

In page 7, between lines 11 and 12, to insert the following:

“(h) a general principal that tips, gratuities, and service charges are especially valuable for low-paid workers.”.

Amendment put and declared lost.

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**Deputy Louise O'Reilly:** I move amendment No. 15:

In page 7, line 17, after “relates” to insert the following:

“, including the share of tips, gratuities, and mandatory service chargers distributed by the employer to themselves”.

Amendment put and declared lost.

**Deputy Louise O'Reilly:** I move amendment No. 16:

In page 7, line 31, to delete “consult” and substitute “reach agreement”.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 17 to 19, inclusive, 22 to 24, inclusive, 31 and 32 are related. Amendment No. 18 is an alternative to amendment No. 17. Amendments Nos. 17 to 19, inclusive, 22 to 24, inclusive, 31 and 32 are related and may be discussed together.

**Deputy Paul Murphy:** I move amendment No. 17:

In page 7, to delete line 34, and substitute the following:

“offence and shall be liable on summary conviction to a class A fine, maximum of twelve months’ imprisonment or both.”.

This grouping is crucial in terms of the penalty for a breach of this legislation. The current proposal is for a class C fine of €2,500. That is completely inadequate. The risk for employers is not very high but the reward can be very high. It was reported that The Ivy restaurant was taking in €3,000 in electronic tips that were being taken by the employer, yet the Government is saying the maximum that employers who continue to engage in that illegal practice can face is a fine of €2,500. It is completely inadequate. It is a very soft-touch and light-handed approach to employers for what is theft or robbery of workers’ money. It should not be treated as a small matter; it is a big deal. It is the same thing as going into a person’s house and robbing his or her money. It is theft and it should be treated as such. Amendment No. 17 proposes the imposition of a class A fine, a maximum of 12 months’ imprisonment, or both. That is treating it with the seriousness it deserves.

**Deputy Louise O'Reilly:** We need to be clear that what we are talking about is money being robbed from people. The sanction on the employer should be stronger. I appreciate there is an opportunity to revisit it. I am not saying that it would be worth an employer’s while to break the law in this regard. I do not think people necessarily set out to do that. However, in the past decade the WRC has recovered €18 million in what it referred to as “unpaid wages” but all present know it is money that was robbed from workers. We know there are issues in respect of workers getting what they are entitled to in terms of what could be called wages, never mind what is in that grey area of tips. A stronger fine would send a much stronger message to an employer that this is not worth the risk.

**Deputy Leo Varadkar:** I hear what the Deputies are saying in respect of this being about theft and robbed money. I agree with that assessment, by the way. If money is intended for a person but another person takes it, that is larceny. I would be curious to know whether any complaints have been taken to An Garda or whether there have been any investigations under

larceny provisions and what the case law is in that regard. I do not know if there have been such cases.

What we are dealing with here is employment law. In the context of this legislation, the amendments would change the penalties for breaches from a fine of up to €2,500 to a fine of up to €5,000. That would be out of line and inconsistent with penalties included in the Payment of Wages Act 1991, which the Bill amends. That Act provides for fines of up to €1,000. The WRC can also impose fixed penalty notices of up to €1,500. If these amendments were accepted, breaches of the Bill would have the most serious consequence of any offence under the Payment of Wages Act, and that does not seem proportionate.

Amendments Nos. 17, 19 and 22 propose the introduction of prison sentences for breaches of the Act. By way of example, an employer who fails to give an employee a statement of his or her tips and gratuities and the total tips and gratuities received would be liable to up to 12 months' imprisonment. To clarify that, even if an employee got all his or her tips - every single euro and cent - if the employer did not for some reason give him or her the paperwork, the employer could go to prison for 12 months. That seems somewhat draconian. It certainly would not protect the employees if their employer had to cease trading because he or she was sent to prison having paid every cent of wages and tips but not provided the right sheet of paper.

Amendment put and declared lost.

**Deputy Louise O'Reilly:** I move amendment No. 18:

In page 7, line 34, to delete "class C" and substitute "class A".

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 19:

In page 7, between lines 34 and 35, to insert the following:

"(9) An employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years' imprisonment or both."

Amendment put and declared lost.

**Deputy Paul Murphy:** I move amendment No. 20:

In page 8, to delete lines 1 and 2.

Amendment, by leave, withdrawn.

**Deputy Louise O'Reilly:** I move amendment No. 21:

In page 8, to delete lines 3 to 5.

Amendment, by leave, withdrawn.

**Deputy Paul Murphy:** I move amendment No. 22:

In page 8, between lines 5 and 6, to insert the following:

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“(iii) an employer who contravenes paragraphs (a) or (b) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years’ imprisonment or both.”.

Amendment put and declared lost.

**Deputy Louise O’Reilly:** I move amendment No. 23:

In page 8, line 18, to delete “class C” and substitute “class A”.

Amendment, by leave, withdrawn.

**Deputy Paul Murphy:** I move amendment No. 24:

In page 8, between lines 18 and 19, to insert the following:

“(3) An employer who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class A fine, a maximum of five years’ imprisonment or both.”.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendments Nos. 25 to 27, inclusive, are related and may be discussed together.

**Deputy Paul Murphy:** I move amendment No. 25:

In page 8, line 21, to delete “a notice” and substitute “notices”.

This is the last substantial grouping of amendments. The key amendment is No. 26, which proposes that it is not sufficient to have one notice displaying the policy, as is currently the case under the Bill, but that as many notices as are required to be clearly visible to customers should be displayed. An employer should not be able to just put it on the website; it should be on menus and publicly displayed so that it is clear for those going into an establishment what is its tips policy.

**An Ceann Comhairle:** The time permitted for this debate having now expired, I am required to put the following question in accordance with an Order of the Dáil of 12 July: “That in respect of each of the sections undisposed of, the section is hereby agreed to in committee, the Title is hereby agreed to in committee, the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

**An Ceann Comhairle:** A message will be sent to the Seanad acquainting it accordingly.

### **Gnó na Dála - Business of Dáil**

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

It is proposed, notwithstanding anything in Standing Orders or in yesterday’s Order of Business -

1. that the following motions shall be taken now without debate and that any division claimed thereon shall be taken immediately:

- Motion re Report of the Joint Committee on Housing, Local Government and Heritage under Dáil Standing Order 133 on the European Parliament proposal for a Council Regulation on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom, and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision;

- Motion re Proposed approval by Dáil Éireann of the terms of the Convention on International Liability for Damage Caused by Space Objects;

2. that the Motion re Report of the Committee on Standing Orders and Dáil Reform entitled “Adoption of new Standing Order relating to recording of pairing for maternity and other statutory leave” shall be taken without debate tomorrow; and

3. the weekly division time shall be taken this evening on the conclusion of proceedings on the Motion re Proposed approval by Dáil Éireann of the terms of the Convention on International Liability for Damage Caused by Space Objects.

Question put and agreed to.

### **Report of the Joint Committee on Housing, Local Government and Heritage: Motion**

**Deputy Steven Matthews:** I move:

That Dáil Éireann:

(1) notes the agreed Report of the Joint Committee on Housing, Local Government and Heritage under Standing Order 133 on the following proposal:

— Proposal for a COUNCIL REGULATION on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision;

which was laid before Dáil Éireann on 12th July, 2022, in accordance with Standing Order 133(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the proposal does not comply with the principle of subsidiarity for the reasons set out in the Report; and

(3) notes that, pursuant to Standing Order 133(4), a copy of this Resolution together with the Reasoned Opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.

Question put and agreed to.

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**Proposed Approval by Dáil Éireann of the Terms of the Convention on International Liability for Damage Caused by Space Objects: Motion**

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Leo Varadkar):** I move:

That Dáil Éireann, pursuant to Article 29.5.2° of Bunreacht na hÉireann, approves the terms of the Convention on International Liability for Damage Caused by Space Objects, signed by the Government of Ireland on 29th March, 1972, and laid before Dáil Éireann on 29th June, 2022.

Question put and agreed to.

*11 o'clock*

**Raise the Roof: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Eoin Ó Broin on Tuesday, 12 July 2022:

I move:

That Dáil Éireann:

notes that:

— the Fianna Fáil, Fine Gael and Green Party Government has been in Office for two years;

— during this time rents have increased by 15 per cent, house prices by 22 per cent and homelessness by 19 per cent;

— in the last year alone child homelessness has increased by 41 per cent;

— there are 5,054 single people, 3,028 children and 1,366 families officially recognised as homeless;

— there are 3,278 adults and children with leave to remain trapped in Direct Provision;

— there are hundreds of adults and children in Tusla funded domestic violence refuges and homeless hostels not funded by the State;

— there is an unknown number of people sofa surfing or living in overcrowded and inadequate accommodation;

— travellers, people with disabilities, older people and migrants continue to live in unsuitable accommodation at the margins of our housing system;

— the latest Economic and Social Research Institute report on housing tenure and pension income adequacy indicates significant risk of increased pensioner poverty for those unable to buy their own home and dependent on private renting;

— Census 2022 identified 48,000 long-term vacant homes and 35,000 vacant rental homes;

— the targets set out in the Government’s housing plan are not sufficient to meet the ever-growing housing need;

— the failure to deliver an adequate supply of public housing to meet social and affordable need is driving the housing crisis;

— the failure to provide an adequate supply of affordable student accommodation has led to an ever-deepening student accommodation crisis; and

— this ever-deepening housing disaster has led to the relaunch of the Raise the Roof Homes For All campaign led by the trade union movement, housing and homeless organisations, housing rights activists and political parties; and

agrees that Budget 2023 must deliver a radical shift in housing policy, as demanded by the Raise the Roof Homes For All campaign, including:

— a major focus on the delivery of large volumes of genuinely affordable homes for those locked out of the private rental and owner occupier markets;

— an increase in direct capital investment in public housing to deliver at least 20,000 social and affordable homes per year, including 4,000 affordable Cost Rental homes;

— a greater focus on bringing vacant homes back into use through the public housing programme and the introduction of a vacant property tax;

— an increase in the percentage of Part V units allocated for social and affordable housing;

— a ban on rent increases and measures to cut rents in the private rental sector;

— an emergency ban on evictions to halt the rise in homelessness and legislative change to restrict grounds for eviction;

— a new student accommodation strategy, in partnership with colleges and students’ unions, delivering genuinely affordable accommodation for students on or near campus and greater protections for those students in digs-style accommodation;

— full implementation of the recommendations from the report of the Traveller Accommodation Expert Review Group;

— implementation of the Irish Refugee Council proposals for providing emergency accommodation to Ukrainian refugees fleeing the war;

— an end to all pro-developer subsidies including the Help to Buy scheme, the “First Home” Affordable Purchase Shared Equity Scheme and the Croí Cónaithe (Cities) Scheme;

— an introduction of measures to tackle the issues of speculative investment in land and land hoarding;

— an end to the outrageous tax reliefs on rent and capital gains for institutional cuckoo and vulture funds; and

— the holding of a referendum to enshrine the right to housing in the Constitution.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“notes that this Government:

— published its housing plan, Housing for All - a New Housing Plan for Ireland (Housing for All), in September 2021, with record levels of funding in place to support the delivery of the plan, and unprecedented guaranteed State investment of over €4 billion each year to support Housing for All, through an overall combination of €12 billion in direct Exchequer funding, €3.5 billion in funding through the Land Development Agency (LDA) and €5 billion funding through the Housing Finance Agency;

— has committed to ensuring that over 300,000 homes will be built over the next decade across the categories of social, affordable and Cost Rental, private rental and private ownership, and, on average, over 33,000 homes will be built per annum, rising to 40,000 by 2030;

— is funding the largest ever social housing build programme, with a target of over 90,000 social homes by the end of 2030, including an average new-build component of over 9,500 social homes by the end of 2030;

— will deliver 54,000 affordable homes between now and 2030, with 2,000 Cost Rental homes and 4,000 local authority Affordable Purchase Homes on average to be provided each year;

— recognises the challenges of rising homelessness numbers and is taking action, and the Housing for All plan has a strong focus on homelessness with specific actions under the plan, including incorporating Ireland’s commitment to the Lisbon Declaration on the European Platform on Combatting Homelessness, which includes a commitment to work to eradicate homelessness by 2030;

— has increased the Housing Assistance Payment (HAP) discretion rate, from the current 20 per cent to a maximum of 35 per cent for all local authority areas, and as this will apply to both new and existing tenancies, it will secure more tenancies and prevent new entries to homelessness;

— has provided additional flexibility in HAP by allowing local authorities to apply a couple rate to a single person household, where required, in recognition of the shared one-bed need and the particular challenges faced by single persons in securing accommodation;

— has established a National Homeless Action Committee, which has representatives from Government departments, agencies and bodies, including representation from the homelessness services non-government organisation sector and this Committee is focusing on activating measures to prevent homelessness;

— has delivered over 700 ‘Housing First’ tenancies up to the end of 2021, with a goal of over 1,300 new ‘Housing First’ tenancies by 2026;

— recognises the positive impact of the Voids Stimulus Programme in 2021 in

bringing 2,425 units back into use and further plans for 2,200 units this year under a new Voids Stimulus Programme for 2022 with an emphasis on a quick turnaround and re-letting of vacant social housing stock to those on social housing waiting lists, including those in emergency accommodation;

— will publish a new youth homelessness strategy in Q3 of this year;

— is supporting local authorities to acquire homes for social housing for priority purposes, including acquisitions which support a household to exit or to prevent homelessness;

— has approved the bringing forward of new arrangements in relation to short-term letting, aimed at strengthening the pre-existing regulatory controls in this area, which will ensure that non-principal private residences in Rent Pressure Zones (RPZ) will not be advertised or accept bookings on online platforms or other media for short-term letting purposes without the necessary planning permission being in place in respect of the property concerned or the property concerned being otherwise exempted;

— has extended further the required termination notice period that tenants must receive, a measure designed to give greater security of tenure to tenants, and, in addition, the amendments provide for a new requirement on landlords to simultaneously copy the Residential Tenancies Board (RTB) with all Notices of Termination given to a tenant;

— has tasked the RTB with reviewing Notices to Quit which involve the sale of a property, to ensure that there was compliance with the law and to take action where needed;

— is funding Threshold's National Tenancy Protection Service, which is instrumental in preventing homelessness in the first instance and supporting people to remain in their homes and is funding Threshold's Own Your Rights campaign for a second year, which aims to promote and increase general awareness of tenants' rights and is due to launch in September;

— has capped rent increases at a maximum of 2 per cent in RPZs and provided for tenancies of unlimited duration;

— is building on the success of the Mortgage to Rent scheme in 2021, when 678 borrowers availed of the scheme, and in 2022 the scheme will be expanded and it is expected that the scheme will deal with 1,000 cases, which is the commitment under Housing For All;

— is progressing actions on housing for older people, people with a disability and Travellers through Pathway 2 of Housing for All, including through sectoral specific plans such as the National Housing Strategy for Disabled People 2022 – 2027;

— recognises that increased housing supply is vital and, at the half-way point of the year, indicators suggest that we are on track to deliver the target of 24,600 new homes in 2022, with planning permission granted for 8,463 new units in Q1, up from 7,272 in Q1 2019, while commencements in the first five months of 2022 totalled

12,089;

— has recently launched the ‘First Home’ Affordable Purchase Shared Equity Scheme, an affordability measure, to support first-time buyers in purchasing newly built homes nationwide, and the scheme will support 8,000 homeowners with affordable purchases up to 2026;

— has brought forward the delivery of the first Cost Rental homes, which are now beginning to come into the market, advertised at rates that are 40 per cent to 50 per cent lower than market rent;

— has legislated for affordable housing for purchase and for rent, and welcomes that homes for affordable purchase are now being made available under the Local Authority Affordable Purchase Scheme;

— has increased the percentage of Part V to 20 per cent for social and affordable or Cost Rental homes on private sites;

— has introduced a new Local Authority Home Loan for those on modest/low incomes who cannot get sufficient funding from commercial banks to purchase or build a home;

— is enabling the delivery of residential units, which will help to revitalise urban centres, through the provision of State land to the LDA, and has agreed the transfer of State lands to the LDA with potential to produce 15,000 homes;

— welcomes progress by the LDA, who have lodged planning applications for a total of 2,358 homes for the year to date, and a contractor has been appointed to begin building 597 social and affordable homes in Shanganagh from September;

— welcomes the progress by the LDA on Project Tosaigh, which aims to accelerate delivery of 5,000 homes on non-State lands where planning permission has already been granted, but not yet activated;

— has introduced both fiscal and regulatory measures to address certain activities by corporate investors that may be detrimental to the market, including through the introduction of the 10 per cent Stamp Duty rate on bulk purchases of houses;

— has implemented an owner-occupier guarantee, which requires each local authority to ensure home ownership as a tenure type is provided for and estimated in their housing strategies, and notes that recently published analysis of the impact of planning guidelines that issued in May 2021, aimed at preventing multiple housing and duplex units being sold to a single buyer, shows that almost 16,000 residential units have been ring-fenced for individual buyers and that bulk buying or multiple sales to a single purchaser have been restricted;

— has launched the Croí Cónaithe (Cities) Scheme to deliver up to 5,000 additional apartments for individuals seeking to buy a home in the five cities of Dublin, Cork, Limerick, Galway and Waterford, and it will also support the Government’s objectives of compact growth and creating vibrant liveable cities for people who want to live close to work and urban amenities;

— will shortly launch the Croí Cónaithe towns scheme to support refurbishment of vacant houses in our towns and villages, a measure which directly underpins the objectives set out in the Town Centre First policy;

— will fund projects to address vacancy and dereliction in rural towns and villages and which aim to redevelop buildings to provide essential infrastructure, including remote working facilities, community facilities and libraries under the Rural Regeneration and Development Fund;

— has made the Vacant Homes Officer position full-time across all local authorities;

— intends to bring forward a vacant property tax in Budget 2023;

— has reformed the Nursing Homes Support (Fair Deal) Scheme to remove disincentives for the sale of vacant properties, and under the changes to the scheme introduced by the Nursing Homes Support Scheme Amendment Act 2021 from October 2021, the three-year cap on contributions applies to the proceeds of a sale of a home, in the same way as it applies to the value of a home that is not sold;

— is progressing a comprehensive review of planning legislation, led by the Attorney General, and a new process for Large-scale Residential Developments of 100 plus units has been introduced to bring supply forward quicker;

— is bringing forward a new system of land value sharing that will be legislated for in 2022, which, along with the introduction of urban development zones, will underpin the delivery of land and infrastructure, and these measures will play a key role in the delivery of social and affordable housing, in particular, in decisions around the zoning or designation of land and the uplift in value of that land as a result;

— has published new statutory national planning guidelines for the preparation of local authority development plans, to ensure that sufficient new homes can be built in key areas of housing demand;

— has published statutory national planning guidelines to assist with the identification and mapping of lands in scope for the new Residential Zoned Land Tax;

— has funded the first project under the Enterprise Ireland Built to Innovate campaign, which is aimed at improving the productivity of the domestic residential construction sector;

— is progressing work on the new Construction Technology Centre and has established the Modern Methods of Construction leadership and integration group;

— welcomes the increase in apprenticeship registrations and is progressing a suite of actions in order to enable and enhance international recruitment and domestic workforce activation;

— is promoting construction careers among school leavers, potential career changers and those outside the labour force, to encourage them to take up employment or training opportunities in the sector; and

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— has established the Housing Commission, which is tasked with examining issues such as tenure, standards, sustainability and quality-of-life issues in the provision of housing, and, as well as examining the potential for independent regulation of the social housing sector, the Commission will bring forward proposals on the referendum on housing referred to in the Programme for Government: Our Shared Future.”

- (Minister for Housing, Local Government and Heritage)

**An Ceann Comhairle:** I must now deal with a postponed division relating to the motion regarding Raise the Roof. On Tuesday, 12 July 2022, on the question, “That the amendment to the motion be agreed to”, a division was claimed and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 75; Níl, 64; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Canney, Seán.</i>	
<i>Cannon, Ciarán.</i>	<i>Carthy, Matt.</i>	
<i>Carey, Joe.</i>	<i>Clarke, Sorca.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Collins, Niall.</i>	<i>Connolly, Catherine.</i>	
<i>Coveney, Simon.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cowen, Barry.</i>	<i>Cronin, Réada.</i>	
<i>Crowe, Cathal.</i>	<i>Crowe, Seán.</i>	
<i>Devlin, Cormac.</i>	<i>Cullinane, David.</i>	
<i>Dillon, Alan.</i>	<i>Daly, Pa.</i>	
<i>Donnelly, Stephen.</i>	<i>Doherty, Pearse.</i>	
<i>Donohoe, Paschal.</i>	<i>Donnelly, Paul.</i>	
<i>Duffy, Francis Noel.</i>	<i>Ellis, Dessie.</i>	
<i>English, Damien.</i>	<i>Farrell, Mairéad.</i>	
<i>Feighan, Frankie.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Flaherty, Joe.</i>	<i>Funchion, Kathleen.</i>	
<i>Flanagan, Charles.</i>	<i>Gannon, Gary.</i>	
<i>Fleming, Sean.</i>	<i>Gould, Thomas.</i>	
<i>Foley, Norma.</i>	<i>Guirke, Johnny.</i>	

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<i>Griffin, Brendan.</i>	<i>Harkin, Marian.</i>	
<i>Harris, Simon.</i>	<i>Healy-Rae, Danny.</i>	
<i>Haughey, Seán.</i>	<i>Healy-Rae, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Howlin, Brendan.</i>	
<i>Higgins, Emer.</i>	<i>Kelly, Alan.</i>	
<i>Humphreys, Heather.</i>	<i>Kenny, Gino.</i>	
<i>Kehoe, Paul.</i>	<i>Kenny, Martin.</i>	
<i>Lahart, John.</i>	<i>Kerrane, Claire.</i>	
<i>Lawless, James.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Leddin, Brian.</i>	<i>McGrath, Mattie.</i>	
<i>Madigan, Josepha.</i>	<i>Mitchell, Denise.</i>	
<i>Martin, Catherine.</i>	<i>Murphy, Catherine.</i>	
<i>Matthews, Steven.</i>	<i>Murphy, Paul.</i>	
<i>McConalogue, Charlie.</i>	<i>Mythen, Johnny.</i>	
<i>McEntee, Helen.</i>	<i>Nolan, Carol.</i>	
<i>McGrath, Michael.</i>	<i>O'Callaghan, Cian.</i>	
<i>McGuinness, John.</i>	<i>O'Donoghue, Richard.</i>	
<i>McHugh, Joe.</i>	<i>O'Reilly, Louise.</i>	
<i>Moynihan, Aindrias.</i>	<i>O'Rourke, Darren.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Noonan, Malcolm.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Brien, Darragh.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>O'Brien, Joe.</i>	<i>Pringle, Thomas.</i>	
<i>O'Callaghan, Jim.</i>	<i>Quinlivan, Maurice.</i>	
<i>O'Connor, James.</i>	<i>Ryan, Patricia.</i>	
<i>O'Dea, Willie.</i>	<i>Shanahan, Matt.</i>	
<i>O'Donnell, Kieran.</i>	<i>Shortall, Róisín.</i>	
<i>O'Donovan, Patrick.</i>	<i>Smith, Bríd.</i>	
<i>O'Dowd, Fergus.</i>	<i>Smith, Duncan.</i>	
<i>O'Gorman, Roderic.</i>	<i>Stanley, Brian.</i>	
<i>O'Sullivan, Christopher.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Sullivan, Pádraig.</i>	<i>Tully, Pauline.</i>	
<i>Ó Cathasaigh, Marc.</i>	<i>Ward, Mark.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Whitmore, Jennifer.</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>		

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<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 Eoin Ó Broin and Richard Boyd Barrett.

Amendment declared carried.

Motion, as amended, agreed to.

#### **Rent Reduction Bill 2022: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to the Second Reading motion on the Rent Reduction Bill 2022. Today, on the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 80(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 62; Níl, 76; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Brophy, Colm.</i>	
<i>Bacik, Ivana.</i>	<i>Browne, James.</i>	
<i>Berry, Cathal.</i>	<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>Cahill, Jackie.</i>	
<i>Canney, Seán.</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>Connolly, Catherine.</i>	<i>Collins, Niall.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Coveney, Simon.</i>	
<i>Cronin, Réada.</i>	<i>Cowen, Barry.</i>	

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<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>Donohoe, Paschal.</i>	
<i>Ellis, Dessie.</i>	<i>Duffy, Francis Noel.</i>	
<i>Farrell, Mairéad.</i>	<i>English, Damien.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Feighan, Frankie.</i>	
<i>Funchion, Kathleen.</i>	<i>Flaherty, Joe.</i>	
<i>Gannon, Gary.</i>	<i>Flanagan, Charles.</i>	
<i>Gould, Thomas.</i>	<i>Fleming, Sean.</i>	
<i>Guirke, Johnny.</i>	<i>Foley, Norma.</i>	
<i>Harkin, Marian.</i>	<i>Griffin, Brendan.</i>	
<i>Healy-Rae, Danny.</i>	<i>Harris, Simon.</i>	
<i>Healy-Rae, Michael.</i>	<i>Haughey, Seán.</i>	
<i>Howlin, Brendan.</i>	<i>Heydon, Martin.</i>	
<i>Kelly, Alan.</i>	<i>Higgins, Emer.</i>	
<i>Kenny, Gino.</i>	<i>Humphreys, Heather.</i>	
<i>Kenny, Martin.</i>	<i>Kehoe, Paul.</i>	
<i>Kerrane, Claire.</i>	<i>Lahart, John.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Lawless, James.</i>	
<i>McGrath, Mattie.</i>	<i>Leddin, Brian.</i>	
<i>Mitchell, Denise.</i>	<i>Madigan, Josepha.</i>	
<i>Murphy, Catherine.</i>	<i>Martin, Catherine.</i>	
<i>Murphy, Paul.</i>	<i>Matthews, Steven.</i>	
<i>Mythen, Johnny.</i>	<i>McConalogue, Charlie.</i>	
<i>Nolan, Carol.</i>	<i>McEntee, Helen.</i>	
<i>O'Callaghan, Cian.</i>	<i>McGrath, Michael.</i>	
<i>O'Donoghue, Richard.</i>	<i>McGuinness, John.</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 Riordáin, Aodhán.</i>	<i>Noonan, Malcolm.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>O'Brien, Darragh.</i>	
<i>Pringle, Thomas.</i>	<i>O'Brien, Joe.</i>	
<i>Quinlivan, Maurice.</i>	<i>O'Callaghan, Jim.</i>	
<i>Ryan, Patricia.</i>	<i>O'Connor, James.</i>	
<i>Shortall, Róisín.</i>	<i>O'Dea, Willie.</i>	
<i>Smith, Bríd.</i>	<i>O'Donnell, Kieran.</i>	
<i>Smith, Duncan.</i>	<i>O'Donovan, Patrick.</i>	

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<i>Stanley, Brian.</i>	<i>O'Dowd, Fergus.</i>	
<i>Tully, Pauline.</i>	<i>O'Gorman, Roderic.</i>	
<i>Ward, Mark.</i>	<i>O'Sullivan, Christopher.</i>	
<i>Whitmore, Jennifer.</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 Richard Boyd Barrett and Paul Murphy; Níl, Deputies Jack Chambers and Brendan Griffin.

Question declared lost.

## Saincheisteanna Tráthúla - Topical Issue Debate

### Ambulance Service

**Deputy Jennifer Murnane O'Connor:** I thank the Minister of State, Deputy Feighan, for taking this matter, although I was hoping it would be the Minister for Health, Deputy Stephen Donnelly. I am seeking an update on the site for the new ambulance base for Carlow town and the delays people are experiencing in waiting for ambulances.

I welcome the announcement of the new ambulance base. This went into the capital plan recently, which is welcome. My understanding is the site is at Kelvin Grove, Carlow town. I want an update on the project and its timescale. As the Minister of State knows, ambulance paramedics in Carlow are in a prefab that is unfit for purpose. It is now 2022 and I think it is unacceptable that ambulance paramedics, who do an excellent job, are in a prefab. I am looking for an update on that issue.

My second question is about ambulance waiting times. I have spoken over the years to

several ambulance paramedics. My opinion is that the system is wrong and needs to be looked at. When people call for an ambulance, for many, it can be the luck of the draw as to where an ambulance is at that particular time.

I received an email from a constituent who stated that he was waiting for an ambulance in Carlow town for over an hour. He made several calls but no ambulance arrived. He ended up having to go to his neighbour's house to get a lift to the hospital. Luckily, this was not a life-and-death situation but he highlighted it to me. In another case, a young man had been knocked down and was lying in a recovery position. To be fair, he had been attended to but, again, my understanding is that it was well over an hour before the ambulance arrived. In the next case, a man contacted the office who had an emergency call-out to his house. This man is 75 years old. When the emergency arose at 9 p.m., the doctor rang for an ambulance but the ambulance did not arrive until 12.50 a.m. that night. The man is a diabetic with a heart condition and has been in hospital with a very serious condition.

I want to know if anything else can be done in such situations. This is by no means a criticism of any work that is being done by the ambulance paramedics. Is the system working? Do we need more staff? What do we need to do to address this? The Minister of State knows it is wrong to have a 75-year-old man waiting in his home for an ambulance to call. It is unacceptable and we need to address it. Again, I stress it is the system, not the work that the ambulance paramedics are doing.

As the Minister of State is present, he knows I have been raising the issue of the primary care centre for Tullow for the last few years and I am looking for an update on that. If he does not have it tonight, I ask that he would put that in his correspondence to me when he comes back with an answer.

**Minister of State at the Department of Health (Deputy Frankie Feighan):** I thank the Deputy for raising this issue, which she has raised on numerous occasions. Since 2016, the National Ambulance Service, including its south-east region, has undergone significant reform and modernisation involving the prioritisation of investment in new service developments, including increased workforce and fleet, and improved technology. Since the end of 2016, National Ambulance Service staffing resources nationally have increased from 1,744 as at December 2016 to 2,037 at the end of May this year, an increase of 293 whole-time equivalents, representing over 16.5% growth in staff over that timeframe. This year, an unprecedented €200 million has been allocated, which includes over €8 million for new service developments. This funding will be invested in building capacity, as well as increasing staffing within the “hear and treat” service in the national emergency operations centre, which advises lower acuity patients of appropriate alternatives to hospital transfer.

As the Deputy knows, Carlow ambulance base is an integral part of the ambulance service and has two emergency ambulances on duty at any one time. The base is supported by National Ambulance Service resources from surrounding ambulance stations, including Baltinaglass, Athy, Kilkenny, Portlaoise and Enniscorthy. Dynamic deployment of available resources operates on an area and national basis, rather than a county or geographical boundary basis, to ensure optimum resource use as the nearest appropriate resource is mobilised to the location of an incident. The priority of dynamic deployment is patient health and welfare in the context of service delivery, which means resources cannot be confined by county boundaries, barriers or borders. The national ambulance service operates a comprehensive safety management system across all of its premises throughout the south east and continues to work collaboratively with

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staff, the HSE capital and estates unit and external providers to ensure any concerns or issues that occur are dealt with as quickly as possible.

I am happy to confirm that the Carlow ambulance base is included in the capital plan for 2022. The HSE capital and estates unit has been in discussions with the ambulance service regarding the need for a replacement ambulance base for Carlow. As the Deputy mentioned, the Kelvin Grove site has been identified as a possible suitable site. A design team is engaged for the preparation of a development control plan, which will indicate whether it is feasible for the proposed ambulance base to be included along with two other facilities planned for the site. Once the site appraisal is completed, a capital submission will be prepared.

Given the work entailed and the timeline to move from identification and assessment of a suitable alternative site to the completion of works and building handover, remedial and refurbishment works at the existing station have been carried out to address shortcomings in regard to health and safety requirements. Further improvement works are planned for later this year. All projects being progressed must be compliant with the public spending code. The final decision to proceed with the construction of a project cannot be made until the tender process has been completed and the costings reviewed to ensure the proposal remains affordable and delivers value for money.

The Deputy mentioned the proposed primary care centre for Tullow. I do not have any information on that but I will take her views to the Minister and try to get a reply as quickly as possible.

**Deputy Jennifer Murnane O'Connor:** I thank the Minister of State. It is important that there is communication with us and with ambulance paramedics. I know the great work that is being done and the number of call-outs that are being achieved, especially during the Covid crisis. Will the Minister of State come back to me with more definite timescales and outlining the framework plan? It is important that we have a specific timescale because of the urgency of the situation. I know there are other projects earmarked for delivery, such as the plans for the Holy Angels day care centre, which is another excellent project for Carlow town. I welcome that. It is important that we get moving on the ambulance base as soon as possible and that information is communicated and updates given. I ask the Minister of State to keep that in mind and to keep me informed.

I would be very glad if he can come back to me on the primary care centre for Tullow, which was meant to have been built two years ago. I still have not found out what site has been identified for it. There is an urgent need for this facility in Tullow. I ask for it to be a priority and for the Minister of State to come back to me on it. I thank him for allowing me to raise two issues.

**Deputy Frankie Feighan:** We are almost at the end of the session and I am happy to help the Deputy. I thank her for raising the issue of the provision of an ambulance base in Carlow town and for allowing me to outline what has been done to help people experiencing delays. A significant programme of work is under way to transform the national ambulance service from an emergency medical service to a highly adaptable and responsive mobile medical service that is well positioned to treat patients at the lowest appropriate level of acuity, resulting in a better experience for the patient and the more efficient use of resources. A programme of reform and modernisation has been under way within the service, which includes increasing the fleet and technological improvements.

The Deputy asked for updates and timescales. I will try to get those from the Department. As she knows, Carlow ambulance base is an integral part of the ambulance service, with a replacement ambulance base included in the capital plan for 2022. That is good news.

**Deputy Jennifer Murnane O'Connor:** It is great news.

**Deputy Frankie Feighan:** Work is under way on identifying and securing a feasible site. The Deputy has raised this issue several times and it is nice to have some good information for her.

She is getting two for the price of one as I will also follow up on the primary care centre for Tullow as quickly as I can.

**Deputy Jennifer Murnane O'Connor:** I thank the Minister of State.

### **Ambulance Service**

**Deputy Mairéad Farrell:** Thart ar bhliain ó shin, tháinig mé féin, an Teachta Ó Cuív agus an Teachta Connolly le chéile agus d'ardamar cheist faoi otharcharr Chonamara. Bhí rath leis an gceist sin. Ó shin, tá fhios againn go bhfuil otharcharr ann. An fhadhb atá ann faoi láthair ná nach bhfuil an base ann, rud atá fíorthábhachtach.

This time last year, na Teachtaí Ó Cuív and Connolly and I came together to highlight the urgent need for an ambulance service in the Conamara area, which had been lacking that service for some time. We were quite lucky and successful in our request and an allocation has been made in this regard. The issue we are trying to get to the bottom of now relates to the provision of an ambulance base in the area.

**Deputy Éamon Ó Cuív:** As Deputy Farrell said, we had nothing this time last year. Since then, we did very well in getting an extra ambulance, an additional emergency vehicle and 11 staff. A decision has been made on where the base will be located. What we are missing now is the building. The delivery of all the extra services we were promised was done in record time, between September and December last year. I remember the Minister of State, Deputy Rabbitte, promising to take action on this matter when we raised it a year ago. Now we are looking to the Minister of State, Deputy Feighan, to do something very simple. Will he make sure we get the ambulance base in Recess, Connemara gan tuilleadh moille?

**Deputy Catherine Connolly:** Tá an dream seo ag streachailt ar an talamh le breis agus seacht mbliana. De bharr na hoibre atá á ndéanamh acu, i dteannta le Teachtaí Dála, tá dul chun cinn déanta. Progress has been made but this issue has been going on for more than seven years. The local group has kept up its campaign and kept the pressure on us. Approximately one year ago, as my colleagues said, we raised this matter in the House and progress was made on the provision of extra staff, an additional ambulance and a rapid reaction team.

However, the undertaking to provide an ambulance base seems to have no substance. One might say it has no base and that is where we need the Minister of State's help. The project is with the HSE's capital and estates unit, as I understand it. We certainly need pressure to be applied in this regard. I checked the file and it was seven years ago, in 2015, that action was first sought on this issue. For the group to stay together for that length of time indicates how serious this is for people in Maam, Recess, Clifden and Oughterard.

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**Deputy Frankie Feighan:** I thank the Deputies for raising the important issue of ambulance services in Connemara. It is an issue on which good progress has been made but it has been going on since 2015. I am aware that the Deputies are engaging with the proposals for an ambulance base in Connemara. I can confirm that the project for a new ambulance base, to be located in the village of Recess, is in the HSE's capital plan for 2022. I am advised by the HSE that preparation for works at the new facility is at an advanced stage. In the interim, national ambulance service crews in north Connemara are being deployed from a base in Clifden. This temporary measure will remain in place until works at the building in Recess are completed and the site becomes operational.

I am aware that response times remain a challenge. As previously stated in this House, a 2016 national review of ambulance capacity has highlighted that, in many instances, the most effective way to improve emergency response times in rural areas is through community first responder schemes. Community first responder groups are comprised of trained volunteers who are supported and dispatched by the national ambulance service. These groups respond to particular medical emergencies, such as cardiac arrest, respiratory arrest, chest pain, choking and stroke, while an emergency response vehicle is *en route* to the patient. A total of 177 community first responder groups are operational across the country, including 12 groups in County Galway. I fully appreciate the need to make progress on the new facility in Recess, and I have received reassurances that this project is being progressed. Currently, the HSE estates unit is engaging with the local authority regarding road access for the proposed base, and it is anticipated that a planning application will be submitted in quarter 3 of 2022.

This year an unprecedented €200.7 million has been allocated to the NAS, and this includes €8.23 million for new developments. This funding is being invested in additional front-line capacity as well as increasing staffing within the hear and treat service in the national emergency operations centre, which advises lower-acuity patients of appropriate alternatives to hospital transfer. Overall, the funding for new service developments will allow for the recruitment of 128 additional whole-time equivalent staff.

I reiterate that the Government is committed to continuous improvement in the NAS, in response to the increased need we continue to see across the country. Investment in capacity increases is best illustrated by the 200 student paramedics currently enrolled in the NAS college on various stages of the BSc. (Hons) Paramedic Studies programme, and the 2022 NAS recruitment programme for paramedics, student paramedics and intermediate care operatives which launched earlier this year. I assure Deputies that the NAS is focused on improving patient care, clinical outcomes and response times in rural areas, including through the ambulance base project in Recess, and that the Government is invested in facilitating these strategic developments.

**Deputy Mairéad Farrell:** I do not understand how much of this answer relates to the specific questions we asked. From what the Minister of State has said, I take it that preparations for the new facilities are at an advanced stage. In the interim, deployment is occurring from the base in Clifden. As Deputy Connolly said, the reality is that this campaign group has been fighting for a long time. To be perfectly honest, and I say this as a member of the Opposition, this was a good news story for the Government that it had delivered in respect of an ambulance. I do not understand why it is not following through to the last bit to try to get this project through as fast as possible. This base is extremely important for the people in the local area. The Minister of State said there is a challenge in respect of waiting times. A challenge in this context can mean death for people in respect of waiting times. Therefore, I would like to see this project pushed through.

**Deputy Éamon Ó Cuív:** I thank the Minister of State for his reply, two small paragraphs of which related to the specific issue. I accept and always believed that planning permission would be required for this project. The Minister of State said in the answer that this would be applied for in the third quarter of this year. The third quarter is July, August and September. This is 13 July, and if the application for planning permission does not go in this month, I cannot see all that much progress being made in August because different people will be coming and going. Can we get a firm commitment that this timeframe will be adhered to, because there will be a minimum of at least three months after the application has been submitted before planning can be legally approved, and that is if there is no appeal? Therefore, we need this to keep moving forward. It will be well into next year before this building is completed. We accept that we must go step-by-step, but we need absolute confirmation that these deadlines will be adhered to.

**Deputy Catherine Connolly:** Gabhaim buíochas leis an Aire Stáit. Is dea-scéala é i ndáiríre. Tá sé deimhnithe anseo faoi dhó go bhfuil rudaí ag dul chun cinn, go mbeidh cead pleanála riachtanach agus go mbeidh sé á chur i bhfeidhm le linn an tréimhse trí mhí seo idir mhí Iúil agus mhí Mheán Fómhair. It is late at night and I welcome any good news at this point after a long week. In the two relevant paragraphs, the Minister of State has told us he is advised that the new facility is at an advanced stage. I have to welcome this. It is good news. He then told us that a planning application will be made in the quarter we are in now. As was pointed out by Deputy Ó Cuív, we are going into the holiday period. Looking back at the progress made since 2015, certainly the politicians have had something to do with it, but far more praise must go to the group on the ground. It is a small, dedicated group of people who have gone through winter, summer and all the other seasons. Over the two elections in my experience, they have pushed for this. We will not go into the figures because the time is up, but we need absolute certainty regarding this facility.

**Deputy Frankie Feighan:** I thank the Deputies again for raising the issue. I assure the House the Government remains committed to ensuring the NAS delivers an enhanced service in Connemara through the establishment of the new base in Recess. I reiterate that this region is receiving additional support in the interim through the temporary crewing deployment arrangements I outlined. The strategic development of the NAS is a multiannual reform programme that will require continued investment in response to identified capacity deficits and changing population need.

I am aware the Deputies have been engaging with proposals for an ambulance base in Connemara. It is good to confirm that the project for the new ambulance base is in the HSE's capital plan for 2022. Preparation is in train for works at the new facility. This is at an advanced stage. In the interim, NAS crews are being deployed from Connemara. I fully appreciate the need to make progress on the new facility. The project is being progressed. The HSE estates unit is engaging with the local authority regarding road access for the proposed base. It is anticipated that a planning application will be submitted in the third quarter of 2022. Deputy Ó Cuív made a valid point. This is the third quarter of the year and we are coming into the summer holidays. I am very aware of the work of the HSE estates unit in the west and north west. I will get onto the Department tomorrow to find out whether it has made an application. If an application is not made by the HSE estates unit through the local authority, this project could be delayed. There is urgency and I hear what the Deputies are saying. I thank them for raising this important issue.

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## Social Insurance

**Deputy John Paul Phelan:** The Minister of State, Deputy Brophy, is taking the matter in the absence of someone from the Department of Social Protection. His background of being self-employed is appropriate to answer this query. This matter stems from a constituent who is almost a neighbour of mine. He retired at the beginning of 2022. This query is also in the context of trying to encourage more people to make provision for private pensions and the auto-enrolment system being introduced by the Department. The matter centres on a specific point. The constituent in question and others who have approved retirement funds, ARFs, and who receive an annual income from those funds of €5,000 or less are not liable for PRSI on it. There is an exemption for self-employed PRSI on income under €5,000.

However, this was not brought to the attention of the individual and is not brought to the attention of others in a similar position. As we move forward, I suspect a great many people may potentially be caught in a similar situation. When my constituent contacted the Department of Social Protection, he was allowed, as we all know, a four-year refund, which is the maximum the Department and Government agencies allow. The problem is that he paid his 4% contribution for more than ten years. As a result, he has suffered the loss of six or seven years of PRSI contributions. When he contacted his insurance provider, he was directed to the Department. The Department quite rightly, understandably and efficiently refunded him four years of payments but he was left at a loss for the rest. There is a clear lack of communication that this anomaly exists, not least a lack of communication with the public who have invested in ARFs. It is also unjust that people have been making contributions which they were not required to and were not forewarned about. I spoke directly with the Minister, Deputy Humphreys, about the issue earlier today. I realise that I may not have phrased the Topical Issue matter accurately when I submitted it this morning, but it does raise the question that there is a cohort of people who made contributions for which they will receive no benefit. They made PRSI contributions that they were not obliged to make and they will be at a loss because of them.

It is incumbent on the Department of Social Protection, in the first instance, to communicate this issue to the public when they are deciding to contribute to the approved retirement funds, ARFs, and the insurers to make that information clear to people when they are deciding to make provisions for their retirement. This anomaly exists and I suspect quite a few people will be surprised when they reach retirement age and discover that they should not have been paying a contribution for which they will receive no benefit.

**Minister of State at the Department of Foreign Affairs (Deputy Colm Brophy):** I am aware the Deputy raised this matter directly with the Minister, Deputy Humphreys, at an earlier meeting. I am taking this Topical Issue matter on her behalf.

Social insurance coverage was extended to self-employed workers in 1988. Since then, self-employed workers whose income is €5,000 or more in a contribution year, are liable to pay a social insurance contribution at the class S rate of 4%, subject to a minimum annual payment of €500. Self-employed contributors are currently covered for a wide range of social insurance benefits, including the contributory State pension; the contributory widow's, widower's or surviving civil partner's pension; the contributory guardian's payment; maternity, adoptive and paternity benefits; the invalidity pension; the partial capacity benefit, if in receipt of the invalidity pension; the self-employed jobseeker's benefit; and the parent's benefit.

The scope to the charge of self-employment social insurance contributions and the under-

lying nature of self-employment are wider than those that apply to contributions payable by employed contributors. A person is defined as a self-employed contributor on the basis of income received rather than economic activity. Unearned income falls within the scope of self-employment for social insurance purposes, both for the purposes of paying self-employment contributions and for establishing possible entitlements.

Drawdowns from the approved retirement fund are chargeable to income tax and are reckonable emoluments for social insurance purposes. The social insurance class S charge is deducted at source by fund managers for people aged under 66 years, or if the recipient of the distribution is a modified class contributor, the charge is recorded as class K.

The Social Welfare Consolidation Act 2005 provides that an application for the return of contributions shall be made within four years of the last day of the contribution year in respect of which the contributions were paid. I know the Deputy acknowledged this in his contribution about the case he raised. This timeframe is in line with the Revenue time limit for the refund of taxes. As is the case with tax refunds, there is no discretion within the governing legislation to allow contributions to be returned outside this limit.

**Deputy John Paul Phelan:** I know, as most people do, that Revenue has no wriggle room in terms of refunds beyond four years but, on the other hand, there is always wriggle room to chase up unpaid taxes. This is understandable but it should work both ways. I realise that in the context of this Topical Issue debate, we will not be able to change the four-year rule. I will endeavour to speak with the Minister and the Minister of State afterwards and ask them to ensure that this anomaly is flagged when people are considering contributing to the ARF, and that it will become mandatory for the insurer taking these contributions to notify those who will be in receipt of an annual income from this source of less than €5,000, that a PRSI contribution is not required.

I note from the Minister of State's response that self-employed contributors are entitled to receive a wide range of social insurance benefits. I know that PRSI contributions fall under all sorts of different categories, but several benefits that are available to other PRSI contributors, such as dental and other benefits, are not available to the self-employed.

I return to the original issue raised. The person I referred to was not self-employed. They worked in different pay as you earn, PAYE, jobs but for the purposes of calculations, they effectively became self-employed when they used part of their income for the ARF 12 years ago. This put them into a new category that they were not previously aware of. The Department should be to the fore in resolving that lack of clarity and information.

**Deputy Colm Brophy:** I hear very clearly what the Deputy said about clarity around the information. I will raise this with the Minister on behalf of the Deputy, as I know he did earlier. As I outlined, there are parameters within which this takes place, in particular, the four-year time limits, which is consistent with the process in other areas. The Deputy's key point on providing clarity of information and awareness to people is very important and I will continue to raise that with the Minister on his behalf.

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## Lobbying Reform

**Deputy Paul Murphy:** This is about Uber. I pay tribute to the International Consortium of Investigative Journalists for its excellent work in publishing the Uber leaks. It revealed a major corporation, valued at \$44 billion, setting itself up as a disrupter, a modern company and so on, but in reality pursuing the old, tried and tested methods of major capitalist corporations.

One, it highlighted major exploitation of workers. These people provide nothing more than an app and made themselves incredibly rich, by driving down terms and conditions across the world.

Two, Uber used money to buy political influence and was willing to go to any ends to achieve its aims. It is worth quoting one of Uber's people who said, "Violence guarantee[s] success. And these guys must be resisted." He called for a counter protest to be organised in Paris against taxi drivers in order to create violence to drive through Uber's programme. What did it look like in this country? It looked like Uber writing the manifesto for Fine Gael. The election manifesto of 2016 states, "New platforms are being developed that allow everyone to earn extra income in this sharing economy." It sounds great. Is it accurate, as John Moran claims and Uber accepts, that this was effectively written by Uber? Did Fine Gael or Uber write it? It was an incredible case of corporate capture by the largest political party in Ireland at the time. I have another question. Does that continue? Is lobbying ongoing? Is there a relationship between lobbying and the statement of the leader of Fine Gael, the Tánaiste, a month ago when he again said that Uber could be brought into Ireland, going against the advice of the National Transport Authority, NTA?

The third point, which we will perhaps go into later, is the fact that much of the lobbying went unregistered.

**Deputy Darren O'Rourke:** There are two really important factors at play. The first is about lobbying and the relationship between former officials, lobbyists, Ministers, senior Government officials, advisers, and in this case, Uber and the Fine Gael Party, in addition to the privileged access lobbying affords. Revelations clearly indicate that not all of the lobbying was documented or revealed, and recording of such details was deliberately avoided.

*12 o'clock*

The second factor is transport policy. The NTA is actively encouraging people into the taxi industry to address a shortage of taxi drivers but, as recently as 17 June, the Tánaiste - the man who would be Taoiseach in the next number of months - is advocating for the introduction of an Uber- or Lyft-style model to liberalise the market. If you are someone who is considering entering the taxi industry but the Tánaiste is saying that we should consider introducing an Uber-style model, what decision will you make? That model fundamentally undermines the industry. Will the Minister of State put on record the Government's position on the future of the taxi industry as it relates to Uber?

**Deputy Colm Brophy:** I thank the Deputies for raising this matter. I am answering on behalf of the Minister for Transport.

The Minister for Transport, Deputy Eamon Ryan, met Uber representatives on 10 June 2022. At that meeting, Uber stated that it was satisfied with the regulatory structure of the SPSV industry in Ireland, as it was clear to the company how it could legally operate here.

The Department and the NTA are committed to the existing regulatory arrangements. The Minister is encouraged to hear that the NTA's driver recruitment campaign is, to date, 25% ahead in the number of applications received in comparison to its 2019 campaign. The campaign has been running since 4 July and will be open for a three-week period.

**Deputy Paul Murphy:** As a member of Fine Gael, does it trouble the Minister of State that Uber wrote a section of its election manifesto in 2016? Does he know if that is the case and, if so, does it trouble him? Does it trouble him that Mr. John Moran, a former political insider and Secretary General of the Department of Finance, was boasting to Uber about how he could effectively bypass the regular registered lobbying practices by getting personal access to the then Minister for Finance, former Deputy Michael Noonan, by dropping over to his house or sending him a text or because he knew at which pubs to find him? Does it bother the Minister of State that much of this actual lobbying, which should have been registered, was not? What is the Government's plan to ensure this kind of practice cannot be followed again and does not have to be revealed by leaks?

**Deputy Darren O'Rourke:** The Minister of State did not touch on the lobbying issue at all. There is much that needs to be done in that regard. My colleague, Deputy Mairéad Farrell, introduced the Regulation of Lobbying (Amendment) Bill 2020, which the Government kicked down the road. Among other matters, this is something to which the Government must revert.

I am reading significantly into the Minister of State's final comment that the Department and the NTA are both committed to current transport policy. In fairness, Mr. Hugh Creegan of the NTA has resisted changing it and the NTA's position has been clear. The question is, what is the position of the Government and, specifically, Fine Gael? There is a crisis in the taxi industry. We need to hear from the Government that it is committed to a regulated taxi industry and shares the concern about a deregulated or unregulated competing model. I believe the officials stated that they could not see how the two "could rationally co-exist". Please, will the Minister of State put on the record that we will not see the introduction of an Uber-style model in the taxi sector?

**Deputy Colm Brophy:** To make it absolutely clear, I am answering as a Minister of State on behalf of the Minister for Transport. Ireland's SPSV regulatory framework requires that all drivers and vehicles be licensed as a means of protecting the consumer and helping to ensure public safety. Furthermore, no special regulations have been developed to govern the carriage of passengers by passenger cars that are not SPSVs. Therefore, the classic model where anyone with a car and the relevant app may provide taxi services does not exist here. The Minister for Transport believes that the protection of the consumer and personal safety are vital objectives and must continue to be central to how the SPSV industry is regulated and operated.

Cuireadh an Dáil ar athló ar 12.07 a.m. go dtí 9 a.m., Déardaoin, an 14 Iúil 2022.

The Dáil adjourned at 12.07 a.m. until 9 a.m. on Thursday, 14 July 2022.