



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoín, 6 Deireadh Fómhair 2022

Thursday, 6 October 2022

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

Paidir.

Prayer.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Middle East

1. **Deputy John Brady** asked the Minister for Foreign Affairs his views on the speech by the Israeli Prime Minister Yair Lapid to the United Nations Security Council; and if he will make a statement on the matter. [49444/22]

Deputy John Brady: I ask the Minister for his response to the speech that was made by the Israeli Prime Minister Yair Lapid recently in the UN, when he talked about his commitment to a two-state solution, and whether the Minister is aware that the Israeli actions on the ground absolutely do not compare with what the Israeli Prime Minister said.

Minister for Foreign Affairs (Deputy Simon Coveney): I took careful note of the addresses of both Israeli Prime Minister Yair Lapid and Palestinian President Mahmoud Abbas at the United Nations General Assembly in September. It was disheartening, but not surprising, that we heard two very different perspectives of the current state of play. At the same time, both leaders acknowledged the need to work towards a two-State solution, a point that was also underlined by the Taoiseach in his remarks to the General Assembly. The need to redouble efforts in this regard was underlined by President Abbas and the Foreign Minister, Dr. Riad Malki, during their visit to Dublin in September. I assured them that Ireland stands ready to support all efforts to help resume credible negotiations aimed at achieving a just and lasting two-state solution. This was an issue that I discussed in a number of my bilateral engagements throughout UN High Level Week, including with my counterparts from Algeria, Qatar, Norway, Egypt and Jordan. Prime Minister Lapid's speech recalled that a large majority of Israelis support the vision of a two-state solution and he repeated his own commitment to a two-state solution, which was welcome. Regrettably, however, we continue to witness a situation where Israeli actions on the ground undermine the prospects for progress. In recent months, we have seen the ongoing threat of evictions and demolitions in Masafer Yatta, the expansion of illegal

Israel settlements and increases in violence and incursions by the Israeli security forces in the West Bank. The raids on six Palestinian NGOs in August resulted in a further reduction of the civil space in the occupied Palestinian territory for civil society organisations and human rights defenders, who play a critical role in our view, in promoting international law, peace, human rights and democratic values. This deteriorating security situation and the increasing number of casualties, including among civilians, is deeply concerning and underscores the urgent need for a political horizon and a path towards relaunching a peace process. As the House will be aware, supporting efforts to this end will remain a high priority for me and the Government in our bilateral engagements, as well as within the EU and the United Nations.

Deputy John Brady: Certainly, I view the Prime Minister's comments as more do to with the general elections that are due to take place in November, and an attempt to win over some Arab voices or voters living in Israel to try to secure his tenure in office. The Minister outlined all of the breaches of international law and the flagrant human rights violations, including the murder of journalists and the raid on the six civil society NGOs. We see the continued arbitrary detention of thousands of Palestinians, the expansion of illegal settlement expansions on a daily basis, forced evictions and demolitions, all continuing under the watch of the EU and the international community. What pressure is being brought to bear to ensure that the words of the Israeli Prime Minister are actually put into action?

Deputy Simon Coveney: Can I just say, first and foremost, that Prime Minister Lapid is personally committed to a two-state solution. I met him a number of times before he became Prime Minister, when he was foreign minister. Certainly, it is my view that he is committed to that outcome. Unfortunately, the government that he has been part of for the last number of years has allowed an awful lot of actions on the ground which make that achievement much more difficult, and has created increased tension between Israelis and Palestinians, some of which I outlined in my initial response to the Deputy. The aspirations and the words are welcome, but the actions that have taken place are contrary to that. I think there are potentially a number of reasons for that. The current government in Israel is made up of very different factions, which make compromise and consensus in relation to how to achieve a two-state solution very difficult to achieve. There will be elections in the coming weeks in Israel. Certainly, after that election, I hope we will be able to make real progress in a step towards a peace process that can help in achieving a two-state solution, but at the moment we seem to be a long way from there.

Deputy John Brady: I do not think that it is just the make-up of the Israeli Government that is facilitating what is happening on the ground. I strongly believe that it is the failure of the international community to hold Israel to account that is emboldening Israel to carry out those illegal actions. We see it in some of the commentary from Liz Truss, who has stated that she is going to review moving the British Embassy to Jerusalem, a flagrant breach of international law. We also see it in the actions of the EU in proposing to reconvene the EU-Israel Association Council, which causes serious concern. Again, it appears Israel is being rewarded for its flagrant breaches of international law. A document of the association council, which I think has been leaked, includes not a single accountability measure and places not a single red-line demand upon Israel in respect of its illegal actions. Does the Minister agree that the international community is allowing Israel to continue to breach international law?

Deputy Simon Coveney: I certainly think the international community needs to do more. We are trying to find ways in which we can both encourage and push for that. The Deputy and I have had conversations about that both on and off the record in terms of how we might be able

to do that, whether it is through our role on the UN Security Council or our role in the EU, and so on. I would say that Ireland is the most vocal EU country on this ongoing conflict, and we will continue to be so. We are looking for ways forward. One of the reasons why President Abbas came to Dublin, on his way to New York, was to talk to me and the Taoiseach about how Ireland could be more proactive in encouraging a new process and perhaps some new thinking around trying to recreate some momentum through political dialogue that can stabilise the relationship between Israelis and Palestinians and move us towards a two-state solution at some point in the future, which seems like a long way off today. I accept the Deputy's point. The international community needs to do more together and countries such as Ireland are looking to galvanise that support.

Middle East

2. **Deputy Gino Kenny** asked the Minister for Foreign Affairs if he has spoken to the Israeli ambassador to Ireland on the death of a person (details supplied); and if he will make a statement on the matter. [49391/22]

Deputy Gino Kenny: My question relates to the murder of a seven-year-old boy named Rayyan Suleiman who was chased to his death by the Israeli army. Has the Minister spoken to the Israeli ambassador in Ireland in respect of that murder and the countless others that have occurred in the past year?

Deputy Simon Coveney: The straight answer to the Deputy's question is that I have asked my political director to make contact with the Israeli ambassador and his team in respect of this killing. I was deeply concerned to learn of the death of a seven-year-old boy, Rayyan Suleiman, during Israel Defence Forces operations in the occupied West Bank last Thursday, 29 September. I extend my deepest sympathies to his family.

I echo the comments of the UN Special Coordinator for the Middle East Peace Process, Mr. Tor Wennesland, in which he called on the Israeli authorities to conduct an immediate and thorough investigation into Rayyan's death. Children continue to endure the worst of the Israeli-Palestinian conflict. Of the 49 Palestinians killed during the hostilities in and around Gaza in August, 17 were children. Every child is born with the right to safety, the right to protection and the right to development. For Palestinian children, these rights are violated on a daily basis.

Ireland has consistently raised the severe impact of the Israeli-Palestinian conflict on children, including during our current tenure on the UN Security Council. Ireland has called on Israel to comply with its obligations under the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Children must never be the target of violence or be put in harm's way. Furthermore, Ireland is a long-standing supporter of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, which provides vital services, including education, to 5.7 million registered Palestine refugees in the occupied Palestinian territory, Lebanon, Jordan and Syria. Last year, Ireland signed an agreement with UNRWA to provide predictable financial support to the agency, pledging €6 million per annum over three years. During the recent visit to Dublin of the Palestinian President, Mahmoud Abbas, I was pleased to announce an additional €2 million in funding for UNRWA, bringing our total contribution in 2022 to €8 million.

I have raised this issue. My Department is raising it at a senior level with the Israeli ambas-

sador. It is an ongoing concern. Another child has died in the context of a conflict that has a political solution if there is a will to push it forward.

Deputy Gino Kenny: I have here a photograph of Rayyan Suleiman. He was a seven-year-old boy whose only crime was being Palestinian. That was his crime. The Israeli army took that young boy from his family. He is not the only one. Some 20 children have this year been killed by the Israeli army. The Minister does not have to listen to me. He can listen to former United Nations High Commissioner for Human Rights, Ms Michelle Bachelet, who said that Israel on a constant basis is breaking international law and is combining that with an almost total lack of accountability. This comes down to that lack of accountability for the Israeli army and state. What did the Minister say to the Israeli ambassador about this killing and the countless others?

Deputy Simon Coveney: What I said to the Israeli ambassador is the same thing we have been saying internationally to Israel in multiple forums, including the UN Human Rights Council, UN Security Council and EU meetings. We expect Israel to conduct independent investigations when killings occur, whether of journalists, children or anybody else. An occupying power in an occupied territory has international obligations. One of the reasons I have been so outspoken about the approach of the Israeli Government towards non-governmental organisations, NGOs, their closure and the labelling of some of them as terrorist organisations, is that the important role of civil society organisations in a place such as the West Bank is essential to expose wrongdoing, to ask hard and awkward questions of governments and security forces and to take legal cases when appropriate. That civil society space is being shut down despite the fact that we are funding some of the organisations and are perfectly satisfied they are doing what they should be doing as civil society organisations.

An Leas-Cheann Comhairle: We are over time.

Deputy Simon Coveney: That is what we are doing and saying.

An Leas-Cheann Comhairle: I do not mean to keep interrupting because I know the importance of these issues but we are going to run out of time for other questions if we do not keep to the limits.

Deputy Gino Kenny: What the Minister has said is all well and good but Israel is not a normal state. This year alone, 100 Palestinians have been killed by excessive force and collective punishment by the Israeli Defence Forces. As I said, 20 children were among the dead. This is a policy that runs through the Israeli state to crush any Palestinian resistance. That is how states such as Israel exist and continue. They have to use excessive violence to exist. When Palestinians fight back, whether armed or peacefully, they cannot be blamed. They cannot be blamed for fighting back when children are being murdered on a daily basis. What does the Minister say to the Israeli ambassador when this happens? How does he address it at a European level?

Deputy Simon Coveney: I disagree with the Deputy on the justification for Palestinian violence, which he seemed to suggest should not be criticised. There is violence on both sides of this conflict. I am, and continue to be, very critical of the approach of the Israeli Government to the Palestinians. I will also strongly criticise radical factions within Palestinian society that are also responsible for violence. We need a peace process, and we are moving further and further away from a viable peace process as a result of the decisions that have been taken and what has been happening on the ground in recent years. The international community needs

to do a lot more to change the direction of that conflict. Ireland wants to be part of facilitating, encouraging and pushing for that, as I said earlier. My conversations with the Israeli Government, ministers and the ambassador have been consistent. Israel is a country with which Ireland wants a relationship.

An Leas-Cheann Comhairle: I thank the Minister. We are over time.

Deputy Simon Coveney: However, we will be clear about our view of international law and the obligations on the Israeli Government towards Palestinian people-----

An Leas-Cheann Comhairle: I thank the Minister. We are way over time.

Deputy Simon Coveney: -----in the lands it occupies.

Brexit Issues

3. **Deputy John Brady** asked the Minister for Foreign Affairs if he will provide the details of the latest development in relation to talks between the European Union and the British Government in respect of the Northern Ireland protocol; and if he will make a statement on the matter. [49445/22]

4. **Deputy Michael Lowry** asked the Minister for Foreign Affairs if he will provide details of the Government's recent engagement with the United Kingdom Prime Minister and the Secretary of State for Northern Ireland concerning the Northern Ireland protocol; the other engagement that has taken place with other European Union member states, EU institutions and globally in support of Ireland's Brexit priorities; and if he will make a statement on the matter. [49453/22]

Deputy John Brady: I wish to ask the Minister about the current position in respect of discussions on the Irish protocol, given the fact that there has been a lot of recent focus on, and talk about, an opportunity to reset and a change in the mood music. Is the Minister optimistic that progress will be made quite soon to address the concerns some people have with the Irish protocol?

Deputy Simon Coveney: I propose to take Questions Nos. 3 and 4 together.

Given that the questions are paired, will I have a bit of extra time?

An Leas-Cheann Comhairle: That is right.

Deputy Simon Coveney: I just wanted to know that before I started. This is a slightly longer answer but I would like to give quite a lot of detail to the House on this particular issue.

An Leas-Cheann Comhairle: Deputy Berry is taking Question No. 4.

Deputy Simon Coveney: This is an important and current issue. I believe we currently have a window of opportunity for a much-needed reset in EU-UK relations. I welcome the positive statements from the new UK Government about its desire to find a negotiated settlement on the protocol on Northern Ireland. We now need to see those sentiments turned into constructive engagement between the UK and the European Union. We need political will focused on finding jointly agreed solutions to issues of genuine concern to people and business

in Northern Ireland.

It is positive that for the first time in over six months, the EU and British negotiation teams have resumed technical discussions at official level this week. Ireland fully supports the Commission's approach to addressing the challenges around the implementation of the protocol. Our early engagements with Prime Minister Truss and her team have been constructive. The Taoiseach and Prime Minister Truss had a good discussion in London on 18 September. I spoke with the new UK Foreign Secretary, James Cleverly, and look forward to a substantive in-person meeting with him in London this evening. I also had a frank and substantive meeting with the new Secretary of State for Northern Ireland, Chris Heaton-Harris, in Belfast last week and we will meet again in London tomorrow for the British-Irish Intergovernmental Conference. The Minister of State, Deputy Thomas Byrne, spoke to his new UK counterpart, Leo Docherty, this morning.

The Taoiseach, the Minister of State, Deputy Byrne, and I continue to engage extensively with our EU counterparts, as would be expected. The Taoiseach remains in close contact with President von der Leyen and I speak regularly to Vice President Šefčovič, as has been the case throughout Brexit. I expect I will speak to him again this afternoon, before meeting James Cleverly this evening. There remains an unshakeable commitment across the EU to mitigating the impacts Brexit brings for this island.

The Government is in ongoing contact with key figures in the US Administration and Congress. I had the opportunity to speak briefly with President Biden in New York recently. We are very grateful for continued bipartisan US support for peace and stability in Northern Ireland throughout the Brexit process, including the President's stance on the importance of negotiated EU-UK agreements on the protocol in order to protect the gains of the Good Friday Agreement.

Our consistent message in all these engagements has been to urge the British Government to re-engage with the European Union. Only joint solutions will be successful and sustainable. We need to focus as a priority on the issues of genuine concern to people and business in Northern Ireland, particularly around the movement of goods between Great Britain and Northern Ireland. Working together, we can ensure certainty and stability and maximise the benefits of the protocol for all in Northern Ireland. I am focused on the formation of an Executive in Northern Ireland before the 28 October deadline. I have been clear with everyone that discussions on the protocol should proceed in parallel to the process of Executive formation.

The European Union remains committed to making the protocol work. There is sufficient flexibility within the protocol to address the issues of concern to people in Northern Ireland, in my view. While our engagements in recent weeks have been positive, it remains a fact that the British Government is proceeding with legislation which would, if enacted, disapply core elements of the protocol, amounting to a breach of international law. I have been very clear with my British counterparts that this unilateral approach does not help rebuild trust in the British-Irish relationship or the EU-UK relationship.

I firmly believe that joint solutions can be found to the genuine issues of concern on the protocol by the EU and the UK working together in a spirit of partnership. The Government and I will do everything we can to support those efforts. We currently have a real and renewed opportunity to resolve these issues and we will, as I said, do everything we can to take that opportunity. However, positive sentiment and a change in mood is one thing but actually delivering the compromises that are needed to get a result is another.

Deputy John Brady: The tentative optimism that is there at this point is welcome, as is the fact that conversations are going to start. It is the first time in many months that conversations have taken place. It is a welcome departure from the autocratic approach taken previously. Will the Minister outline some of the parameters regarding his meeting this evening with the British Foreign Secretary, James Cleverly? It would be interesting to see what may be discussed. Issues such as the European Court of Justice are critical. I ask for the Minister's views on whether he is confident that the EU is rock solid in its position with regard to the European court.

Liz Truss is open to conversations but, given her political instability, are there concerns that her position may shift very quickly to appease very strong pro-Brexit voices in her party in order to sustain her own future?

Deputy Cathal Berry: I too welcome the restart of negotiations between the EU and UK negotiating teams on the Northern Ireland protocol. It is a good thing. I also welcome the change in tone, in particular, the apology by Steve Baker during the week. It is quite a rare event in international relations these days that someone would apologise. That is also a good thing and he should be commended on it.

My question relates to a matter raised during the Minister's comments. The draft legislation introduced in the UK House of Commons over the summer would, if approved, unilaterally set aside some components of the Northern Ireland protocol. Where are we with that at present? Is it still working its way through the UK Houses of Parliament or has it been paused? If it has not been paused, would the Minister welcome such a pause as a further act of goodwill in advance of negotiations?

Deputy Simon Coveney: Sometimes, in moments of opportunity like this, less is more in terms of what is said publicly. We are trying to rebuild a relationship of some trust, which has been largely absent for quite some time. Certainly, the conversations I have had with the new Secretary of State for Northern Ireland and his deputy, Steve Baker, have been warm. There is a genuine effort on the British side to try to rebuild and reconstruct relationships with Ireland, which is good. That is clearly under instruction from the Prime Minister's office because it is happening across the board.

My meeting this evening will focus on timelines and subjects where we think it is possible to make progress sooner rather than later. It will not be possible to resolve all the issues linked to the implementation of the protocol by 28 October but we could make significant progress on some of the issues that really matter to people in Northern Ireland, including the unionist and business communities. There are issues that need to be resolved and can be resolved relatively quickly, such as issues around tariffs and checks, the nature of those checks, and how we could move towards what Vice President Šefčovič has called "virtually invisible" checks by co-operation, partnership and sharing of data and information on trade flows and so on.

This is not easy stuff. If it was, it would have been done long ago. The chances of resolving these issues and bringing an end to the stand-offs on the protocol are enhanced by a new approach based on partnership rather than unilateral action. The UK Government unilaterally progressing and passing this legislation and making it law will, as I said many times, cause many more problems than it will solve. The legislation is in the system----

An Leas-Cheann Comhairle: The Minister will get a chance to come back in. I am very sorry but we are way over time.

Deputy Simon Coveney: I will address the matter of the legislation when I come back in.

An Leas-Cheann Comhairle: I will give way and we will then have a free-for-all.

Deputy Simon Coveney: I thought I had double the time, that is all.

An Leas-Cheann Comhairle: The Minister did have double time. He had four- and two-minute slots and will get a chance to come back in.

Deputy John Brady: Sinn Féin is ready, willing and able to go into the Executive in the North today, tomorrow or as quickly as possible. We have been since the recent elections in the North. Chris Heaton-Harris has said that come 28 October he will push the button with regard to assembly elections. It is a matter of concern that elections are now being put forward. He is saying he is bound by legislation, which is unhelpful. On the Minister's engagement with unionism, are unionists serious about getting back into the Executive? Are the issues of concern to them regarding the protocol insurmountable? Can they be addressed before that deadline of 28 October?

Deputy Cathal Berry: I thank the Minister for his response. I appreciate he has to be much more circumspect than me when speaking in Parliament; I can comment much more freely. My point is that our two islands have solved vastly more complex problems than the protocol. If the will is there, we can certainly do it again. There is a proposal floating around that we could treat goods travelling from Great Britain and staying in Northern Ireland differently from goods travelling from Great Britain through Northern Ireland and into this jurisdiction and, by extension, the EU Single Market. I would be grateful for the Minister's thoughts on that. I believe we can come up with a solution that respects the integrity of the EU Single Market but also that of the UK internal market.

Deputy Simon Coveney: I will pick up where I left off last time on the legislation. Of course it would be helpful if the legislation was formally frozen but I am not sure that ask is on the table because we are trying to make progress without creating barriers or raising things we cannot agree on. The legislation is there in the background. We know that and are not particularly happy about it but it is best ignored for now. It is not moving quickly and there is no chance that it will be passed by the end of the year. It has been through the House of Commons for an initial reading and is going to the House of Lords, where there will be a lot of concerns, amendments and debate on the legislation. It is there but it is not in danger of becoming law any time soon. Let us park that to one side. The official position is very clear; should that legislation become law, it would create huge problems as regards the relationship, trust and legal challenges. However, we now have a window. We should use it and not be distracted by where the legislation is.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Simon Coveney: Do I not have double the time rather than just two minutes each time?

An Leas-Cheann Comhairle: The Minister had double the time to start with, he then had two minutes for his first supplementary reply and now one minute for this. I am sorry to keep intruding.

Deputy Simon Coveney: If they are the rules, we will have to work within them. I thought

I had twice the time to answer each question if two Deputies were asking. Deputy Brady's questions were pretty important.

An Leas-Cheann Comhairle: We will stop the clock for a minute. It is not good to keep interrupting the Minister and the Deputies as we go on but the times are set. I have been letting both run over each time. The Minister and the Deputies have gone well over, sometimes by 30 seconds and sometimes a minute, in addition to the extra time provided to the Minister. I will double-check in case we have deprived the Minister in the last few seconds but we certainly have not beforehand. He had four minutes and then two----

Deputy Simon Coveney: I am not complaining. I am just saying these are important issues.

An Leas-Cheann Comhairle: We are moving on to the last question. There are 30 seconds, two minutes and four minutes.

Deputy Simon Coveney: I will come back to the matter for the Deputy. There is another question on the topic later.

An Leas-Cheann Comhairle: The next question is actually Deputy Brady's so he might be willing to give the Minister some time. It is entirely up to the Deputy and the Minister.

Deputy John Brady: It was my understanding that there was double the time for each response but I hear what the Leas-Cheann Comhairle is saying.

Ukraine War

5. **Deputy John Brady** asked the Minister for Foreign Affairs if he will provide the details of the Government's response to the Russian annexation of areas of Ukraine; and if he will make a statement on the matter. [49446/22]

Deputy John Brady: Before I pose this question, I will take the opportunity to express my condolences and sympathy to the family of Rory Mason from Meath, who tragically died in Ukraine defending its territorial integrity and the rights of the Ukrainian people. Following on from that, I ask the Minister about the recent moves to annex illegally four regions-----

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

Deputy John Brady: -----within Ukraine. What is the Minister's response?

An Leas-Cheann Comhairle: The Minister has two minutes.

Deputy Simon Coveney: Are we on the next question?

An Leas-Cheann Comhairle: Yes.

Deputy Simon Coveney: I also express my condolences and those of the Government and this House to the Mason family. I spoke to Rory's father yesterday, an incredibly dignified individual who is clearly very proud of his son's courage and principles and is also trying to deal with an extraordinary family tragedy. He asked for some space and privacy for the family. We should all respect that while at the same time expressing our sympathies to Rory's brother, sister, parents and those around them.

Since Russia commenced its unjustified and unprovoked further invasion of Ukraine on 24 February, I have consistently expressed Ireland's unwavering solidarity with Ukraine and support for its sovereignty and territorial integrity within its internationally recognised borders. Ireland has pushed for the Security Council to hold Russia accountable, to urge it to end its war in Ukraine immediately and to call out Russia's cynical attempts to use the council and other UN bodies to spread disinformation. When I addressed the Security Council on 22 September, I made clear that Russia's invasion of Ukraine was a grave violation of international law and an attempt to change internationally recognised borders by the use of force.

On 30 September, Ireland voted in favour of a resolution at the UN Security Council condemning the Russian Federation's organisation of sham referendums in regions within Ukraine's internationally recognised borders. We categorically reject the so-called results of those illegal and illegitimate referendums and announcements purporting to annex Ukrainian territory. They have no legal effect anywhere in the world. Immediately following the Russian announcement of the referendums, EU foreign ministers agreed to prepare a new sanctions package. Member states were asked to put forward proposals and Ireland joined with Poland and the Baltic states in proposing a range of new sanctions. This latest package comes into effect today and comprises sectoral measures and new listings. It also extends the scope of the Donetsk and Luhansk sanctions regime to include the other occupied territories. It also includes a framework for the G7 oil price cap so that the EU can implement it once it is finalised.

Deputy John Brady: There is no doubt that the annexations of the four regions, Donetsk, Luhansk, Kherson and Zaporizhzhia, are totally illegal as they follow what have been widely and correctly described as sham referendums within those regions. Unbelievably, Russia does not even fully control these regions and yet it has declared it is legally annexing them. It is right that the international community acts and responds to any illegal annexation anywhere in the world. It represents a serious escalation in the illegal conflict and occupation in Ukraine and is coupled with the unbelievable threat that nuclear force may be used. Does the Minister see the recent military success on the ground, in which Ukraine has taken back large swathes of land previously occupied by Russia, as an opportunity to push for peaceful discussions to bring the horrific and illegal conflict in Ukraine to an end?

Deputy Simon Coveney: EU member states also co-ordinated to summon Russian ambassadors in capitals following the announcement by President Putin of his intention to illegally annex the territories we have been referring to. At my instruction, the Russian ambassador was summoned by my Department on 3 October. He was informed that Ireland categorically condemns the declaration by the Russian Federation on 30 September illegally annexing part of the territory of Ukraine. It was emphasised to him that this decision has no basis in law and that this move does not reflect the freely expressed will of the people of Ukraine in the regions of Donetsk, Luhansk, Kherson and Zaporizhzhia.

With regard to the gains the Ukrainian military has made in recent weeks, which are really a testament to its organisation, professionalism and bravery, these battlefield successes have been extraordinary. The approach towards peace talks should very much be guided by Ukraine and its determination to free its own people from occupation. We need to stay close to what the Ukrainian President wants. After all, he and his country are defending themselves in this context.

Deputy John Brady: I welcome the fact that the Minister called in the Russian ambassador to outline the Irish position on the illegal annexations but it raises the question of why he

is still here. From the outset, my party and I have called for him to be expelled and I reiterate that point today. The UN General Assembly will next week debate the annexing of these four regions and I welcome that. It is important that there is an international push to try to bring the illegal conflict and occupation to an end. I hear what the Minister is saying about Ukraine. We have to listen to what is being said by its President and its people but we have an international responsibility, given the impact this war is having not just on the energy crisis but also on food security, where there is a crisis in places such as the Horn of Africa. There is an onus on the international community to also push for peaceful discussions.

Deputy Simon Coveney: I believe the Deputy and his party are wrong to call for the expulsion of the Russian ambassador. I understand that sentiment, frustration and anger and wanting to send that clear signal. Keeping diplomatic channels open, in the context of making it very clear to Russia what we think of the illegality of its actions, and being able to call in an ambassador to send direct messages to Moscow and the Kremlin, is both helpful and appropriate at this time. The Deputy's calls for a peace process that can end this conflict are also very understandable, because this war has to end at some point in time. Having diplomatic channels open to speak to both sides is a useful tool in those efforts to understand both perspectives and find a basis for peace. We need to be careful that the international community does not in any way try to pressure or frame a peace outcome here in a way that is inconsistent with Ukraine's ability to defend itself and free its own people from Russian occupation.

An Leas-Cheann Comhairle: I would like to move on to the other questions in a spirit of solidarity and co-operation. I have let every speaker over time. I have used my discretion and I gave double time where the questions were grouped. I am saying this for both sides of the House. It is not pleasant to have to keep interrupting but other Deputies will lose out if speakers go over time. There is some discretion with priority questions to go a little over time but not continuously.

Ceisteanna Eile - Other Questions

Human Rights

6. **Deputy Cormac Devlin** asked the Minister for Foreign Affairs the action that is being taken to ensure that the Iranian authorities abide by the principles enshrined in the International Covenant on Civil and Political Rights, to which Iran is a party, given the recent events in Iran; and if he will make a statement on the matter. [48898/22]

11. **Deputy Gary Gannon** asked the Minister for Foreign Affairs the contact that he has made with the Embassy of Iran to condemn the Iranian state's violent suppression and murder of protestors recently; and if he will make a statement on the matter. [49071/22]

19. **Deputy Mick Barry** asked the Minister for Foreign Affairs if he will report on the human rights issues that were discussed with the Iranian Government on his visit to Iran earlier this year; and if he will make a statement on the matter. [48962/22]

20. **Deputy John Brady** asked the Minister for Foreign Affairs the Government's response to the recent outbreak of protests in Iran; and if he will make a statement on the matter. [49016/22]

23. **Deputy Seán Haughey** asked the Minister for Foreign Affairs if he will highlight human rights abuses in Iran; if he will raise concerns in relation to the recent death of an Iranian woman (details supplied) while in detention; and if he will make a statement on the matter. [48658/22]

An Leas-Cheann Comhairle: I understand Deputy Haughey is taking this question on behalf of Deputy Devlin.

Deputy Seán Haughey: Will the Minister continue to highlight human rights abuses in Iran? Will he raise concerns regarding the recent death of an Iranian woman, Mahsa Amini, while in police detention? Will he do what he can to ensure that Iran subscribes to the principles of the International Covenant on Civil and Political Rights, ICCPR?

Deputy Simon Coveney: There are five different Deputies-----

An Leas-Cheann Comhairle: There is some confusion here. I am not going to keep interrupting. If the questions are grouped, there is only one 30-second introduction allowed and Deputy Haughey has had that. All Deputies in the grouping have equal time after that.

Deputy Simon Coveney: I will do my best to answer everyone's questions if I can. I propose to take Questions Nos. 6, 11, 19, 20 and 23 together.

I am happy to have an opportunity to answer these questions because this is a very current and worrying series of developments. I am deeply concerned about the unjustifiable and disproportionate response of the Iranian authorities to Iranian citizens protesting against the death of 22-year-old Mahsa Amini in police custody after her arrest for allegedly violating dress code regulations. Ireland does not believe that anything short of full equality for women should be the objective, anywhere in the world. No woman should lose her life because of how she chooses to dress herself.

I commend the women and men of Iran who have exercised their fundamental right to assembly and protest. It is most regrettable that the response of the Iranian security and police forces has resulted in the further loss of lives, as well as a large number of people being injured. The use of force against non-violent protestors is unjustifiable and unacceptable. People in Iran have the right to peaceful protest and that right must be ensured in all circumstances. Iran is a party to the ICCPR. I call on the Iranian authorities to abide strictly by the principles enshrined in the ICCPR, including the right to peaceful assembly. The decision by the Iranian authorities to severely restrict Internet access and to block instant messaging platforms is a further cause for concern, and is a clear violation of freedom of expression.

On 21 September I met with the Iranian foreign minister, Hossein Amir-Abdollahian, at the UN General Assembly high level week in New York. I relayed to him my deep concerns regarding the circumstances of Ms Amini's detention and death. During my visit to Tehran in February of this year, I also raised Ireland's concerns in relation to human rights in Iran with the minister, particularly the rights of women and LGBTI+ persons and respect for freedom of religious belief.

I urge Iran to immediately conduct an independent investigation into the circumstances of Ms Amini's death. Ireland, along with our fellow European Union member states, will consider all options at our disposal to respond to the death of Mahsa Amini and to the actions of the Iranian authorities against the protestors. In my statement issued on 3 October, I condemned

the unjustifiable and disproportionate response of the Iranian security apparatus to peaceful protests, as I have done again today. In addition, I reminded the Iranian Government of its obligations under the ICCPR. In meetings with Iranian officials, officials of my Department will continue to repeat these fundamental messages.

Deputy Seán Haughey: As the Minister knows, there is serious concern about the circumstances of Mahsa Amini's death in detention, with claims that she was beaten to death. I too believe it is important that an independent investigation into her death be undertaken and I would like to know what Ireland can do to ensure such an inquiry gets under way. There have been mass peaceful protests in Iran following Ms Amini's death, particularly by women. Many of the protestors have been killed. Many others have been injured and at least 1,200 have been arrested. Amnesty International has claimed that Iranian security forces regularly and deliberately fire live ammunition at protestors, which is also unlawful. Clearly, the fundamental right to assemble and protest is being breached by Iran in this case. What can be done to ensure that Iran subscribes to the principles of the ICCPR?

Deputy Gary Gannon: I agree with all the sentiments expressed in the Minister's statement but I would go further. I accept the fact that he met with the Iranian foreign minister in New York but we also have an ambassador here from the Islamic Republic of Iran. He needs to be summoned and the Minister needs to tell him that the actions we see in Iran at the minute with the murder of Ms Mahsa Amini, the suppression of the protestors, the violent conditions of subjugation and violence against women by the morality police, are not in keeping with the values we have as a country. If there is going to be an ambassador here, that ambassador has to be summoned. I ask the Minister to summon the ambassador and admonish him for the extraordinary scenes we are witnessing. I also express my solidarity with the protestors in Iran, who are demonstrating incredible courage in the face of unimaginable violence.

Deputy Mick Barry: I express my solidarity with the powerful social movement in Iran, led by women, which has erupted since the state murder of 22-year-old Kurdish woman Mahsa Amini. Iran Human Rights has put the death toll at 133 since the state started trying to violently repress this movement, and more than 1,500 have been arrested. Still, this movement grows. The slogan "Woman, Life, Freedom" echoes from one corner of Iran to another. Mahsa Amini was murdered by Iran's notorious morality police, who took her into custody accusing her of violating the super-strict hijab dress code. She died from cardiac arrest after suffering a head injury and a three-day coma. The killing of Mahsa was not an accident. Her murder is a continuation of the systematic, misogynistic and repressive policies of Islamic capitalism. What further action does the Minister intend to take to show this country's revulsion at the actions of the regime in Tehran?

Deputy John Brady: I express my sympathy and that of my party to the family and friends of Mahsa Amini, who was killed in detention following her arrest. Regarding the subsequent crackdown on protesters, this is not the first time the Iranian authorities have cracked down on protests such as this. Reports estimate that between 63 and 133 innocent civilians have been murdered in this crackdown with over 1,500 people arrested. There needs to be an immediate independent investigation. I have no faith in the Iranian authorities to investigate themselves. The Government needs to put pressure on to ensure there is an independent investigation. I reiterate the point that the Iranian ambassador must be summoned so that we can express our horror and grave concerns about the crackdown on the rights of women within Iran.

Deputy Simon Coveney: I share the concerns of Deputies about this issue. Our voice

needs to be heard in terms of condemnation and criticism. We must work with our EU colleagues as well in terms of being part of a collective EU response. In respect of the Iranian ambassador, my Department continues to closely monitor developments in Iran through our chargé d'affaires in Tehran. I raised the case of Ms Amini's death and the Iranian authorities' response to protests directly with my Iranian counterpart in New York a few weeks ago. Senior officials in my Department are in ongoing contact with the Iranian ambassador and the Iranian authorities are fully aware of our concerns. These issues are also getting far more discussion within the EU, which is looking at how we can collectively respond to put pressure on Iran to end the brutal crackdown on legitimate and, in most cases, peaceful protests. We are talking about schoolgirls here. We are talking about students, women and indeed men who are outraged by a young woman losing her life in custody having been beaten up. That has sparked something in Iran that has spread outside it in terms of calls for change and the outrage that has come with that. We must monitor how this progresses but Ireland needs to be very clear in terms of what we expect and ask for in terms of consistency with international law and respect for women's rights.

Deputy Seán Haughey: As other Deputies have said, the Iranian authorities have introduced restrictions on free and uncensored Internet access, WhatsApp and Instagram. Again, the fundamental right to freedom of expression is being breached in this case. Two fundamental rights are being breached: the right to assemble and protest, and the right to freedom of expression. The Minister spoke about our EU colleagues. What can be done at EU level to highlight this case, these events and the situation in Iran generally? Are we talking about the EU issuing a statement or going further, perhaps with some sort of sanctions? No doubt it must fit into the overall geopolitical situation in that region. I would be interested to know what the Minister proposes to do or what he can propose at EU level to highlight these circumstances.

Deputy Gary Gannon: I reiterate that I accept fully that the Minister met with his foreign affairs counterparts in New York, but in a previous discussion with Deputy Brady the Minister highlighted that we have ambassadors here to keep diplomatic channels open. It now warrants the Minister summoning Ambassador Eslami to his office and admonishing him in person. That is certainly something the Irish people would expect.

Deputy Mick Barry: Several solidarity protests have been organised in this State since the murder of Mahsa. The Iranian community has been the key driver of these protests, which have been supported by other groups such as students at Trinity College and the socialist feminist group ROSA. These actions should at the very least be matched by the actions of the State. I hear the point the Minister is making. He met his Iranian counterpart at the UN on 21 September and the Department is monitoring the situation in Iran but how much more needs to happen? How many more people need to be killed before the Minister summons the Iranian ambassador to Iveagh House to let his views be known on this and to symbolise Irish opposition to Iranian state murder and Irish support for the Woman, Life, Freedom revolt?

Deputy John Brady: It is right that we fully support the right of the Iranian people, particularly women, to protest against draconian measures and treatment. I wish to raise serious concerns about the Iranian response to this crackdown and the protests, which blames the West and totally ignores Iran's own responsibilities, its crackdown on protesters and the shameful treatment of women. I reiterate my support for protesters and condemn the brutal crackdown on them. We are due to open an embassy in Iran next year and I support and welcome that as it is needed. I support our approach towards diplomacy. It is right that the Minister calls in the Russian ambassador to give him a dressing down regarding the brutal and illegal occupation of

Ukraine. A similar approach must be taken with the Iranian ambassador. He needs to be summoned for the Minister to express our shock, horror and grave concerns about the treatment of people in Iran, particularly Iranian women.

Deputy Simon Coveney: I hear what the Deputies are asking for with regard to the Iranian ambassador. I ask them to trust me when I say the ambassador knows exactly what our views on this issue are. One of the differences between Iran and Russia is that I have had a number of conversations with my Iranian counterpart because Ireland has a specific role on the Security Council regarding trying to re-establish the joint comprehensive plan of action, which is the Iranian nuclear deal, which is linked to sanctions. I suspect that I will be speaking to my Iranian counterpart in the near future so I will have a direct opportunity to raise our concerns and the concerns of this House directly with the Iranian foreign minister, which is a much more powerful tool in some ways than raising it with the ambassador. The Deputies must trust me when I say the ambassador will also be very clear about our concerns and the perspective of this House. I suspect he is listening to this debate as well.

Regarding what we can do at EU level, I will give the House a sense of Ireland's view on Iran and sanctions. Sanctions constitute an important tool of foreign policy that is used to deter states from pursuing actions that threaten international stability or harm citizens in their own country, including through human rights abuses. Since 2011, the EU has applied sanctions against individuals and entities complicit in or responsible for directing or implementing grave human rights violations in Iran. Ireland works with its partners in the EU to ensure all sanctions regimes are targeted and contain clear exemptions for humanitarian actors. The list is regularly reviewed and updated. In light of recent protests, the EU is considering a range of responses, including expanding its targeted sanctions against those who violate human rights. There is an ongoing conversation about how we can be impactful in terms of targeted sanctions in response to the concerns of the EU and Ireland regarding what is happening in Iran.

Irish Communities Abroad

7. **Deputy James Lawless** asked the Minister for Foreign Affairs if he will be advising any Irish citizens currently in Russia to leave; and if he will make a statement on the matter. [48983/22]

(Deputy Simon Coveney): The Department of Foreign Affairs is closely monitoring the situation in Russia in consultation with the Irish Embassy in Moscow. The Department currently advises against all travel to Russia. The security status of our travel advice for Russia was raised to "do not travel", which is the Department's highest level of warning, on 28 February 2022. On 7 March 2022, Irish citizens in Russia were advised to consider carefully their presence in Russia and those who wished to leave were advised to do so as quickly as possible. On 7 April 2022, two diplomats from the Irish Embassy were instructed to leave Russia. This has limited the ability of the embassy to provide services and assistance to Irish citizens in Russia. In light of ongoing developments, the Department's advice to citizens was further strengthened on 14 April 2022, when Irish citizens in Russia were advised to consider carefully the necessity of their continued stay, and to make plans to leave.

Irish citizens currently in Russia are advised to be vigilant about their own safety and to avoid mass gatherings, including protests or demonstrations. Citizens should be aware that new laws that affect media freedom of expression can be used to impose severe and arbitrary sen-

tences. Irish citizens should be mindful that these laws cover posting or sharing banned content on social media. We also recommend that Irish citizens should be mindful that increasingly severe limitations on banking, including the withdrawal of Visa and Mastercard services, may directly affect their ability to access their money for the foreseeable future. Any Irish citizens remaining in Russia are recommended to register their details with our embassy in Moscow, and they can contact the embassy should they require assistance. The embassy currently has reduced capacity to provide support in crisis scenarios, particularly for citizens situated far from Moscow. The Department's advice to citizens is clearly outlined in the Department's travel advisory notice for Russia, along with information on current departure options from Russia.

Deputy James Lawless: My question relates to the position of Irish citizens in Russia. What advice is being given to those people in light of the mobilisation and continued deterioration of conditions?

Deputy Simon Coveney: I will update the House because some questions have been asked in the media this morning about the remains of Rory Mason and also about Brian Maher, who was interviewed on "Morning Ireland" this morning.

10 o'clock

Our consular teams and our team in the embassy in Kyiv are working with Ukrainian authorities to ensure Rory Mason's remains are brought home to his family as soon as possible. Separately, we are involved in a European medevac, effectively, to bring injured EU citizens out of Kyiv and get them home. We are working with Brian Maher on that and hopefully it will happen in the next day or so. I want to clarify that because there has been discussion in the media this morning on it. There is no crossover between the two issues. One is about repatriation of the remains of a young man and the other is a medevac system. They are two separate procedures.

The Department of Foreign Affairs is closely monitoring the situation in Russia in consultation with the Embassy of Ireland in Moscow. The Department currently advises against all travel to Russia. The security status of our travel advice for Russia was raised to "Do not travel", the Department's highest level of warning, on 28 February, after the war began. On 7 March, Irish citizens in Russia were advised to consider carefully their presence there and those who wished to leave were advised to do so as quickly as possible. On 7 April, two diplomats from the Embassy of Ireland were instructed to leave Russia. This has limited the ability of the embassy to provide services and assistance to Irish citizens in Russia.

In light of ongoing developments, the Department's advice was further strengthened on 14 April, when Irish citizens in Russia were advised to consider carefully the necessity of their continued stay and to make plans to leave. Irish citizens in Russia are advised to be vigilant about their own safety and to avoid mass gatherings, including protests or demonstrations. Citizens should be aware that new laws that affect media freedom of expression can be used to impose severe and arbitrary sentences. Irish citizens should be mindful that this includes posting or sharing banned content on social media. We also recommend that Irish citizens should be mindful that increasingly severe limitations on banking, including the withdrawal of Visa and Mastercard services, may directly affect their ability to access their money for the foreseeable future.

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An Leas-Cheann Comhairle: I have allowed a minute and a half extra on that because of the circumstances.

Deputy James Lawless: I thank the Leas-Cheann Comhairle. I probably will not need it and will try to be efficient with my time. I thank the Minister for the update. There are three categories of information regarding the situation of Irish citizens in Russia. One is the degree to which consular assistance remains available onsite and on the ground. The Minister mentioned the embassy presence continues. What practical assistance can be given to citizens in that situation? To what extent are they susceptible to mobilisation? What is the legal position? Are they in a position to refuse? Are they liable to be conscripted? Is that a live threat to Irish citizens? Does it depend on dual nationality or the nature of their citizenship? There are practical considerations concerning routes out. I understand it is becoming more and more difficult to get flights to the EU or third countries, as many citizens, not least many Russian citizens, are trying to flee the situation. That places an additional complication on Irish citizens attempting to depart. Is the Minister and the Department aware of that? Can any practical advice be given there?

Deputy Simon Coveney: I thank the Leas-Cheann Comhairle for her latitude on the answer. It was important. There is consular assistance available. We have an embassy. It is not operating at full capacity because Russia has effectively expelled two of our diplomats in response to justified decisions we had to take. We have a presence there. We can and will help Irish citizens but are limited in what we can do for a series of reasons, some of which I have outlined.

I do not think the mobilisation that has been announced impacts on Irish citizens in Russia. I stand to be corrected on that if I am wrong but I would be surprised if non-Russian citizens were required to mobilise.

There are flight options out of Russia. You can fly to the EU via Turkey, in particular, but those flight options are much more limited than they normally would be.

Deputy James Lawless: That has answered the question. I thank the Minister.

Foreign Policy

8. **Deputy David Stanton** asked the Minister for Foreign Affairs his views on the current situation in Myanmar; and if he will make a statement on the matter. [48912/22]

25. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if he will outline the humanitarian situation in Myanmar; and the initiatives that have been taken by the international community to address the situation. [48926/22]

Deputy David Stanton: This question has to do with Myanmar and the awful situation there. It gives the Minister an opportunity to inform the House of what he and the Government are doing and what is happening at UN level.

Deputy Simon Coveney: The Deputy is right that it is an awful situation and, because there are so many other awful situations around the world, it may not be getting the attention it should. I remain deeply concerned by the deteriorating security, humanitarian and human rights situation in Myanmar. It has been 19 months since the military took control by coup and launched a brutal campaign to retain power and reverse the hard-won progress that had been made in that country. Their actions had devastating consequences for people there. I utterly condemn the coup and attempts to consolidate or legitimise the military regime.

The Government has repeatedly called for the immediate release of detainees. It has expressed abhorrence at the indefensible killing of unarmed civilians and the use of military weaponry, sexual violence, torture and the death penalty by the military regime. It has done so through five national statements since the coup. I also strongly support the EU's adoption of sanctions against the perpetrators of the coup and the economic entities that sustain them.

Ireland has advocated for regular discussion of the situation on the UN Security Council. There have been ten discussions at the council since the coup, regrettably in closed meeting format, most recently on 16 September. At those meetings, we have highlighted our deep concern at the deteriorating situation on the ground, including the death sentences carried out by the military regime against pro-democracy activists. I remain deeply concerned by the politically motivated verdicts against Aung San Suu Kyi, President Win Myint and others.

At the UN Human Rights Council, Ireland has consistently supported international efforts towards ensuring accountability and justice, including through the Independent Investigative Mechanism for Myanmar, the International Court of Justice and the International Criminal Court.

The humanitarian situation in Myanmar is precarious and civilians continue to bear the brunt of the armed conflict. More than 14 million people require humanitarian assistance and almost 1.3 million people are displaced across the country. To date in 2022 the Government has provided €1.2 million towards humanitarian needs in Myanmar. We have also responded through our core support for the UN-pooled Central Emergency Response Fund, CERF, which has provided over €12 million in response to the crisis this year. In 2022, the EU has allocated more than €27 million in humanitarian aid.

The Government also continues to provide support to the Rohingya crisis, allocating over €8 million between 2018 and 2021 through trusted UN and NGO partners. I will continue to work closely with partners in the EU and at the UN to encourage diplomatic solutions to end a crisis that is entirely self-made by the military in Myanmar. We will continue to try to prioritise and shine a spotlight on that horrific situation, which is not getting enough international attention.

Deputy David Stanton: I thank the Minister for his response and acknowledge the work he and his officials are doing at EU and UN level. Much has been done. Reading the reports from Myanmar is horrifying, as the Minister has alluded to. He mentioned the Rohingya. Will he comment on the plight of those people? I have met some of them here. They are gentle people. I think there are 1 million of them in Bangladesh at the moment in a precarious situation as well. The Minister mentioned sexual abuse, torture, execution, the death penalty and so on. Will he comment on calls for a global arms embargo and what is being done to make that happen?

Deputy Simon Coveney: It is now five years since the Rohingya crisis began in Myanmar. The violence and terror perpetrated by the Myanmar military created conditions where 750,000

Rohingya people had no option but to flee their country. Conditions for the voluntary, safe and dignified return of Rohingya people to Myanmar remain very uncertain. Approximately 1 million Rohingya refugees continue to seek refuge in Kutupalong, Bangladesh while tens of thousands more are across the region. Over 140,000 internally displaced persons remain confined to camps in Myanmar. The situation has deteriorated further since the illegitimate military coup on 1 February 2021. I am deeply saddened at reports that over 2,200 people have been killed, approximately 15,000 have been detained, over 1 million have been displaced by conflict and over 14 million people are in urgent need of humanitarian assistance. Those figures are listed in a statement but when you think about it, it is quite extraordinary that there are 14 million people in urgent need of humanitarian assistance. It is nearly three times the population of Ireland.

On whether Ireland will join the Rohingya genocide case at the International Court of Justice, Ireland is a firm supporter of the International Court of Justice. My Department monitors the cases before the court closely and the question of third party intervention in proceedings between states is kept under close review. I will come back and give the Deputy more detail on that if he wants, if there is time in the next round.

Deputy David Stanton: Does the Minister agree with Tom Andrews, UN special rapporteur on the situation of human rights in Myanmar, that what is happening to the Rohingya people is actually genocide? Will the Minister comment on the calls for a global arms embargo? Has he had any contact with states that may be supporting the military there to try to stop them from offering that support and from keeping this junta in place? Are there any Irish citizens in that country? What is their situation? Could they be at risk?

Deputy Simon Coveney: On the question of genocide, we are monitoring the cases before the international court. In this respect it is important to note that the prosecutor for the International Criminal Court is continuing to conduct a criminal investigation into alleged crimes within the court's jurisdictions committed against the Rohingya people. That investigation was authorised by the pretrial chamber of the court in November 2019. The prosecutor visited Bangladesh earlier this year and confirmed during that visit that his investigation would be a priority during his tenure. He has allocated additional resources to the investigative team, in particular with a view to accelerating the collection of analysis and evidence. We are very much supportive of that process and will support its conclusions in the context of the potential genocide that took place there.

On arms embargoes and pressure on the junta in Myanmar, perhaps the most effective way of putting pressure on that junta is through China. I have had conversations with my Chinese counterpart in relation to how China might be more proactive. It is one of the few countries that have the capacity to influence the junta there.

Ukraine War

9. **Deputy Brendan Griffin** asked the Minister for Foreign Affairs the up-to-date position in relation to the provision of military aid to Ukraine to assist its efforts in defeating the illegal Russian invasion; and if he will make a statement on the matter. [48901/22]

30. **Deputy Gary Gannon** asked the Minister for Foreign Affairs if he will report on his attendance at a recent European Union summit on military support for Ukraine; and if he will make a statement on the matter. [49072/22]

Deputy Brendan Griffin: What assistance are we providing militarily to Ukraine? What can we do? Are we doing the optimum that we can at this time?

Deputy Simon Coveney: I propose to take Questions Nos. 9 and 30 together.

Russia's appalling military aggression against Ukraine has highlighted more than ever the importance of European unity and solidarity in response to the challenges we face. I am in regular contact with my European Union counterparts, including through the Foreign Affairs Council. In this context, I attended informal meetings of EU foreign and defence ministers in Prague in August. During these meetings, EU member states agreed to launch work to define the parameters of a possible EU military Common Security and Defence Policy, CSDP, mission to provide training to Ukraine.

Ireland is supportive of the proposed mission, and sees the rationale in the EU co-ordinating bilateral training efforts that are already taking place and providing a platform to co-ordinate longer-term training in response to Ukrainian needs. Ireland is open to participation in the mission, but a decision on whether to do so will only be taken once work on the proposal has been finalised. The training mission will take place outside Ukraine in one or more EU member states, given the active conflict underway within Ukrainian territory.

The war on Ukraine has also seen the mobilisation of the European Peace Facility, EPF. To date, the European Union has agreed five tranches of support, amounting to €2.5 billion in military assistance for Ukraine under the EPF. The agreed support consists of €2.33 billion for lethal equipment and €170 million for non-lethal equipment, such as personal protective equipment, medical kits and fuel.

Ireland has contributed €55 million to those efforts, which is not a small amount of money. Every time €500 million is announced in a tranche, we contribute €11 million. We are playing our full part in monetary terms but we limit our financial contribution to the purchase of non-lethal equipment, such as protective equipment, helmets, fuel, winter uniforms, blankets and medical assistance - the things that soldiers need to sustain themselves. We have a very clear commitment in our programme for Government that we will support the EPF but not lethal weapons and equipment, which we do not have a lot of anyway compared with many countries.

We have also given some bilateral assistance where we shared quite a lot of military medical equipment and packs with the Ukrainian forces as well as some personal protection equipment, such as helmets.

Deputy Brendan Griffin: This is a watershed moment for European democracy. It is really important that countries like Ireland step up and make our assistance felt in Ukraine. I welcome the efforts that have been made to date. The value of the contribution that has been made is vitally important. I urge the Minister to continue those levels of assistance. I think we are into a crucial phase in this conflict. It is very important that the European Union gives its full support to the people of Ukraine who are trying to liberate their country from an illegal, highly aggressive and appalling invasion by Russia.

It is important that any military equipment that we have in this country that is nearing the end of its life should be relocated to other European neighbours to cover the displacement of aid that they are giving to Ukraine. Has that been considered?

Deputy Gary Gannon: I will begin by disagreeing with Deputy Griffin. I do not believe

we have any traditions of militarisation in this country, certainly in an overseas capacity and I do not believe that we want any. I think the Irish people's compassion, commitment and support for Ukraine and the people of Ukraine following the illegal and horrendous invasion by the Russian state is very clear. That is felt in every town, village and city in this country where we have extended our welcome. I also fully support the commitment to non-lethal aid to Ukraine but no more than that. There is a space for the Irish State and people in diplomacy and our role in the world as peacekeepers but we need to protect that. That is very important.

I believe there is a fear that there is increasing militarisation in Ireland. I have received correspondence about an arms fair that the Minister will speak at later. Will he take some of the time he has to respond to me to explain what the purpose of that is? Are the fears of people who have contacted my office to say that he should not be involved in that event legitimate?

Deputy Simon Coveney: I will put some numbers on the record to clarify the assistance on a bilateral basis that we have provided. Ireland has provided in-kind assistance of approximately 10 tonnes or 5,000 units of ready-to-eat meals as well as 200 units of body armour, which were shipped earlier this year from Defence Forces stock to Ukraine. Our focus has very much been on non-lethal equipment to help Ukrainian soldiers to defend themselves and feed themselves. That assistance has been positively received in Ukraine. There is an understanding of our principled position of not providing lethal weapons into conflict zones. For a start we do not have many of them but many other European countries are willing to fund that kind of equipment. We have a different role to play, even though we are playing our full part through the financial contribution but it is very much focused on the non-lethal side.

We have an industry in Ireland; it is not an arms industry. We do not export arms but we have companies that have developed capacity that can be used in military circumstances. I do not think there is anything wrong with that.

Deputy Gary Gannon: There is.

Deputy Simon Coveney: When our peacekeepers are in Mali, the Golan Heights, southern Lebanon or anywhere else in the world, I want them be well equipped. I want them to have modern equipment and software systems on their computers that keep them as safe as possible. I want to ensure the technology that is available internationally is also available for our people. That is not an arms industry. It is ensuring that Ireland has capacity and a transparent approach. When there are industries that we tap into and when there are technologies that we need to keep our people safe, we need to be open to looking at that.

An Leas-Cheann Comhairle: We are over time.

Deputy Simon Coveney: That is the space we are in. Ireland will never be an arms producer or an arms exporter.

An Leas-Cheann Comhairle: The Minister will have a chance to come back in.

Deputy Simon Coveney: I just wanted to be clear on that.

Deputy Brendan Griffin: I agree with the Minister's position. We need to ensure our peacekeeping forces internationally are given the best possible opportunity to do their jobs, remain safe and come back home to their families. That should be a priority for the Government. I welcome the recent increase in funding announced in the budget and that should be at the top

of the agenda.

We need to revisit the equipment that is sitting idle in this country. At a time western European democracy is being challenged so viciously and we have weaponry that is about to go out of date, that discussion needs to be had and the issue needs to be revisited. It is immoral for that weaponry to remain in warehouses in this country when there is a European democracy fighting for its very existence against a dictatorship led by a vicious evil leader. That is the reality of the situation in my eyes and that is a discussion we need to have again.

Deputy Gary Gannon: The greatest defence our peacekeepers have when they are overseas is that we have a reputation for humanitarian intervention. Our peacekeepers put themselves in harm's way to avoid conflict. We have an extraordinary tradition on that. Many of our peacekeepers have lost their lives in the name of peace. I fully agree that when our peacekeepers are overseas, they should be equipped with the best possible equipment. The Minister is speaking at an arms industry event later. Can he guarantee that those arms will simply be going to our peacekeepers overseas? Will they be used for other more nefarious, violent and aggressive purposes? If that is the case, I do not believe he should be speaking there.

Deputy Simon Coveney: In order for military forces to be effective, they need to have equipment. We are increasing our budgets, including our capital spend, on defence, which is about increasing capacity. Deputy Gannon and others in this Chamber will rightly ask me the hard questions on the capacity gaps we have in our Defence Forces today. To protect our sovereign territory and monitor essential infrastructure, we need to increase capacity and move to level of ambition 2, which is what the Commission on the Defence Forces has essentially asked the Government to do. To do that we need to have equipment and technology and there are industries that provide that. We need to have an open and transparent discussion on who they are, where they are and how we source product. Having conferences such as the one later today is nothing more than that. I do not accept the interpretation the Deputy is putting on it that an arms industry conference is happening in Dublin later today. Plenty of companies in Ireland are providing technology, know-how and research in the military space. There is nothing wrong with that. We need to ensure that Ireland has access to modern technology to ensure we can improve our capacity and respond to the kinds of threats and challenges that our military will face in the future.

I understand Deputy Griffin's sentiments. I assure him that we do not have large stocks sitting there. We have some stocks but they are pretty limited. I do not want to allow the impression to go from here that we have significant stocks of armaments that are going out of date while Ukrainian soldiers desperately need more ammunition that we could provide to them. We have pretty tight and limited stocks in that space. They are used for training purposes and for our operations at home and overseas. We do not have the large stocks that many other countries have.

An Leas-Cheann Comhairle: We do not have time for a full question but we have time to fit in one last question. Deputy Griffin is taking the question. I remind him that he will not have the full time.

Diplomatic Representation

10. **Deputy Jennifer Carroll MacNeill** asked the Minister for Foreign Affairs the contact that his Department has had with the Russian Embassy in Dublin since the outbreak of the war in Ukraine; and if he will make a statement on the matter. [48985/22]

Deputy Brendan Griffin: This question is on the position of the Russian ambassador. Many people ask me what the point is of having a Russian ambassador put there by a dictator who will effectively just do what he is told to do. There is an argument that he should have been expelled when Russia invaded Ukraine. What is the use, if any, of having the ambassador still *in situ*?

Deputy Simon Coveney: I answered this question earlier. It is useful to have a channel of communication that allows us to communicate in no uncertain terms what we think of Russia's position on Ukraine and its aggression and invasion of a sovereign neighbour. We called the Russian ambassador into the Department on 3 October to make it very clear that we will never support the referendum results across four regions of Ukraine. They were effectively sham referendums held at gunpoint by Russia. We also have Irish citizens in Russia and across neighbouring countries who are supported from our embassy in Moscow.

On a decision to expel the Russian ambassador, while I completely understand the sentiment, frustration and anger that Irish people have in the context of what Russia is currently doing, I believe having a channel of communication open is what diplomacy is all about, even with countries with which we may have a fundamental disagreement. It is noteworthy that no other country in the EU is expelling Russian ambassadors - even countries that border Russia and are more deeply impacted by this war than we are. International diplomacy matters even when a war is going on and when we have a fundamental disagreement with a country as we have with Russia now. Keeping channels of communication open makes sense. If we have a consular incident in Russia, Members will look to me to solve it and I will need channels of communication. I will need an embassy in Moscow that can respond to that. I believe it is worth keeping that diplomatic infrastructure in place, despite the very fundamental problem we have with Russia's aggression and illegal activity in Ukraine at present.

An Leas-Cheann Comhairle: We are over time. The Deputy has 30 seconds.

Deputy Brendan Griffin: My understanding is that Lithuania expelled its Russian ambassador in April. Perhaps I may-----

Deputy Simon Coveney: However, it kept the Russian Embassy open.

Deputy Brendan Griffin: It kept the embassy open but expelled the ambassador. Would that be an option for us? People ask me what the point is. Why have this guy who is effectively a puppet put in there to spout desperate propaganda? That infamous interview with Sarah McInerney will go down in history as one of the most insulting interviews that ever happened in Irish broadcasting.

Acting Chairman (Deputy Mattie McGrath): I call on the Minister to respond.

Deputy Brendan Griffin: What is the point? Is there a point at which it becomes-----

Acting Chairman (Deputy Mattie McGrath): We are over time.

Deputy Brendan Griffin: Is there a point at which there is greater benefit in expulsion?

Deputy Simon Coveney: I do not see where the benefit is, apart from perhaps getting some satisfaction out of it. Expelling the Russian ambassador would mean the Russian Embassy in Dublin would close, the Irish Embassy in Moscow would close and we would cut off all diplomatic channels between Ireland and Russia. Despite our frustration and the communication of protest that would give in the short term, while I understand the sentiment expressed, what it would do is cut off all diplomatic channels. People ask me what Ireland is doing to promote peace and to bring the conflict to an end. I believe that diplomatic channels are important, even in extreme and difficult circumstances like those we are currently experiencing, triggered by Russian aggression in Ukraine. As a result, I believe those diplomatic channels should remain open.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Naval Service

68. **Deputy Sorca Clarke** asked the Minister for Defence the engagement that he has had with military management and his Department regarding a report that five apprentice electrical artificers who upon completion of their block placement were offered permanent employment and their defence contracts were bought out by the company with whom they were on placement. [49359/22]

71. **Deputy Gary Gannon** asked the Minister for Defence the plans that are in place to increase retention of Naval Service recruits, following the departure of five electrical artificers to the private sector. [49400/22]

Deputy John Brady: What engagement has the Minister had with military management and the Department of Defence regarding a report that five apprentice electricians, who upon completion of their block placement, were offered permanent employment and their defence contracts were bought out by the company with whom they were on placement?

Minister for Defence (Deputy Simon Coveney): I propose to take Questions Nos. 68 and 71 together.

I am pleased to have an opportunity to put a number of points on the record. I assure the Deputies that I have ongoing engagement with civil and military management on all matters affecting the Defence Forces, including staffing matters. I attended the PDFORRA conference yesterday discussing some of these issues. The Government has previously acknowledged the recruitment and retention difficulties in the Naval Service, which present ongoing challenges. This is the case, in particular, for the specialist positions, as the current competitive jobs market is proving challenging for all sectors. The high standard of training provided by the Defence Forces makes its members ever more attractive to private sector employers. However, I am advised by the military authorities that the report referenced by the Deputies is not accurate. Three of the five artificers referred to are trainees who are in the process of discharge, and they did not comprise the entire class, as reported. The two other personnel were fully qualified personnel who have been discharged. There are currently 20 electrical artificer vacancies, with a training pipeline of 20 at various stages, including the three in the process of discharge.

In response to the challenges in the Naval Service, I approved a comprehensive Naval Service regeneration plan in 2021 which is being progressed and monitored by a high level civil-military team. The aim of the plan is to address issues, including human resource matters, facing the Naval Service. A number of the staffing measures in the plan have been implemented. Furthermore, a new recruitment campaign specifically targeting Naval Service recruits is being progressed.

The terms and conditions for the Naval Service entry scheme were revised in 2021 to increase the age limit of technicians and to provide for flexibility in respect of the starting point of the pay scale for marine engineering officers. This flexibility is also being progressed for certain other Naval Service specialists. Other specific retention measures include the seagoing Naval Service personnel tax credit, which has been extended into next year. In addition, having spoken to many in the Naval Service, the seagoing service commitment scheme has also been extended into next year and eligibility criteria for the scheme have been revised. The Naval Service also benefits from wider Defence Forces retention measures such as improvements in pay as a result of recent pay agreements and the extension of service limits for privates and corporals. Greater visibility on the wider benefits of membership of the Defence Forces also arises through the recently announced, and ongoing, Be More recruitment campaign.

That answer sounds a bit defensive. I know that we do have real issues in the Naval Service. Many Members have raised them with me. They are far from solved, but we are doing multiple things at the moment to try to turn the tide on that. It is going to take some time. We are investing heavily in Haulbowline and in new equipment. We have made decisions, as of yesterday, on the back of agreement with the Department of Public Expenditure and Reform to significantly increase the pay of people in their first few years of service. In effect, we are raising pay from a starting salary of €30,000 to just under €35,000. We must also take into account the full application of the Naval Service allowance, NSA, and the removal of the requirement to mark time for the first three years. A lot of things are happening, some of which I outlined at the PDFORRA conference yesterday. It is going to take us some time to get back to where we need to be in terms of recruitment and retention in the Naval Service but it is a big priority for me.

Deputy John Brady: I hear what the Minister said on the recruits. Three, as opposed to five, apprentices were training as electricians. They recently completed their block release with a multinational medical supplier, Stryker, in Cork. The company was impressed by the high standards of the training on which the apprentices had embarked, and they bought them out of their contracts at an estimated cost of €30,000. The Minister and I know that issues exist, and not just in regard to the Naval Service. Unfortunately, the loss of personnel continues to grow, despite some of the allowances and measures that have been introduced in recent years. Immediate action is needed. If the Minister looks at some of the statistics, since the illegal war in Ukraine another 100 members of the Naval Service have left, so immediate action is needed. He might outline some of the actions to which he alluded and state when they are going to be implemented.

Deputy Simon Coveney: Immediate action is needed. I am sorry. Does Deputy Gannon wish to speak?

Deputy Gary Gannon: That is no problem.

Deputy Brendan Howlin: Can we group priority questions?

Deputy Gary Gannon: We were told they were grouped.

Acting Chairman (Deputy Mattie McGrath): It appears they are grouped.

Deputy Simon Coveney: We can group priority questions.

Deputy Gary Gannon: It is all on the same issue. Such is the importance of the issue, we have both given it priority.

Deputy Brendan Howlin: Excellent.

Deputy Gary Gannon: The Minister indicated in his response that the reports were not completely accurate and that three apprentices had left as opposed to five. What is clear though is that this year alone 270 members of the Defence Forces have left, and there is a problem with retention. Much of that comes down to pay and conditions. I believe the Minister and the State are committed to changing that. We have spoken about the issue at length.

Deputy Brady mentioned that the private sector was impressed by the high standards of the Naval Service recruits. Is that any different from what we also see in the teaching or healthcare professions? Wherever the State steps in and trains people, we do a great job, but the issue is that we cannot retain staff because of the cost of housing, the cost of living and basic pay.

Yesterday, at a committee meeting, I asked the Minister to paint a picture of what Haulbowline would look like next year and the following year and the picture he painted was very positive. Could he take a bit of time now to outline that? The best recruitment we have is word of mouth, and I want there to be a future for the Naval Service and the Defence Forces.

Acting Chairman (Deputy Mattie McGrath): I thank the Deputy. For clarification, we can group priority questions, but a priority question cannot be grouped with an ordinary question.

Deputy Simon Coveney: I recognise that there is concern across the Chamber. If we are going to achieve what we need to achieve with the Defence Forces in the coming years, in simple terms, we have to take on 3,000 people in the Permanent Defence Forces and 3,000 people in the Reserve Defence Forces. That is a net increase of 6,000 people in six years. Looking at the numbers today, that looks like a huge mountain to climb.

That is why the Government is going to put significant resources into this. Only yesterday, I announced the result of an agreement following a lot of conversation and negotiation with the Department of Public Expenditure and Reform, which means three-star or able seamen who join the Defence Forces will now, because of their marked time requirements, be removed and because they will get the full NSA, their salary will increase by €5,000. The Deputies asked what we are doing in terms of immediate measures and that is one of them. We have also extended the qualification criteria for the seagoing scheme. Previously, members had to have been in the Naval Service for three years before they could qualify, and we have reduced that to one. A lot more people will qualify, which will increase their take-home pay significantly if they go to sea.

As for what we are doing on the ground in Haulbowline, which I know very well because I am there regularly and I live only a few minutes away, we have a capital spending programme that is worth more than €70 million of investment in Haulbowline alone over the next decade or less. We opened what is probably the most high-quality residential block last month, which

is a phenomenal piece of infrastructure. We have also opened a new jetty and we are going to open a gym.

Deputy John Brady: More than 270 personnel have left the Defence Forces this year alone, a threefold increase on the same period last year, and that is despite all the focus, the commitments and the rhetoric the Minister has been putting forward in the context of addressing all the issues and concerns within the Defence Forces. There has been a serious and concerning escalation in the number of members leaving the Defence Forces. I welcome the capital investment, but it is meaningless unless we have the crews and personnel to use it.

In the immediacy, the lack of personnel and the haemorrhaging thereof is putting this State and its security at grave risk and under serious threat. While the measures are welcome, we need to know exactly when the announcements the Minister has made on the floor, and the one he made yesterday in regard to the €5,000, are going to be implemented. That is what the Defence Forces need to hear.

Deputy Gary Gannon: That gets to the crux of the matter. The ambition of having 6,000 new recruits in a number of years is welcome, as is the vision the Minister painted of Haulbowline. The report of the Commission on the Defence Forces is comprehensive and has done a great deal of good work but we are at the point now where our Defence Forces are down to bare bones.

At 35 years of age, I have any number of friends who used to be in the Defence Forces because they have left and gone elsewhere. We need to create conditions in which people will want to stay in the Defence Forces and believe things will get better. There is work to be done by the State to present that picture and say things will get better, but also to make them get better as quickly as possible. I do not doubt for a moment the commitment the Minister has to this, but people just do not believe it because they have been mistreated in terms of pay and conditions for so long that morale in our Defence Forces is on its knees and there is a job to be done to build that up quickly before it gets to the point of no return.

Deputy Simon Coveney: We all have a role in that. We will spend €114 million more on defence next year than we will spend this year, with the combination of the pay agreement, assuming it is supported, and the €67 million on top of that, €35 million of which comprises additional capital. Not every party in the House proposed that kind of increase in expenditure. Sinn Féin, for example, in its alternative budget, proposed a €25 million in increase in defence, including a €10 million increase in capital. If Deputies are calling for something and putting me under pressure to deliver it, which is, of course, their job, it is important we are all consistent too. Defence needs significant investment if we are to get the results we expect.

It also needs structures to deliver on the potential of the commission report. We have 38 early actions, which we are moving forward, including interventions such as facilitating associate membership of ICTU, which all the Deputies asked me for, for the representative bodies in advance of the pay talks. That was useful and it has built some trust with the representative bodies. A range of other things are happening, including a suite of measures I announced yesterday at the PDFORRA conference.

One reason we have been under so much pressure this year relates to the fact Ireland is at full employment or close to it, which means there is an aggressive search for skills. We have great people in the Defence Forces who are skilled and well trained and the private sector is

looking to target them. We have to have a strong package to respond to that, which is good on pay, allowances and the other aspects on which the private sector cannot compete with us easily such as certainty, the work environment, adventure overseas and at home, healthcare cover, which I want to extend beyond officers to all ranks in the Defence Forces next year and, of course, certainty in policy for people who want to serve their country in uniform, which is very different from working for the private sector. We are at the start of a massive investment programme in defence, relative to any historical investment. In comparison with other countries, it is not massive, but from an Irish perspective, we are going to increase defence budgets significantly in the years ahead and the career opportunities that go with that will be significant.

Defence Forces

69. **Deputy Brendan Howlin** asked the Minister for Defence if the capital provision in budget 2023 is sufficient to meet the needs of the Defence Forces in 2023; if he will outline the way in which the funds will be provided in 2024 for accommodation improvements in barracks, new ships and aircraft and other needed equipment; if there is current funding provision for pay improvements for personnel beyond the terms of the new public service pay agreement to improve retention; and if he will make a statement on the matter. [49363/22]

Deputy Brendan Howlin: Building on the previous question and very much welcoming the additional capital provision provided for the Defence Forces next year, bringing the total capital pool to €176 million, what does the Minister expect to be delivered to the Defence Forces for that sum?

He touched on the pay element. Does the Government have sufficient money in next year's budget to do the two things it needs to do? It will have to honour the new pay agreement, but there are also the particular defence commitments to enhancing pay to hold on to recruitment and augment the numbers? There will be additional numbers and additional pay. Does it have sufficient money for that?

Deputy Simon Coveney: "Yes" is the straight answer to that question. In fact, we will have more money than we need for pay because we have a pay estimate on the basis of an establishment of 9,500, and we have negotiated in recent years that what we do not use on pay we can reallocate for other expenditure in defence. We have more than enough for pay.

As we increase our numbers, we will have to see other elements of the Estimate increase because we can no longer transfer money that has not been needed for pay into capital investment and so on, which is why the €35 million extra in capital this year is important. In fact, we will spend more than €35 million extra in capital next year because we will transfer some money that is unspent on pay, given our numbers are still well below the establishment. We are planning for a net increase of 400 next year. That is a big ask, but that is what we are planning for from both a military and a departmental perspective in supporting efforts at recruitment and retention.

For 2023, the total allocation for Vote 36 - defence, is €893 million, an overall increase of €57 million on 2022. The defence capital allocation has increased by €35 million to €176 million, a 25% increase on 2022 and the highest ever capital funding provided to the defence sector. The acquisition, modernisation and upgrade of Defence Forces equipment is managed through the equipment development plan, EDP, which provides a comprehensive list of planned

equipment projects to be progressed over a five-year period. Among the projects across land, sea and air platforms included in the EDP for progression in 2023 are the ongoing mid-life upgrade of the Army's fleet of Mowag Piranha III armoured personnel carriers, the acquisition of body armour and helmets along with a range of chemical, biological, radiological and nuclear suits, the acquisition of software to find radio, the development-----

Acting Chairman (Deputy Mattie McGrath): Go raibh maith agat.

Deputy Simon Coveney: There are just a couple left if the Acting Chairman could allow me to continue.

Acting Chairman (Deputy Mattie McGrath): We are over time.

Deputy Simon Coveney: Other projects include the development of a primary radar capability, the continuation of the mid-life extension programme works on *LÉ Niamh*, the acquisition of two inshore patrol vessels from the New Zealand Government to replace *LÉ Orla* and *LÉ Ciara* and the acquisition of two Airbus C295 maritime patrol aircraft. I will perhaps come back on that but that is the initial list.

Deputy Brendan Howlin: I very much welcome that. Some of those are very expensive projects, however, such as the two new CASA aeroplanes, the acquisition of the two New Zealand vessels and most of all, the primary radar system. They are each capable of gobbling up the bulk of the total capital allocation. Are we going to be seeing these acquisitions replicated for the next three years as an ongoing process to be paid for over a number of years? What will we get for our of €176 million on the capital side for next year? That is the nub of my question. What does the Minister think he will actually get?

Deputy Simon Coveney: As the Deputy will know having served as Minister in the Department of Public Expenditure and Reform, there are often a number of stage payments over a number of years for large military equipment like ships and aircraft and so on. These projects take years to come to full fruition in terms of the-----

Deputy Brendan Howlin: We could have built the Taj Mahal in the time it takes for the CASA aircraft.

Deputy Simon Coveney: Those of us who knows the pressures on the Air Corps at the moment know that we need new CASA aircraft. They are on the way, but they take time to build and deliver. They also take time to equip in terms of the technology we put on them now, which is just pretty impressive. We also, of course, have a building works programme across our barracks, some which I mentioned regarding Haulbowline. We have equipment such as primary radar ships, aircraft upgrades - Mowag armoured personnel carriers and so on - and then we have a capital investment programme in physical infrastructure. Members have repeatedly raised with me the issue of dereliction on some of our bases, in particular the Curragh Camp. We have a €276 million capital investment plan, some of which, of course, we will invest in next year.

Deputy Brendan Howlin: I thank the Minister for his answer. To focus on the pay again, He told us that he expects 400 net additional personnel to be in place by the end of next year. To what will that bring the complement of our Permanent Defence Forces? Second, the pay elements of the Commission on the Defence Forces report are outside the national pay agreement. What specifically has the Minister provided for next year to pay from that?

Deputy Simon Coveney: I am sorry; what was the Deputy's first question again?

Deputy Brendan Howlin: The first question was on the net numbers.

Deputy Simon Coveney: If we can add 400 net next year, that will bring the numbers back over 8,500, which is still 1,000 behind where we need to be. However, let us not throw our hands in the air here. We have got to start turning the tide.

Deputy Brendan Howlin: If we can get 400 net, it will be good.

Deputy Simon Coveney: We have seen losses each year now year after year. This year will be particularly challenging. As I said, we must turn the tide on this issue. We are doing a huge amount on pay, conditions, investment, certainty for the future, improving the culture within the Defence Forces and safety of the work environment so that we can, I hope, also attract many more women into the Defence Forces. We have an independent report on that. Therefore, a huge amount is happening in that regard. There is an extraordinary effort both within the Defence Forces and in the Department to turn this around-----

Deputy Brendan Howlin: How much of the additional budget is the Minister going to use to put money into defence?

Deputy Simon Coveney: -----and we will. In terms of the budget, if the pay agreement is agreed and signed off, that effectively means an extra €27 million in pay and approximately €20 million in pensions. That is, therefore, an extra €47 million to add to the €67 million, which gives a figure of approximately €114 million extra in the defence budget next year.

Defence Forces

70. **Deputy John Brady** asked the Minister for Defence if he will initiate the recording of hours worked by members of the Defence Forces; and if he will make a statement on the matter. [49411/22]

Deputy John Brady: Will the Minister initiate a proper and accurate process of recording the hours worked by members of the Defence Forces?

Deputy Simon Coveney: As the Deputy will be aware, the Defence Forces are currently excluded from the provisions of the Organisation of Working Time Act 1997, which transposed the EU working time directive into Irish law. However, the Government has committed to amending this Act to bring both the Defence Forces and An Garda Síochána within the scope of its provisions, where appropriate.

Significant work has been undertaken by military management, which has determined that a high percentage of the normal everyday work of the Defence Forces is in compliance with the working time directive. However, it has also been determined that some activities may require an exemption or a derogation due to their specific nature.

Extensive deliberations by my officials and military management on these important matters have been informed by the interpretation of recent European case law on military service as well as the fundamental requirement to ensure that rights are afforded to serving members, while ensuring the Defence Forces can continue to fulfil their essential State functions.

As the Deputy will agree, a robust time and attendance system is also an essential element in ensuring that the provisions of the working time directive are properly afforded to serving members of the Defence Forces and this is a priority. I am advised by the military authorities that a field study was conducted in July 2021 to determine the feasibility of utilising the existing personnel management system time and attendance module to record working time in the Defence Forces. A number of units across the Defence Forces were selected to participate in this study during which they were required to record working time over a four-week period. Among its objectives, the field study aimed to inform decisions regarding future implementation of the working time directive in the Defence Forces and to identify possible further developments of the personnel management system time and attendance module to facilitate implementation of the working time directive. The field study findings continue to be examined by the military authorities with a view to ensuring a capacity to efficiently record hours worked by members of the Defence Forces. In the meantime, my officials are engaging with military management on the possibility of applying an interim enhanced time recording measure, which was piloted in 2021, without prejudice to the outcome of the ongoing process in preparing for the implementation of the working time directive within the Defence Forces. The short answer to the Deputy's question is that work is being done on this and we recognise that more work has to be done.

Deputy John Brady: As the Minister will be aware, the working time directive is a major issue of concern for members of the Defence Forces and their representative bodies. It is an issue that has been consistently raised. The current shortages within the Defence Forces have put massive pressure on existing members who, in some instances, are double-jobbing and triple-jobbing. In some instances, this is also leading to mandatory selection for overseas duties. It is putting members under serious pressure.

The Minister stated that a field study was conducted in 2021, which I welcome. Will the findings of that study be made public and have they been shared with the representative bodies of members of the Defence Forces? It is an issue of serious concern and probably the fundamental issue when it comes to pay and retention within the Defence Forces. It needs to be addressed in full.

Deputy Simon Coveney: We are now, I hope, at the closing stages of finalising how we will implement the working time directive within the Defence Forces and the amending changes we have to make to the Act to reflect that. A subcommittee of the defence conciliation and arbitration council, comprised of the representative associations and military and civil management, was established to discuss matters relating to the implementation of the working time directive, where appropriate. It is having meetings now to try to conclude how we get this balance right between, on one hand, applying the working time directive, where appropriate, while, at the same time, ensuring the Defence Forces can operate efficiently as military whether it is at the Golan Heights or on the deck of a naval ship patrolling the west coast. I hope we can agree a consensus on what exceptions or derogations need to be made to the working time directive for military service, in certain circumstances, and also apply the directive to all other areas where derogations are not justified. What I want and hope to get from the subcommittee, that is, senior management in the Defence Forces, my own Department and representative bodies, is a series of recommendations on which I can sign off in the not too distant future in order that we can get on with amending the legislation and ensuring the working time directive applies, as appropriate, to the Defence Forces.

11 o'clock

Part of that, as the Deputy knows, will be the ability to measure working time within the Defence Forces and I recognise that we have to have a credible system to do that. We will put a credible system in place and I am happy to work with the representative bodies to make sure they are happy with that as well.

Deputy John Brady: I ask again about the field study that was carried out. Could the findings be made public? I would be interested in seeing them and I have no reason to doubt that the study will bear out the information members of the Defence Forces have given and that in many circumstances they are working 60 or 70 hours per week. At a meeting of the joint committee the other day, the Minister spoke about derogations and exemptions from the working time directive and he has touched on that again this morning. He stated at the committee that the representative bodies were fully supportive of the need for those exemptions and derogations. While he talks about the sub-committee, I want to talk about the consultations with the representative bodies proper with regard to those exemptions. Is the Minister saying they are fully supportive of the need for derogations and exemptions? I ask for specifics on what exemptions are being looked at.

Deputy Simon Coveney: They have not been agreed yet, so the representative bodies cannot be fully supportive of something that has not been agreed yet.

Deputy John Brady: That is what the Minister said in the committee.

Deputy Simon Coveney: That is why we have a sub-committee in place. We have asked the senior management - the Chief of Staff and his team - to make recommendations on what they see as necessary in terms of exemptions and derogations from the working time directive to allow the military to function in certain circumstances. We have an ongoing process of consulting the representatives associations, which I suspect will have different perspectives on where those derogations should and should not be applied. We do not have agreement on that yet, which is why we have a process in place to try to find agreement. I have spoken to PDFORRA and the Representative Association of Commissioned Officers, RACO, about this and they understand the structure within which we are trying to work. Ultimately, I will have to make a final decision. I hope we will be able to reach a consensus between management, the Department and the representative bodies on how the working time directive will apply. If we cannot get agreement, I will have to make decisions and we will move ahead on the basis of those decisions. There is a process under way that needs to conclude first. I will get recommendations on the back of that and we will take the matter from there.

Question No. 71 taken with Question No. 68.

Maritime Jurisdiction

72. **Deputy John Brady** asked the Minister for Defence if he will outline the concerns he has, if any, in relation to whether Ireland has the capacity to ensure that undersea data cables passing through Irish waters are secure; and if he will make a statement on the matter. [49412/22]

Deputy John Brady: What, if any, concerns does the Minister have about Ireland's vulnerability with regard to data cables that pass through Irish waters? Given the difficulties with retention of members of the Naval Service, which we discussed, are those vulnerabilities of serious concern to Government?

Deputy Simon Coveney: The Naval Service, as the State's principal sea-going agency, is tasked with a variety of defence and other roles. While the main daily task of the Naval Service is to provide a fishery protection service in accordance with our obligations as an EU member state, it also carries out a number of other non-fishery related tasks in tandem with maritime surveillance. The Air Corps maritime patrol squadron also supports this role, providing aerial assistance to the Naval Service in patrolling the Irish exclusive economic zone, using the two CASA CN 235 maritime patrol aircraft which are equipped with state-of-the-art surveillance and communications equipment.

Following an extraordinary EU energy council meeting, which took place last week to discuss the EU's energy security in response to the attacks on Nord Stream 1 and 2, the Minister for the Environment, Climate and Communications sought support from my Department in relation to additional measures that could be put in place by the Defence Forces to ensure that critical offshore infrastructure, including data cables, is protected. My officials and the Defence Forces have been engaged with the Department of the Environment, Climate and Communications, and while the Defence Forces have limited subsea capabilities, particularly in this specialist area, additional patrols and targeted surveillance of offshore infrastructure, including data cables, are being examined.

On the future development of subsea capabilities, the Commission on the Defence Forces report considers that the step up to level of ambition 2, LOA 2, should seek to deliver enhancement of subsurface capabilities to monitor subsea cables. The report states that to achieve this would mean the naval fleet should have enhanced air, surface and subsurface search capabilities, with the latter allowing the Naval Service to monitor activity in the vicinity of subsea cables. In order to achieve these desired capability effects associated with a move to LOA 2, specific recommendations made by the commission were accepted in principle by the Government when it published its high-level action plan.

We have also had meetings, not just between the two Departments but also involving Gas Networks Ireland and EirGrid. EirGrid already has a private company providing surveillance and monitoring capability for its undersea network and cables via global positioning system, GPS, tracking. There are some systems in place and we will increase patrolling, both by the Air Corps and the Naval Service, to improve that. We will continue to consult the Department of the Environment, Climate and Communications on the matter.

Deputy John Brady: The recent attack on the Nord Stream pipeline has clearly shown the vulnerabilities of strategically important cables that run through Irish waters. Some three quarters of all cables in the northern hemisphere pass through Irish waters and 97% of global communications, including business operations, financial transactions and Internet traffic, are carried through these cables. They are critically important and it has been suggested that we are the Achilles' heel in the security of these critical data cables. I hear what the Minister is saying about our current position when it comes to providing security. I would say it is wholly inadequate, particularly when we are unable to put our ships to sea due to the current understaffing. Our ships are also currently unable to see what is happening below the surface of the water. If we get to LOA 2, we will have greatly enhanced capabilities to deliver our security needs but there is a deficit at present. What immediate actions are being taken? Are we in discussions with any other EU countries to provide the security that is needed? It is not a case of handing this over to the private sector, as was suggested. We have a serious obligation.

Deputy Simon Coveney: I did not suggest anything was handed over to the private sec-

tor; I just gave the Deputy a statement of fact on what EirGrid is doing. One of the reasons we established the Commission on the Defence Forces in the first place was that I and others in Government felt there were capacity issues that needed to be addressed. That is why we have committed to spending significantly increased amounts of money next year and in the years thereafter, right up until 2028, to get to LOA 2 and beyond. Part of reaching LOA 2 will give us more subsea capability but we will not get there if we are spending an extra €10 million on capital investment, which is what the Deputy was suggesting for the recent budget. Let us have an honest conversation; we need to spend a lot more money on defence equipment. That was not a jab at the Deputy by the way because we are all trying to get to the same place. Regardless of who is in government up to 2028, we need to make sure we have a consistent policy on increased investment in our Defence Forces in order that we have more capabilities and a greater capacity to do more in spaces like this and elsewhere. We will have a huge amount of offshore wind infrastructure that we will also have to protect over the next decade. The Naval Service and the Air Corps need significant investment and they will get it.

Deputy John Brady: I fully support level of ambition 2 and increasing the capacity of the navy and its ability to put ships to sea, which is something that is currently tying our hands in providing the security that is needed for these essential data cables. There is a serious anomaly in that the responsibility in legislation falls to An Garda Síochána to provide security for such cables. There is a significant anomaly there given the Garda has no ability whatsoever to go to sea and provide security in circumstances such as this. Will the legislation be changed to ensure the necessary and appropriate body, which is the Defence Forces in this case, will take sole responsibility for the provision of security for these essential data cables?

Deputy Simon Coveney: There is ongoing work between An Garda Síochána and the Defence Forces to ensure that when the latter need to provide an aid to civil power or support for the Garda, it happens in as seamless a way as we can make it. Ireland needs to look at its broader defence and security policy, including the relationship between An Garda Síochána and the Defence Forces, whether in regard to intelligence or broader security challenges like this one. That is something the Government is considering at the moment.

Ceisteanna Eile - Other Questions

Departmental Budgets

73. **Deputy Jennifer Carroll MacNeill** asked the Minister for Defence the way in which the extra €67 million budget allocation will be spent in 2023; and if he will make a statement on the matter. [48988/22]

88. **Deputy Neale Richmond** asked the Minister for Defence the funding provided for the Defence Forces in budget 2023; and if he will make a statement on the matter. [48885/22]

Deputy Brendan Griffin: I welcome the increased allocation for the Department of Defence that was announced in the budget. Will the Minister outline how that increased funding, which is very welcome, will be spent in 2023?

Deputy Simon Coveney: I propose to take Questions Nos. 73 and 88 together.

For 2023, the total allocation for the Defence group is €1.174 billion, comprising €893 million for Vote 36, Defence, and €281 million for Vote 35, Army pensions. This is an overall increase of €67 million on 2022 and double the increase last year. The allocation reflects the commitment of the Government to providing a financial platform for the defence sector to initiate the transformation of the Defence Forces, as recommended by the Commission on the Defence Forces. It also brings our defence capabilities closer to European norms and ensures the Defence Forces maintain their ongoing capacity to deliver on all roles assigned by the Government, both at home and overseas.

The Commission on the Defence Forces reinforced the urgent requirement for significant capital investment on defensive equipment programmes and upgrading and modernising the Defence Forces' built infrastructure. The capital allocation has increased by €35 million for next year to €176 million, which is a 25% increase in one year. This allocation represents the single biggest annual capital investment ever provided for defence. Many of the military equipment projects are complex, multi-annual and have long lead-in times. The additional funding now provided will further enable the Department and the Defence Forces to plan, prioritise and deliver on scheduled projects over the coming years. In particular, it allows my Department to progress its consideration of the development of a primary radar capability and the procurement of additional force protection equipment. A significant number of building projects will also advance under the Defence Forces built infrastructure programme, which will modernise and upgrade defence built infrastructure over the coming months. I referred to the capital investment plan of more than €70 million over the next few years for Haulbowline naval base, which is part of that.

The allocation for current expenditure in the Defence Vote has increased by €22 million to €717 million, made up of up €175 million to meet standing and operational costs and €542 million for the ongoing pay and allowances of the Defence Forces, civilian employees and departmental civil servants, including the costs associated with the existing Building Momentum pay deal. The allocation includes funding to facilitate further recruitment to the Permanent Defence Force, in line with the recommendations of the commission. Funding is also provided to facilitate implementation of a number of key recommendations of the commission, such as specific enhancements to pay and allowances and the recruitment of a head of transformation and head of strategic HR in the Defence Forces, as outlined in the high-level action plan.

The allocation for Vote 35, Army pensions, has increased by €10 million to €281 million and will meet the pensions costs for more than 13,000 ex-members of the Defence Forces and their dependants.

The €67 million increase in the allocation does not fully describe the increases in defence spending next year. If, as expected, the new pay deal is accepted by unions, it will mean another €47 million on top of the €67 million spent on defence next year. That will give an increase in the overall spend on defence of approximately €114 million in one year, which is more than a 10% increase. By any standards, people would have to accept this as a very significant signal of intent that the Government is serious about implementing the commission's recommendations and, I hope, continuing to increase defence budgets year on year right up to 2028.

Deputy Brendan Griffin: I congratulate the Minister on achieving such an important increase in the budget, which it is not easy to do. I hope it is a precedent for further investment in years to come. There is a huge amount of catching up to be done and this level of investment needs to be repeated and accelerated next year and in the years after that. The investment in

capital spending is important and long overdue and it must be sustained and further increased. I hope the pay agreement will be completed. I know from speaking to members of the Defence Forces that many are keen to see it concluded and feel it is long overdue.

Will any of the investment we are going to see focus on international co-operation, particularly in regard to protecting our territorial waters?

Deputy Neale Richmond: I welcome the increase in spending. Will the Minister delve a bit more into the capital spend on built infrastructure? In replies to questions prior to the budget, he highlighted a number of issues, including Haulbowline, which he mentioned today, but also, for example, physical training preparation. Second, will there be much or any capital spending on accommodation for members of the Defence Forces, either by way of upgrade or construction of new on-base accommodation?

Deputy Simon Coveney: I will answer Deputy Richmond's second question first. Work being undertaken includes the provision of a new cadet school in the Curragh Camp, the development of the university students administrative complement, USAC, student facility in Galway, the development of a new military medical facility and other facilities to improve Casement Aerodrome, accommodation upgrades in multiple locations throughout the country, such as at Collins and McKee Barracks and at the naval base in Haulbowline. This year, I opened new, modern gym facilities at the barracks in both Limerick and Kilkenny. That is just a flavour of the capital infrastructure investment we are undertaking.

As I said earlier regarding the challenges around recruitment and retention in the Naval Service, we have a capital investment programme that is worth more than €70 million for Haulbowline alone. We opened a refurbished accommodation building of a really high standard there last month, as well as a new jetty facility that has significantly improved the capacity of the naval base. Work will start on two more buildings in the first quarter of next year to upgrade office accommodation and other forms of accommodation in Haulbowline. We are also starting to plan for a new gymnasium there. We know there is a lot of physical infrastructure that needs to be upgraded. I have talked about Haulbowline but I could say the same about the Curragh and many other key barracks around the country.

Regarding funding certainty, the whole point of the commission's report was to set a horizon in the future, set targets as to where we need to be by then and give funding certainty in terms of what is needed to get us there. That is the advantage of having the commission report. We have agreement by way of a Government decision that by 2028, we will have the equivalent spend on defence and military equipment of €1.5 billion in January 2022 value. In other words, it will have to be linked to military inflation. In my view, by 2028 that will mean a figure close to €2 billion in defence spending, which effectively means increasing it from €1.1 billion to close to €2 billion over a six-year period. That is the kind of certainty the Department of Defence needs and the Defence Forces and their Chief of Staff need in order to be able to plan for an investment programme in subsea capacity and primary radar capacity, to get a multirole vessel into our naval fleet, which will be the largest ever ship we have had in our fleet when it is delivered, and to get new CASA aircraft in the sky, new Mowag Piranha III armoured personnel carriers and whatever else we decide to do. Defence has never had that kind of funding certainty before, but we have it now.

Deputy Brendan Griffin: It is vitally important that there is a goal, a target and a roadmap. Again, I congratulate the Minister on his achievement in the budget. That has to be met in fu-

ture years, whichever parties are in government, because there is a lot of catching up to be done. I welcome the Minister's clarification in relation to the index-linking of expenditure. I have a question coming up shortly on the undersea issue. It is a pressing matter not just in terms of our own security, but the security of the entire Continent. That will have to be prioritised as well.

Deputy Simon Coveney: There will always be incidents that test our systems and capacity. Last year, we were talking about our experience of getting people out of Kabul. People were rightly raising the question of whether we have a medium-range lift capacity in our Defence Forces which would enable them to take people out of a part of the world where we need to get people out quickly, and what we are doing about that. Now we are being asked what our capacity is in terms of monitoring subsea cables, and what we are doing about that. We will also have questions around our capacity in peacekeeping missions in different parts of the world if we are going to move to chapter VII rather than chapter VI missions, which the UN will certainly ask of us, and what we are doing about that in terms of equipment and training. We need to see this as a challenge that we can only respond to over a number of years. That means investing more in defence and being unapologetic and transparent about what that means, rather than pretending that somehow a neutral country does not have to invest in defence or that if there is a conference on technology and military equipment taking place in Ireland, all of a sudden it is somehow some kind of arms conference. It is not. It is about Ireland having a conversation about how we apply the technology and equipment that we need to be able to do all these things in terms of the investment programmes that we have for the Irish Defence Forces in order that they can do their job efficiently in the future.

Departmental Funding

74. **Deputy Jim O'Callaghan** asked the Minister for Defence the projects to be financed by the increased defence capital allocation announced in budget 2023; and if he will make a statement on the matter. [48994/22]

90. **Deputy Sorca Clarke** asked the Minister for Defence in view of the increase in capital funding of €35 million in budget 2023, his plans for national security investment under his remit. [49010/22]

Deputy Jim O'Callaghan: The budget last week was a very good one, from the Minister's Department's point of view. I commend the Minister and the Government on increasing funding for the Department. As has been mentioned previously by both Deputies Richmond and Griffin, one of the most positive aspects of that was the increase in capital funding by €35 million, bringing the total capital fund up to €176 million. Noting what the Minister stated in his previous answer, what does he regard to a priority when it comes to investment in capital projects? Although it is a large amount of money, equipment and other things cost vast amounts as well, so we have to choose.

Deputy Simon Coveney: I propose to take Questions Nos. 74 and 90 together.

For 2023, the total allocation for Vote 36 – defence is €893 million, which is an overall increase of €57 million on 2022, doubling the increase for defence from last year. As the Deputy said, the defence capital allocation has increased by €35 million, up to €176 million. In truth, we will spend more than €176 million on capital next year because we will have that €35 million increase and we will also have some unspent moneys in the area of pay which, in

all likelihood, will be transferred into capital investment as well. For what it is worth, I expect we will be well above €180 million of capital investment next year. The figure of €176 million represents a 25% increase on 2022. Defence capital investment delivers a significant return in terms of the wider societal impact and reassurance it contributes to overarching national security frameworks.

Among the projects across land, sea and air platforms included in the EDP for progression for next year are the ongoing midlife upgrade of the Army's fleet of Mowag Piranha III armoured personnel carriers; the acquisition of body armour and helmets, along with a range of chemical biological, radiological and nuclear suits; the acquisition of software-defined radio; the development of a primary radar capability, which many people in the House have asked me about, and with which we are moving ahead next year; the continuation of the midlife extension programme works on *LÉ Niamh*; and the acquisition of two inshore patrol vessels from the New Zealand Government to replace *LÉ Orla* and *LÉ Ciara*. One of the attractive elements of these highly efficient and modern vessels is that they require much smaller crews of around 35 rather than 50. We also intend to acquire two Airbus C295 maritime patrol aircraft. There is investment in the Army, Air Corps and Naval Service and a big investment in primary radar capacity. That is the straight answer to the Deputy's question on prioritisation.

Deputy Jim O'Callaghan: I thank the Minister for his answer. I am pleased to hear that there is to be significant investment in capital projects for the Naval Service. As the Minister is aware and as commentary has indicated, it has always been viewed a bit as the Cinderella of the Defence Forces. I like the fact that the Minister may be coming as the Prince Charming to give more money to the Naval Service.

As other Deputies, including Deputy Brady, mentioned, we cannot ignore what happened with the Nord Stream pipelines in the recent past. It is a matter of extreme concern that it appears to be the case that there may be malice behind the damage that was done to the Nord Stream pipeline. If that is going to be a development or practice in international disputes, we need to have a look to see what we can do to ensure we protect our cables and pipelines. That will mean significant investment in the Naval Service. We also need to recognise the jurisdiction in the sea for which Ireland is responsible is about 12 times our landmass. It is no easy task for the Naval Service to be able to do that. What type of equipment will assist the service in policing that large sea area?

Deputy Simon Coveney: What I did not mention previously in terms of capital investment next year was the actual physical build investment in the Defence Forces training camp at the Curragh, the development of a student facility in Galway, along with facilities improvements and accommodation upgrades in multiple different barracks locations. I should mention that.

What happened with Nord Stream 1 and Nord Stream 2 is still under investigation. Clearly, those two pipelines have been the source of a lot of political focus in the months since the war began. What we have seen was clearly deliberate sabotage of both pipelines and, from what we can see, it was done by a state actor because we do not believe that a non-state actor would have the capacity to do it. That is worrying. We do not have the full details of that and we probably will not have them for another while. We should not necessarily jump to the conclusion that every piece of cable and pipeline infrastructure in the EU and on the Continent of Europe is at risk. However, we need to be aware of that concern. That is why my Department and the Department of the Environment, Climate and Communications have had discussions with each other and with Gas Networks Ireland and EirGrid in relation to that infrastructure and how we

may be able to respond to increased security concerns or risks linked to that.

Deputy Jim O’Callaghan: The Minister is echoing the point, in many respects, that was made by the Commission on the Defence Forces in its recent report. It noted that the Naval Service currently does not have the capabilities required to closely monitor activity below the waves. Obviously, that report came out before what appears to have been a malicious attack on the Nord Stream pipelines. We need to be vigilant and prepared because attacks on cables coming across the Atlantic would have a significant impact not only on the defence of the country but also on our ability to provide services for the large number of commercial activities that operate in this country.

It is going to be difficult to keep up with the demands involved in defending the seas. When it comes to the allocation of capital resources, the Minister should continue to do what he is doing, which is to try to prioritise the Naval Service to ensure our waters are protected in the same way we must protect our landmass.

Deputy Simon Coveney: I am absolutely committed to that. We have a very large sea area at surface level and below, which, as the Deputy said, is more than ten times the size of our land surface. I suspect we are going to build offshore infrastructure worth tens if not hundreds of billions of euro not only to power Ireland but also to power other countries in Europe in the future. We are about to embark on an enormous offshore energy build programme, which, of course, will be an infrastructure we have to ensure is secure and protected in the context of our sovereignty. There is going to be an increasing role for our Naval Service and Air Corps in that regard. There will also, to a certain extent, be a role for the Army. That means a consistent capital programme to invest in new equipment, new technology and more people, which, in turn, means a lot more money. We must get our heads around the fact that every year for the next decade we need to be looking at the kind of increases in defence budget that we have seen this year, or more again. An extra €100 million or more every year is more than justified and required to build up the kind of capacity that the commission has been clear is justified and needed.

Message from Select Committee

Acting Chairman (Deputy Cormac Devlin): The Select Committee on Justice has completed its detailed scrutiny of the Ban on Sex for Rent Bill 2022 and, in accordance with Standing Order 178, has recommended that for the reasons outlined in its report, the Bill should not proceed to Committee Stage.

Ceisteanna Eile (Atógáil) - Other Questions (Resumed)

Defence Forces

75. **Deputy Bernard J. Durkan** asked the Minister for Defence the anticipated future role of the Defence Forces, Army, Naval Service and Air Corps in future national and-or European defence measures; and if he will make a statement on the matter. [48882/22]

Deputy Bernard J. Durkan: I am supportive of the various announcements to which the Minister has referred. I have raised these issues at every Question Time for the past 25 years or more. I am seeking to ascertain the changing role for the Defence Forces in this country, in either the European or national context.

Minister for Defence(Deputy Simon Coveney): The White Paper on Defence, which was approved by the Government in July 2015, resulted from a comprehensive examination of defence requirements. It provides the defence policy framework for the period up to 2025. This policy framework is designed to be flexible and responsive given the dynamic nature of the security environment and enables the defence organisation to be adaptive to changing circumstances and to use resources as efficiently as possible. Within this context, the White Paper contains the Government's decision to put in place a fixed cycle of defence reviews. The first such review, the White Paper update, was completed in 2019. While the update acknowledged challenges in certain areas, it affirmed the fundamentals of our approach to defence policy that were set out when the White Paper was approved in 2015. The next step in the fixed cycle review process is a strategic defence review.

The establishment of a Commission on the Defence Forces was set out in the programme for Government and was a key priority for me. In July, the Government approved funding increases to reach a defence budget of €1.5 billion by 2028 at January 2022 prices, and a high-level action plan for the report of the Commission on the Defence Forces. One of the early actions identified in the high-level action plan is the commencement of a strategic defence review. Officials in my Department are working with the military authorities with a view to progressing this action.

The Deputy is asking about the international environment for defence and security, which has changed fundamentally in the past eight or nine months. We need to be responding to that, as every country needs to be, and we are. We are fortunate to have had a commission which had done an awful lot of the ground work for us and made independent recommendations to the Government about the level of funding we need and the level of capacity investment that will be needed in the coming six years. I am determined that we will not only meet those targets but surpass them. By 2028, the debate on defence in Ireland needs to have moved on. We need to see future governments confident in making a decision to move well beyond level of ambition 2 in terms of our capacity in order for us to be a credible international actor as a non-militarily aligned country that has the capacity to deal with its own sovereignty protection issues and can also be a proactive peacekeeper in parts of the world that are experiencing challenging environments, particularly through Chapter VII missions. That will require a significant increase in capacity, investment and equipment in the coming five or six years.

Deputy Bernard J. Durkan: The Minister exactly anticipated my supplementary question. There is not very much time left and the time between now and 2026, 2027 or later must be used carefully. It must be used to prioritise all of the issues within the Defence Forces that need to be upgraded and updated in order to meet any challenges in the future. I welcome the commitment the Minister has already made. Will it be sufficient on the basis of that commitment to realise the targets within a shorter timeframe than the one mentioned by the Minister? Would it be possible to allay any fears we might have in respect of any insufficiencies that might have existed previously?

Deputy Simon Coveney: The biggest challenge we have is in personnel. At the moment, the numbers in our Defence Forces are a long way short of where we need to be. That is the

case not only in the Naval Service but also in the Army and the Air Corps. We must turn the tide to start gaining momentum and achieving a sense that we are adding people each year, as a net figure. As I said earlier, if we are to achieve the targets that have been set for us by the commission, we need to add at least 3,000 people to the Permanent Defence Force in the next six years. We also need to add approximately 3,000 people to the Reserve Defence Force in that period. That is an extra 6,000 people in the defence family, between Permanent and Reserve Defence Force personnel, in six years. That will not be easy to achieve, given the fact that we have been losing numbers in both forces for quite a long time.

What I can say in responding to that challenge is that there is an extraordinary level of partnership between the Defence Forces and the Department at a very senior level, the likes of which I have not seen before. The relationship between the Chief of Staff and the Secretary General is very strong. They are both absolutely determined to make, in some cases, radical changes, if necessary, to be able to move our numbers in the right direction. We made some decisions yesterday, having got approval from the Department of Public Expenditure and Reform, that can help in that regard. People who join the Defence Forces now, once they are beyond their first six months' training, will be on a salary of just under €35,000 per year, as opposed to the €30,000 salary they would have been on until now. That is a result of the changes we have made to access to a military service allowance. Recruits no longer have to do other things, such as mark time, as it is called in military speak, for their first three years. We are doing things immediately to try to turn the tide. The biggest challenge we have is not me getting more money at budget time, which is important and needs to happen, or going through the tendering system to get big, modern and necessary equipment into our Defence Forces; the biggest challenge we have is the human challenge to persuade the right kinds of people in sufficient numbers to join the Defence Forces and stay in their roles thereafter.

Deputy Bernard J. Durkan: Is the Minister satisfied of the Government's ability to address the retention and enlargement issues in the Defence Forces? That enlargement of the Defence Forces needs to take place to achieve many of the targets for the future that have been laid out. Have the particular and specific issues that have been retarding the retention of people, or the attraction of new people, been identified within the Defence Forces? Is it possible, within the time and targets available, to address that in full and maybe exceed the targets?

Deputy Simon Coveney: We are not yet where we need to be as regards planning, but we are working on that. The Chief of Staff, the Secretary General and I had a long trilateral meeting at the PDFORRA conference yesterday during which we talked predominantly about recruitment and retention, and what needs to be done in the short and medium term to turn around numbers that have been moving in the wrong direction for far too long. It is not easy to do that. For what is worth, I will put on the record that trying to attract people into the Defence Forces is a challenge that virtually every country in the developed world has. That is especially the case for countries that have full employment, as we have, where there are private sector incentives to try to encourage skilled people and specialists, in particular, out of the Defence Forces into different jobs and so on.

This is not an easy challenge but we will put in a lot of financial resources and bring in outside expertise. By the end of this year, we will have a new head of transformation and a new head of HR in the Defence Forces, both civilians, in addition to a new head of gender. They will be senior people reporting directly to the Chief of Staff, bringing outside expertise and knowledge, and working with the Chief of Staff and his team on the general staff, to try to bring about the kind of radical change that is needed to turn these figures around. Of course, the De-

partment is very much part of that conversation, as I hope are the representative bodies, which recognise that we all need to pull in the same direction to make this happen. I am satisfied that we can achieve this but it will take a significant effort and will cost us a lot of money, which the Government has committed to.

Energy Infrastructure

76. **Deputy Brendan Griffin** asked the Minister for Defence if he is confident that Ireland's submarine cables are safe and protected in Irish waters; and if he will make a statement on the matter. [48903/22]

105. **Deputy Aindrias Moynihan** asked the Minister for Defence the measures that are being taken to ensure increased patrols and monitoring off the south coast of Ireland to safeguard the communications cabling in Irish waters; and if he will make a statement on the matter. [48981/22]

110. **Deputy Cathal Crowe** asked the Minister for Defence if a security analysis has been undertaken by the Naval Service in respect of strategic undersea pipelines and cables serving Ireland with fuels and communication lines; and if he will make a statement on the matter. [48806/22]

Deputy Brendan Griffin: This matter is further to the earlier conversation regarding the exposure of our submarine cables. What are we doing to protect those cables in light of what occurred in the Baltic Sea recently with the Nord Stream undersea gas pipeline? What level of international co-operation is Ireland involved in when it comes to protecting these submarine cables?

Deputy Simon Coveney: I propose to take Questions Nos. 76, 105 and 110 together.

As I stated when answering Question No. 72, the Naval Service, as the State's principal sea-going agency, is tasked with a variety of defence and other roles. While the main daily tasking of the Naval Service is to provide a fishery protection service in accordance with our obligations as an EU member state, it also carries out a number of other non-fisheries related tasks in tandem with maritime surveillance. The Air Corps maritime patrol squadron also supports this role by providing aerial assistance to the Naval Service in patrolling the Irish exclusive economic zone using the two CASA CN 235 maritime patrol aircraft, which are due to be replaced in 2023 with the expected delivery of two new C295 maritime patrol aircraft.

Following an extraordinary EU Energy Council meeting that took place last week to discuss the EU's energy security in response to the attacks on Nord Stream 1 and 2, the Minister for the Environment, Climate and Communications sought support from my Department for additional measures that could be put in place by the Defence Forces to ensure that critical offshore infrastructure, including data cables, is protected. My officials and the Defence Forces have been engaging with the Department of the Environment, Climate and Communications and while the Defence Forces have limited subsea capabilities, particularly in this specialist area, additional patrols and targeted surveillance of offshore infrastructure, including data cables, are being examined.

On the future development of subsea capabilities, the Commission on the Defence Forces

report considered that a step-up to level of ambition 2 should seek to deliver enhancements of subsurface capabilities to monitor subsea cables, which the report specifically mentioned. The report states that to achieve this would mean the naval fleet should have enhanced air, surface and subsurface search capabilities, with the latter allowing the Naval Service to monitor activity in the vicinity of subsea cables. In order to achieve these desired capability effects associated with a move to level of ambition 2, specific recommendations made by the commission were accepted in principle by the Government when it published its high-level action plan.

We have a medium-term plan to invest in equipment that can increase our capacity in this space. In the meantime, I expect we will increase patrolling and surveillance by the Naval Service and the Air Corps in the areas concerned. We will continue to speak to the Department of the Environment, Climate and Communications, as well as the owners of the infrastructure, whether that is EirGrid or Gas Networks Ireland. It is important to say that, outside of the cables, all other gas pipeline infrastructure is embedded in concrete under the seabed so it is quite well protected in the first place, but this matter is clearly of concern because of what happened to Nord Stream 1 and 2, which has been a controversial pipeline since the start of the war. However, I do not think the risk levels to our cables and pipelines are anything like those relating to Nord Stream 1 and 2. Having said that, we cannot ignore this risk and we will continue to work with our colleagues in the Department of the Environment, Climate and Communications to do what we can to enhance the surveillance and protection of this infrastructure.

Deputy Brendan Griffin: It is very important at this juncture, when Russia and its dictator, in particular, are behaving like a wounded, cornered animal, and are capable of doing things that would not have been considered as being on the agenda only a relatively short time ago, that there needs to be a heightened sense of concern regarding infrastructure that is now vulnerable. I see that particular submarine cable, and those cables we have, as being the crocodile's belly in attacking Ireland, Europe and those that Russia sees as enemies. This is an area that needs to be prioritised. There is scope for enhanced international co-operation to provide the type of security we cannot provide to protect that infrastructure because it is critically important. It is an area where, as we have seen in the Baltic Sea, a relatively small effort can cause a huge amount of disruption and damage. Should something happen to the particular infrastructure off our coastline, it would have an enormous impact on Europe.

Deputy Simon Coveney: I hope this is a statement of the obvious for people in this House - not all national security matters are appropriate to discuss on the floor of the Dáil. We are of course speaking to the Minister for the Environment, Climate and Communications and his Department regarding what the Defence Forces can do to use the capacity we have to act as a deterrent and to provide as much surveillance as is reasonable. Whether it is reach capacity in respect of our Air Corps, primary radar capacity in different parts of the world or subsurface capacity in the maritime environment, there are clearly areas that need and will get investment in the next few years, which have been highlighted in the commission's report. This is one such area. As I said, we can improve security and surveillance by increasing patrols in the air and on the sea. We will discuss with infrastructure owners what more we can do to ensure we manage risk appropriately.

Deputy Aindrias Moynihan: There are approximately 16 cables off the coast. They are significant arteries of communication, transferring financial, personal and many other kinds of data from individuals, small businesses and global headquarters based here. Having seen the Nord Stream situation and the Russian exercise being conducted in this area, where those cables are at their shallowest depth, earlier this year, this is a real concern for many people. It

is good to know the Minister has additional finance for the armed services and the navy and that he is upgrading the different vessels. The replacements for the *LÉ Orla* and the *LÉ Ciara* have already been purchased and are coming from New Zealand but they are not due for another year. Is there a way to expedite their delivery? On subsea capability, how long can something realistically be deployed for in that area? I understand the Minister has the finance for people and equipment, but what is a realistic timeframe for the acquisition and deployment of subsea assets to conduct that kind of monitoring?

Deputy Simon Coveney: The new vessels are inshore patrol vessels that can be crewed with fewer people than the ships they are replacing. They are much more efficient and much more modern vessels. I hope they will arrive long before this time next year. I hope to see them in the first quarter, perhaps in January or February. They will primarily be based in the Irish Sea. They will certainly be based there in the winter months because that is what they are most suited for. The gas pipelines between the UK to Ireland, which transfer gas from Scotland to Ireland, are in that area.

On current subsea capability, the Naval Service retains certain capabilities that allow for underwater search and surveying including the underwater remotely operated vehicle and a magnetometer system. As part of the ongoing development of capabilities, further capabilities that will enhance the Naval Service's undersea situational awareness, such as a multibeam echo-sounder system, are also being developed. We are developing capacity in that area but, in the meantime, we will be increasing patrols at sea and in the air to observe what is going on. We will also be talking to the infrastructure owners regarding the measures they have taken because some of them already have private sector surveillance capacity. We will continue to talk to the Department of the Environment, Climate and Communications to make sure we are doing what we can.

Deputy Aindrias Moynihan: I thank the Minister for outlining that detail. I understand that undersea capacity is being developed to conduct monitoring but, from the sound of it, it is not days, weeks or months away but will come in over a much longer timeframe. That is a concern. Is there an opportunity to expedite the delivery of that capacity? Is it the case that people need to be trained up or is it a matter of purchasing and deploying equipment? I understand that there is only so much the Minister will be able to say but it is important to clarify that point because quickly deploying the maximum subsea capacity is a significant issue.

On air support, I understand that aircraft are being replaced next year and that two replacement aircraft have been purchased, which are not due to arrive until sometime next year. Is there a way to arrange an overlap and to make them available to the services sooner so that there would be double the number of aircraft out there?

Deputy Simon Coveney: We have aircraft now.

Deputy Aindrias Moynihan: Do we?

Deputy Simon Coveney: We have CASA aircraft but we also have PC-12s and PC-9Ms. Let us not paint the picture that we have no capacity. It is clear that we need to improve our capacity and to invest in subsea surveillance capacity in particular. That needs to be factored into the provision and equipping of new ships coming in, particularly the multirole vessel. This will be a very expensive piece of equipment and the largest ship we have ever had in our naval fleet. It will have a lot of extra capacity, both subsea and radar. However, that is, in reality, a

number of years off. I take that point. As I have said, we are currently in discussions with the infrastructure owners and the Department of the Environment, Climate and Communications on the appropriate interventions that should be made from a Defence Forces perspective to ensure surveillance and security is maximised, within reason. However, let us not talk ourselves into a problem. There is a lot of cabling and subsea infrastructure across the European Union and multiple countries are looking at theirs in the same way that we are looking at ours. Nord Stream 1 and Nord Stream 2 are in a very different risk category from our infrastructure. That does not mean we should ignore the risk. We should not and we are having the appropriate meetings and discussions in that regard.

Deputy Ruairí Ó Murchú: It is obviously vital that we have sufficient security and surveillance with regard to these submarine cables. We all realise how important we are as an international technology hub. However, if we are talking about critical infrastructure across the board, has the State carried out a sufficient audit of our vulnerabilities? Have we determined the correct point Department to take responsibility in respect of these and ensured we have the necessary capacity? We are in a very different world with the Russian invasion of Ukraine. We have entered the period of asymmetrical and hybrid warfare and cyberattacks which can impact us all.

Deputy Simon Coveney: We are having the appropriate conversations with the Department of the Environment, Climate and Communications. We are also speaking to the infrastructure owners so that we can respond with the capacity that is available to us in an appropriate way that manages risk. That is about as much as I can say for now. The attacks on Nord Stream 1 and Nord Stream 2 surprised a lot of people. They came out of nowhere. We still do not have any certainty as to who is responsible. We are pretty sure the two pipelines were deliberately sabotaged by a state actor. However, let us not overreact. Of course, we need to do what is appropriate to manage the risk to infrastructure within our exclusive economic zone and sovereign territory. As I have said, those conversations are taking place and will continue but the attacks on Nord Stream 1 and Nord Stream 2 only happened in the last ten days. We are having the appropriate follow-up meetings between the relevant Departments now.

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

Written Answers are published on the Oireachtas website.

12 o'clock

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Pearse Doherty: Ba mhaith liom ceist a ardú leis an Tánaiste faoi na costais atá ag cur isteach go mór ar theaghlaigh. Tá an geimhreadh ag bualadh linn agus tá imní ar theaghlaigh ar fud an Stáit faoi chostais fhuinnimh. Tá eagla orthu go bhfuil praghsanna ag dul in airde agus in airde agus nach mbeidh go leor fágtha acu chun billí a íoc agus na soilse a choinneáil ar siúl. Tá polasaí ag an Commission for Regulation of Utilities, CRU, nach mbeidh cead ag na comhlachtaí fuinnimh tithe a dhícheangal le linn an gheimhridh, ach ní bhaineann an polasaí seo leis na 340,000 daoine atá ag úsáid méadar réamhíoctha. Thug an Taoiseach a fhocal, gealltanas, ag an deireadh seachtaine nach mbeadh custaiméirí a úsáideann méadair réamhíoctha

á dícheangal. An bhfuil an Rialtas chun polasaí a thabhairt isteach a dhéanfaidh beart de réir bhriathar an Taoisigh?

At the weekend, the Taoiseach gave a commitment that nobody would be disconnected from their electricity supply this winter. That commitment would be welcomed by many people who are very concerned and worried. Yesterday, when he was pressed by our party leader and other Members of the Opposition about how this work in detail and in practice, he was not able to provide any answers. Workers and families are under severe pressure in the face of a cost-of-living and energy crisis. Electricity suppliers are constantly announcing price hikes. Some price hikes came into effect this week. The Government's continuing refusal to cap electricity prices at pre-crisis levels has left people wide open to further hikes. Ultimately, households that cannot pay their bills are in danger of disconnection. In the first half of this year, 712 households were disconnected. That was before the impact of the huge increases in bills and the impact of winter. The weather has started to turn. It is getting colder. Winter is nearly here and workers and families need certainty.

The plan to introduce a ban on disconnections for bill-pay customers from December until February is not good enough. It leaves people waiting far too long for protection and the timespan is too short. There are 125,000 households currently in arrears and this figure, unfortunately, is only going in one direction. What is needed is an immediate ban on disconnections now and to run that ban right through to the end of March. That is crucial because this will not apply to workers and families with a prepay meter. We need to give effect to the Taoiseach's commitment. There are approximately 346,000 households that use prepay electricity meters in this State. The CRU has warned that there could be difficulties in providing additional credits to pay-as-you-go customers. Many of those on prepay meters are already rationing their electricity for fear of being cut off. There is growing concern that these households are effectively disconnecting. Households that pay as they go for their energy are at greater risk now than in the coming months as they are unable to spread the cost across the year like direct debit customers.

The Taoiseach gave a very firm commitment on behalf of the Government at the weekend. As I said, that commitment was welcomed by people who are struggling and will find it difficult to keep the lights on this winter. It was a commitment that was welcomed in particular by the 340,000 people who are on prepay meters, who unfortunately have no guarantee that they will not be disconnected this winter. How is the Government going to live up to that promise? How is it going to ensure that those customers who are vulnerable, those who are paying higher tariffs through prepay meters, and those who are inflicted with a penalty if they want to go onto bill pay have the same certainty every bill-pay customer will have this winter?

The Tánaiste: I thank the Deputy for raising the question. First, I acknowledge the fact that energy and gas prices are very high. They are likely to rise more in the months ahead before they level off and start falling again. I also remind the Deputy that we had a budget only last week which gave every household, including households that use pay-as-you-go meters, €600 in energy credits over the course of the winter. As a lot of people who use pay-as-you-go meters are on social welfare or are low-income families, they will benefit from the double social welfare payments, the double child benefit payment and measures like the €500 bonus for people receiving the working family payment. All of that will arrive in people's pockets and put more money in their pockets before Christmas. None of that was in the Sinn Féin alternative budget proposal. A lot of help is on the way.

As the ESRI pointed out in its analysis, the least well-off 30% of people will be fully pro-

tected from the rise in the cost of living at least until the end of winter. For that reason, the vast majority of people should and will be able to manage their bills over the next few months. I acknowledge that there will be some hardship cases - there always are - and for that reason we need to help. For people who are on bill pay, the moratorium on disconnections runs until the end of February, and for vulnerable customers until the end of March. For people using pay-as-you-go meters, the Deputy and I both understand that that is a much more complicated system because of the way it operates. However, the overdraft people have is now extended to €20, so people can run over the meter by up to €20 without facing the risk of disconnection. In addition, having spoken to some people who are on pay-as-you-go meters, it is already the case that, at least in a lot of cases, people cannot be disconnected on a weekend so that people have the time to top up. That is not the full solution and it is not an adequate solution at this stage. I appreciate the point the Deputy is making about equality of treatment between those on bill pay and those on pay-as-you-go meters. With that in mind, the Minister for the Environment, Climate and Communications has been meeting with the energy companies today and yesterday to see what additional measures we can put in place to protect people who are on pay-as-you-go meters.

As it stands, vulnerable customers who are on pay-as-you-go meters have to be put on the most economic tariff. The amount they can run over by has been extended by €10 to €20. At least in some cases, that protection is in place to prevent disconnections at the weekend. I know that is not enough and we will need to come up with a better solution for those hardship cases to make sure people are not disconnected over the winter, regardless of how they pay. Those meetings today and yesterday involving the Minister and the energy companies are happening and we should be able to give the Deputy a fuller response in due course.

Deputy Pearse Doherty: The Tánaiste spoke about what was done in the budget. He was wrong about what we suggested. We did have double payments, cash payments and all the rest. I will not go into that because it is a different issue.

Deputy Simon Harris: I think you should.

Deputy Colm Brophy: He should.

Deputy Pearse Doherty: Even with the budget announcement, there is a guarantee for many customers that from December right through to February, no matter how difficult they find it to pay their bills, their electricity will not be turned off. The lights will stay on for those customers. Then there are those 346,000 customers who do not have that commitment. That is the issue we are dealing with here. It is an issue of fairness, equality and making sure all customers are treated the same. The Tánaiste spoke about a €20 energy credit. The reality is that €20 is not going to stretch far. Yes, the companies cannot disconnect people at the weekend or at certain hours during the day but when Monday comes around, the lights will be off and people will have no electricity and no way of turning on the TV, the lights or many other basic functions. That is the problem here. Does the Tánaiste agree with the principle that disconnections should be banned for prepay meters right through the winter? The Taoiseach gave that commitment. Does the Tánaiste stand over that commitment and is that the policy objective he wants to see with the energy companies?

The Tánaiste: The answer to the Deputy's question is "Yes" but because of how pay-as-you-go works, we have to find a viable mechanism to achieve exactly that. The energy credit is €600. In addition to that, people can overrun by €20 without being disconnected. They cannot

be disconnected at weekends and we are looking at mechanisms to make sure we can extend the treatment that bill-pay customers have to pay-as-you-go customers. I believe it can be done.

I can understand why the Deputy does not want to talk about the Sinn Féin alternative budget. I have done some research on that. Take the fuel allowance, for example. Sinn Féin committed to a €5 increase in the fuel allowance. That would be worth €60 to the least well-off people in our society between now and Christmas. We are providing a €400 lump sum. For the working family payment, Sinn Féin would have provided nothing.

Deputy Pearse Doherty: That is not true.

The Tánaiste: These are working poor people. We provided a €500 lump sum. For people living alone, the Deputy's party proposed a €2.50 increase in the living alone allowance.

Deputy Pearse Doherty: And €15 in the State pension.

The Tánaiste: We will provide a lump sum of €200 before Christmas. Based on Sinn Féin's proposals-----

Deputy Pearse Doherty: Why does the Tánaiste have to mislead all the time?

The Tánaiste: -----somebody would have to live alone for another year and a half-----

Deputy Pearse Doherty: It is desperate and pathetic.

An Leas-Cheann Comhairle: We are moving on.

Deputy Pearse Doherty: As people are being disconnected, the Tánaiste is just going to mislead.

Deputy Colm Brophy: It is the Deputy who should stop misleading people.

Deputy Ivana Bacik: I want to raise the issue of how we can ensure the continuation of vital community services across all our communities and pay and conditions for those workers who have been outsourced from the State and who provide vital care services through section 39 organisations or section 56 organisations. We all know how many community-based services in all our constituencies are utterly reliant on workers who are paid in this way - not directly by the State but indirectly by the State to provide vital public services. Labour will bring forward a motion in the House next week seeking to ensure better pay and conditions and, crucially, a framework for the sustainable delivery of public services across our communities through adequate resourcing and adequate recognition of a need for better pay and conditions for such workers.

We are conscious that until 2008, those employed in the community, voluntary and care sectors, such as section 39 workers, received pay increases under national wage agreements but they have not received pay increases since and they have no formal mechanism for collective pay bargaining. While public sector workers received a very welcome pay rise under Building Momentum, no pay rise or improvement in conditions was provided to the community and voluntary sector. We all know in our constituencies the vital public services provided by workers through these organisations, which include HSE-funded section 39 organisations, Tusla-funded section 56 organisations, section 10 homeless services funded indirectly through the Department of Housing, Local Government and Heritage and a broad range of community services

such as those managed by community employment supervisors, whose salaries are indirectly funded by the State.

This was raised yesterday on RTÉ Radio by Noeline Blackwell of the Dublin Rape Crisis Centre, who spoke about the difficulty affecting services such as hers, which provide vital public services to support victims and survivors of rape and other sexual offences and sexual abuse but are doing so without adequate sustainable funding frameworks and assurances as to adequacy of pay and pay increases for staff employed through the mechanisms I have described - Tusla-funded section 56 organisations in that case. I was in Cork on Monday and heard from parents of children with autism and other disabilities about the difficulty accessing services through organisations that are finding it difficult to retain and recruit qualified staff. Children with disabilities and their parents are losing out as a result. Indeed, the Harvey report on the delivery of health services by section 39 organisations funded by the HSE found high annual staff exit rates of up to one third annually with further reports since then of workers leaving to take up direct employment in the public service, such as directly through the HSE, due to the pay gap and the gulf in terms and conditions. I heard in Cork about how the NHS is coming over to recruit directly from section 39 and section 56 organisations. Clearly, the pay and conditions the NHS can offer as a direct public service are far better.

We call on the Government to establish a renewed relationship between not-for-profit organisations and the State based on a shared long-term vision and plan and to ensure a multi-annual funding framework to provide certainty for providers, their staff and, crucially, for people like the parents I met in Cork with FUSS Ireland who are dependent on the vital services being provided to their children by workers who are simply not getting adequate pay and conditions compared to workers employed directly through the HSE. Will the Tánaiste undertake to look favourably on the terms of our motion and engage directly with the not-for-profit sector?

The Tánaiste: I thank the Deputy for raising the issue and I will certainly take a look at the motion and respond to it. It is not entirely accurate to describe people as having been outsourced. That does a disservice to them and even the bodies for which they work. It has always been the case in this State and almost every other democratic state that some services are provided directly by the State and others by voluntary bodies, charities and not-for-profit bodies, many of which predate the existence of the State, and private companies under contract. To try to do everything through the State sector would not work and to try to do everything through the private sector would not work. Excluding voluntary bodies or charities or trying to nationalise them would not work either. It makes sense to provide services in different ways using the public, private and not-for-profit sectors. That is how you get the most capacity and how you get the most done.

As the Deputy will be aware, section 39 organisations often provide a lot of services on behalf of the State. They range from very small organisations to some very big hospitals and disability service providers. They are usually funded through a service-level agreement between the Government and the bodies, essentially through a block grant in return for particular services. The employees are not Government employees and we cannot determine exactly how the block grant is allocated by those providers. However, there will be significant increases in the block grants paid to section 39 organisations next year as a result of the budget. Indeed, there is €100 million in the budget in additional funding this year alone. We anticipate that the increase in the grant provided to those providers should be adequate to cover the cost of the public service pay agreement. This is only fair because it is not just the NHS or other foreign services that are trying to recruit staff from these bodies. The HSE is trying to do it as well and

the HSE taking staff from voluntary bodies in that way is not fair. It is important that the block grant increase is adequate to cover the public sector pay increases so they can be applied to the staff in those bodies but we cannot determine that this is done because these are independent entities that control their own affairs and budgets.

One area where we are working very hard and to which the Taoiseach and I are very committed is moving the section 39 hospices into the section 38 category. This could be a precedent for others to follow. It does not always make sense but sometimes it does. These hospices that are voluntary bodies would prefer to be in the section 38 category and I strongly support that because there has been an unfairness and disparity in the way they are funded and the way the staff are treated because of that. We have been working on that and are keen to get it done soon.

Deputy Ivana Bacik: I thank the Tánaiste for his constructive words. I do think it is fair to describe services as having been outsourced. Indeed, as the Tánaiste acknowledged, the State has a long history of outsourcing vital public services such as health and education to voluntary bodies, notably the Catholic Church and religious orders resulting in a shadow welfare state. Now in 2022, we need to ensure that we move to a different mode of delivery of services and that the State is stepping in to ensure those who are providing the same services as HSE staff but are doing so through being employed by voluntary bodies get the same pay and conditions, otherwise it is inevitable that the HSE, the NHS and others will seek to recruit them. The Tánaiste will be aware that pay claims have been submitted as part of the ICTU-led Valuing Care, Valuing Community campaign supported by SIPTU, Fórsa and the INMO in particular to ensure that staff working through these voluntary bodies, including section 39 and section 56 organisations, will have equivalent pay and conditions to their counterparts employed directly through the HSE and Tusla. Otherwise we will simply see a real diminution of services throughout the country.

The Tánaiste: This is not just done in Ireland. The NHS provides services through hospitals with royal charters and has done so since its establishment. In France and Germany, nearly one third of public health services are provided through voluntary bodies that have an agreement with the state payer. It is similar in Australia. One would have to go to eastern Europe 30 years ago to find a set of public services that were only run by the state and excluded the private sector, voluntary bodies, charities and NGOs, and that is not something we want to do. We acknowledge the issue raised by the Deputy, namely, that there are staff working in section 39 bodies who are at a disadvantage compared to people doing the same work in a HSE-provided body. That is unfair and is something we want to rectify, first, by making sure the block grants of those bodies are adequate to cover the pay increases that will be paid in the public sector, which is only fair and, second, we will at least make an effort with the hospices to move them from section 39 to section 38, which is quite a complicated process when pension arrangements and so on are taken into account but is something we have committed to do.

Deputy Verona Murphy: Barring any unexpected accidents, the Tánaiste is expected to become Taoiseach again in a few months. In the meantime, he retains responsibility for policy and legislative matters relating to enterprise, trade and employment. The welfare of businesses, industry and, most of all, consumers falls within his remit. Many Members have commented on the stark warnings from EirGrid indicating that the gap between electricity and supply will likely get worse. The CEO told RTÉ this morning that he cannot guarantee that there will not be blackouts. This is a shocking development, which will concern thousands of homeowners and businesses, as well as damage our reputation abroad. It is shocking that yet again we have the spectacle of regulatory State agencies arriving breathless and somewhat puzzled at the scene of

the latest threatened blight to hit the beleaguered public.

Does the Tánaiste agree that now is the time for him and his Government colleagues to carry out an urgent review of the effectiveness of the various regulatory State agencies that are well paid to oversee key sectors or activities? They should perform or be abolished. We have EirGrid, the transmission system operator, and the Commission of Regulation of Utilities, who, when not squabbling with each other, have allowed a situation to develop where we have imminent threats of blackouts and rapidly increasing energy costs. The Competition and Consumer Protection Commission seems to be a spectator when it comes to price rises hitting consumers and seems unable to tackle price gouging. The commission is also pretty useless when it comes to tackling the scourge of insurance costs. We have an aviation regulator who failed to spot the unfolding crisis in Dublin Airport this year. We have a Central Bank which, despite its role in the collapse of the banking system, subsequently failed to detect the tracker mortgage scandal, which was brought to its attention by a committee of this House. The Planning Regulator seemed blind to what is happening in An Bord Pleanála until an online site published allegations. The incompetence of the Road Safety Authority is legendary and it is ironic that it requires HGV drivers to acquire a certificate of professional competence when it is the drivers who should set a course of competence for the RSA. The Standards in Public Office Commission, SIPO, while competent in its duty, is powerless to stop unethical behaviour by senior officials. The Government is even appointing impugned officials to State boards following their censure by SIPO. We also have a complete failure on the part of multiple State agencies to enforce existing legislation prohibiting the curse of online gambling and its infliction of hardship on thousands of families nationally. At what stage will the Government demand these entities do their job and fulfil their functions? The public is sick and tired of useless regulatory bodies, which arrive breathless at the scene of the latest outrage, looking for more powers and resources.

The Tánaiste: There is a lot in that question and it is hard to answer comprehensively in the time allowed. I do not think her characterisation of our regulatory structures is entirely fair. They are not perfect but many of them have served us very well in recent years. That is not to say there have not been flaws and failings. It is important to bear in mind that some of these regulators are accountable directly to the Oireachtas and not to the Government. That is the way they have been established and they are held to account through the Oireachtas committee structure.

On energy, the review is under way. Some months ago, Mr. Dermot McCarthy, the former Secretary General to the Government, was appointed to review the regulatory system for energy and to identify why things went wrong and what we can do to ensure they do not go wrong in the future.

I restate what the CEO of EirGrid said this morning. He said it was important to note there is no risk of a system-wide blackout. Rather, there may be periods where total supply does not meet demand. While nobody can rule out the possibility of blackouts over the winter, I want to say to families, homeowners, small businesses and farms that the chances of a prolonged blackout affecting them are very low. Many people are engaging in worrying people about this. We cannot rule it out but the risk of that kind of blackout is very low. If we enter a red-alert scenario, large energy users will come offline first, such as data centres. They have their own generation capacity. It takes quite a lot of events to come together for us to be in a position where there would have to be power cut to homes, firms or businesses. It is important to reassure people of that. It did not happen last winter. Nobody can say it will not happen this winter

but it is unlikely.

We do not know everything about this matter but one thing we all know is that fundamentally the problem is inadequate supply and not enough generators generating electricity. We have a rapidly growing population and economy, and because of the need to take climate action, we are moving a lot of things to electricity. There are more electric vehicles, heat pumps, etc. All of those things contribute to rising electricity demand. That demand will rise further. The solution is much more generation capacity. That was licensed and contracted but the generators did not deliver. Now we are in a catch-up phase but we have a plan to catch up and put that generation capacity in place - both renewables and gas, because both are necessary - and to get ahead of this in the coming years.

Deputy Verona Murphy: I would have thought the idea of all the regulators I mentioned was that we would not be catching up because they would outline the problems and foresee the issues. Instead, every body I mentioned states that they have been brought to their attention. That is the reality of where we are. We are constantly behind the curve.

My group, the Regional Group, tabled a motion on energy, if the Government is concerned about blackouts. We asked that it would not deconstruct Derrybrien and that we pay the fine to the EU and continue with the energy supply to 40,000 homes that the 70 wind turbines would provide. We suggested reigniting Lanesborough and Shannonbridge power stations, none of which was taken on board. I do not understand why the regulator was on the radio this morning saying we are in danger of blackouts while the Tánaiste says it is unlikely and that we should not frighten people. Who is frightening the people? The inaction is frightening the people.

The Tánaiste: I appreciate that the Regional Group is putting forward solutions in this regard and they need to be considered. One of the reasons keeping Derrybrien going does not necessarily make sense is that when the energy system is short of generating capacity is when the wind is not blowing. That is at the heart of many of the problems we have. We have a lot of renewable energy. The risk of a blackout or brownout occurs only when the wind is not blowing. That is why keeping Derrybrien online is not particularly useful in terms of the energy crunch we face. Lanesborough and Shannonbridge created a lot of employment in the midlands for a long time but peat, by its nature, did not produce an awful lot of energy.

Deputy Peadar Táibín: Use biomass.

Deputy Verona Murphy: There are ten years left in them.

The Tánaiste: What we plan to do with some of the plants in the midlands is that one will go to biomass and the others will be used for battery storage, so we can use the wind power and renewables, which are not dispatchable but can be stored. That might make more sense in terms of energy security and for the environment.

Deputy Danny Healy-Rae: The Valuation Office is conducting a revaluation of all commercial and industrial properties in County Kerry as part of the programme to revalue all such properties in the State. In the last week, many people in the county have been shocked by the proposed valuation figures they have received. Traders and operators from all walks of life in all parts of the county are terrified at the proposed doubling and tripling of their rates demands, from one-man operators, small garages and repair shops, small pubs and shops, hardware stores, restaurants, hairdressers, chemists, bakers, butchers and sweet-shops to the big employers such as hotels, fabricators and manufacturing companies like Liebherr, Munster Joinery, concrete

products and the likes.

Traders are told if they do not accept, they can appeal but a valuation officer has a right to visit the property. It is quite possible that many traders will close when they size up the situation they find themselves in. It is easier to keep doors open now than to try to get them to reopen later. I call on the Tánaiste to defer this process. Things are bad enough. People are struggling to survive after Covid, Brexit and now the massive increase in energy and all other costs. People should only be assessed on profits, not on sales or the market rental value. This revaluation was postponed back in 2020 because of the virus. I ask that this process be deferred for the foreseeable future, especially because of increased energy costs while many traders are just finding their feet this year. They had the support payments from the Government over the last two years but trading after the pandemic has changed for many businesses, not least those that cannot operate online delivery services of supplies of food, clothes, furniture, parts and all types of goods and materials. They are disadvantaged because they must have a physical building on the side of a street. If a shop closes down, it adversely affects all other businesses on the street. One owner of a restaurant told me he has to pay for rent, increased wages, PRSI, PAYE, insurance, electricity, water, refuse and VAT, which is going up next March. The prices for heating and cooking oil have gone mad. This man's rates are proposed to go from €31,000 to €60,000. For others, rates will increase from €1,500 to €5,000 and €24,000 to €58,000 in places like Killarney, Tralee, Listowel, Kenmare, Dingle, Cahersiveen and Rathmore. Everyone who got a proposed valuation was given a figure - let us say it was €15,000 - and told to multiply that by 0.227 when they asked to get the real proposed figure. Why could the Valuation Office not have the correct figure it was proposing included in the document in the first place?

The Tánaiste: I thank the Deputy for raising this issue. My county, Dublin Fingal, went through the revaluation process some years ago. I know how traumatic and frightening it can be from some business people when they receive a letter in the post telling them their rates are to go up by a dramatic amount. There is, as the Deputy noted, an appeals process. I encourage anyone who has had a valuation changed to avail of that. A lot of people find that the amount comes down on appeal.

It is important to point out that when the revaluation is done, it is on a revenue-neutral basis. Some people are winners and see their valuations down. Others are losers and see their valuations go up. In Kerry, for example, valuations are going down for two thirds of businesses and going up for one third. Understandably, as politicians, it is the one third who are seeing an increase that we hear from and not the two thirds who are seeing a decrease. As the Deputy pointed out, when some people get the letter in the post they do not apply the 0.227 multiplier so there is an initial shock because they believe they will see a huge increase in their rates. Then, when they do the calculation they find that is not the case. I agree with the Deputy. I do not see why the Valuation Office cannot do that calculation. It is pretty straightforward and I think it should do that. The matter was raised by Deputy Griffin at a meeting not long ago. I will make contact with the Valuation Office, on behalf of Irish businesses, to ask it to do exactly that. It is a simple thing and it should be doable.

There are walk-in valuation clinics in Kerry all this week - they are in Dingle and Kenmare today, for example - where business owners can go in, talk to a human being and have this worked through and discussed.

Deputy Danny Healy-Rae: I thank the Tánaiste but, as he said, people are shocked and terrified, and rightly so. The local authority has said it will not benefit from the revaluation but

for the valuation has not come down for any of the people I have met on the street and around Kerry. I cannot understand that. I know of one person for whom it came down by €100 but it is more than doubling in many cases. Many of these traders are renting. They cannot afford another increase on top of all the increases they have to deal with now.

The Government was able to defer it in 2020 for the virus and it has the power to do so again and review it. I am asking that people be dealt with based on whether they are making profit. If they are not making profit, it is very unfair to charge them on the rental value of their property or their sales because sales do not reflect the profit. That is what is wrong with this whole thing.

The Tánaiste: It is important to point out again that this is being done on a revenue-neutral basis. There is no tax increase here and two thirds of businesses in Kerry will see their rates go down. I appreciate that we are hearing from the one third who are not, particularly those who are seeing a big increase, but two thirds are seeing their rates go down. To defer the revaluation would adversely affect more businesses than going ahead with it would.

In the medium term, we need to examine a new tax to replace commercial rates. The Commission on Taxation and Welfare suggested that we move towards a site valuation tax, a commercial property tax. There are pluses and minuses to that, as in the case of any reform. However, in those circumstances the charges would fall on the owner of the building rather than the operator of the business. That is something we are considering but that is for the medium term. In the meantime, the valuation goes ahead.

Deputy Danny Healy-Rae: Plenty more places will close down.

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

Deputy Pearse Doherty: One of the most basic functions of a Government is to keep a roof over somebody's head and keep the lights on. Yet, as we speak, after 12 years of the Tánaiste being at Cabinet, there are 10,805 people in emergency accommodation, of whom, shamefully, 3,200 are children. EirGrid's annual generation capacity statement published today raises concern about the State's ability to keep the lights on over the next decade. It highlights that the electricity system will continue to face a shortfall of supply over demand every year over the coming decade. It says the deficit will increase year on year. EirGrid has described the situation as stark and serious. That means more amber alerts and the threat of electricity blackouts remaining for the foreseeable future. IDA Ireland has said that energy shortages threaten inward investment, with businesses facing uncertainty over the State's capacity to ensure security of supply. The Tánaiste mentioned the Secretary General, Dermot McCarthy, has been tasked with preparing a report on how to identify how the Government has got into this situation. When will it be published? Will it be before the end of the month?

The Tánaiste: I do not think it is appropriate for the Deputy to engage in party political shots when it comes to housing or homelessness. Yes, it is true that the Government is providing 10,000 people with emergency accommodation at the moment. That is not a position we want to be in. Numbers had been falling for quite some time and for many reasons they are now rising again. Let us not forget that in Northern Ireland there is a Sinn Féin housing minister. The Deputy should not roll his eyes. It is true.

Deputy Pearse Doherty: You were already fact-checked on this issue.

The Tánaiste: There are 20,000 people homeless in Northern Ireland based on the way it is measured there. If this were a simple problem to solve but, unfortunately, almost all countries in the world face homelessness to a certain extent. We are doing the best we can to resolve it. We are putting unprecedented resources into it.

Deputy Pearse Doherty: Does the Tánaiste need another 12 years or 20 years?

The Tánaiste: If it was a problem that could be so easily solved by Sinn Féin, surely it would have solved it in the 20 years it has been in government in the North.

Deputy Pearse Doherty: You have been in government for 12 years and the threat that the lights will go out is getting worse.

Deputy Ivana Bacik: What specific action does the Government propose to take to address the key points made in yesterday's OECD and Climate Change Advisory Council report on the Irish transport system? The report showed the need for the Government to prioritise policies to reallocate road space from private cars to ensure that walking and cycling are better accommodated. I ask this knowing that although the Minister for Transport, Deputy Eamon Ryan, outlined that he would be launching certain pathfinder projects over the coming weeks, we saw no new initiatives for cycling in particular in the budget. That was really disappointing. The Labour Party has proposed a cycle-to-school scheme, which we have proposed for some years now, where the Government would subsidise the cost of bikes for children in the same way that we have seen the very successful bike-to-work scheme operate. We also called for an old car scrappage scheme where cars over ten years old could be exchanged, essentially subsidised for exchange, for e-bikes or cargo bikes instead to try to encourage to a far greater extent the reallocation of road space for cyclists. We saw no new initiatives for cycling from the Government in the budget. That was really disappointing, particularly in light of yesterday's report.

Deputy Danny Healy-Rae: The lunatics are running the asylum.

Deputy Ivana Bacik: I do not know what that was about.

The Tánaiste: In fairness, in the past two years, nobody can say that there has not been very significant investment in cycling facilities, improvements to footpaths and pedestrian facilities. There has been huge investment, through both the Departments of Transport and Rural and Community Development, in improving facilities for cyclists, footpaths and pedestrian facilities. Every day more people cross the canals by bike, including people we both know, than was the case in the past, but we acknowledge more needs to be done. We believe electric vehicles are part of the solution and we need much more investment in the charging points in particular. I had not heard the idea of a scrappage scheme where people would replace their car with a bike, a cargo bike or an e-bike. I think that is a really good idea and perhaps one will give some give some thought to.

Deputy Ivana Bacik: I will send details to the Tánaiste. It has been done in France.

Deputy Holly Cairns: Successive governments have not capitalised on the incredible renewable energy potential in our coastal waters. Not only could we take significant climate action, secure energy sovereignty, prevent future crises like this price crisis and threats to black-outs, but we could be selling energy to other jurisdictions. In the past year two major energy companies have withdrawn from the Irish market citing issues with our policy and legislation framework. What is the Government doing to address these issues? There is a strong case for

greater public ownership of the wind sector which would secure our energy sovereignty and ensure the profits are for the Irish people not just for international shareholders.

The Tánaiste: We are up to the point now where we are producing about 40% of all of our electricity from renewables. Not that long ago it was only a few percent. We are now up to 40% and we intend to get to 80% by 2030. That is hugely ambitious and something that we can achieve. We will do it through the ESB and other State companies and also through the private sector. Having both the State and the private sector doing it means that we can get more done in the round.

Deputy Richard Boyd Barrett: We are in an absolutely dire state with homelessness and evictions. We have record levels of people in emergency accommodation and a massive spike in people being evicted through no fault of their own because of the sale of properties by landlords. I note that even Fianna Fáil backbenchers, somewhat belatedly, are now calling for what we have been calling for some time, which is a ban on evictions at least on an emergency basis to stop more people going into homelessness. Will the Government implement such a ban? Will it embark on an aggressive proactive policy to use some of the windfall revenues now available to the State to buy properties? We should not merely tell local authorities where they can do it but tell them they must buy properties where people are threatened with eviction and homelessness.

The Tánaiste: Thankfully, evictions in this country are relatively uncommon. They need to be done through courts and judges look very favourably on very difficult situations in that regard. Notices to quit are a bit different but if somebody is given a notice to quit, they have rights and they are given a period of time before they have to leave the property they are in. The difficulty with a blanket ban on any evictions is that it just stores up the problem for when the ban is lifted. That is part of what we are experiencing now. I know some people have proposed a blanket ban over the winter period; what then happens in spring? It does not necessarily solve the problem; it just defers it and that makes it worse a little bit later.

Deputy Richard Boyd Barrett: Buy the houses.

The Tánaiste: The Deputy is right that part of the solution is buying some of these properties. He raised this issue with me in the Chamber not too long ago. I raised it with the Minister, Deputy Darragh O'Brien, and a circular now has issued to local authorities stating that if somebody is served with a notice to quit and there is a risk that they could be evicted into homelessness the local authority is now being encouraged to purchase the property from the landlord. We want to see done in much greater numbers than is the case now.

Deputy Peadar Kirby: Yesterday Thomas Dooley was stabbed to death in a cemetery in Tralee just minutes after a young mother was buried. This was an horrendous murder in a location that should be a sanctuary for people who are grieving for their families. It comes when crime levels in areas such as sexual assaults and domestic violence are increasing significantly. In 2016 after years of austerity we had one of the lowest numbers of police in the EU with just 278 gardaí for every 100,000 people and we have hardly moved a bit. We now have 280 gardaí for every 100,000 people. Ireland is still one of the lowest policed states in the EU. The Government planned to recruit 800 gardaí this year but only 25 were actually recruited in the first eight months. That is three gardaí recruited every month in the country with one of the lowest numbers of police officers at a time when crime is radically increasing. Many people feel the Minister for Justice is distracted by the culture wars and not focusing on the real job of keeping

people safe in this country.

The Tánaiste: I extend my sympathies to the family of the victim following the fatal stabbing at Rathass Cemetery near Tralee in Kerry. As the Deputy will appreciate, a Garda investigation is under way and I am confined in what I can say about it. I absolutely encourage anyone who has any information to contact the Garda and bring the people who carried out this terrible crime to justice.

On the wider point, Ireland is a country with relatively low crime levels. It is still the case that if a murder happens in Ireland, it is on the news which is not the case in most other countries. Thankfully, that is because we have a very low murder rate in Ireland and relatively low crime rates. We have never had more gardaí than is the case under this Government. At the request of the Minister, Deputy McEntee, and she fought for this, last week's budget provides for another 1,000 gardaí to be recruited next year.

Deputy Peadar Tóibín: However, this year's gardaí were not recruited.

Deputy Mattie McGrath: The Tánaiste is Minister for business and industry and everything else. Businesses, especially small businesses, were never under as much pressure as they are under now. In Clonmel, a number of them closed this week with more to go. The same is true in villages as well. It is very hard to restart a business or get a new business in. We have a huge issue here. The budget did very little for small businesses. The Government needs to do something with the charges for the gas and electricity. It has piled on more taxes. It has given back credits to people to give back what they paid. One fabulous business which been operating in Clonmel for 62 years is closing next Saturday. I do not want to mention any names. The pressure business people are under is unreal. The Tánaiste is talking about this, that and the other, but there are no meaningful supports them. They are faced with rates, insurance costs and the cost the wages with the price increases spiralling out of control and they cannot continue in business. It is so sad to see them go out of business, some of them after six decades.

The Tánaiste: There were actually 15 things in the budget last week that helped businesses. The biggest element was up to €10,000 a month to help small businesses with their energy costs. That will be backdated to September and businesses will receive that money by November. It is true that we have seen an increase in business failures around the country over the past few weeks. I have seen it in my constituency and in this city. I have also heard from Senator Ahearn about businesses closing in Clonmel. That is really sad because a family business failing is almost like a death in the family. People put their heart and soul and lives into their business. When it fails, it is very sad.

We also need to be honest with people. Sometimes businesses are not viable. Many businesses only got through the pandemic period because of the Government supports. When that ended, they tried to make a go of it and were not able to. Unfortunately, some of those businesses will close. However, we are also at a time when many businesses are doing well and they cannot get staff. We also have to bear that in mind.

Deputy Thomas Pringle: It is almost one year since a final settlement was reached between the Minister for Public Expenditure and Reform, the Minister for Social Protection, and the unions representing community employment, CE, supervisors and assistant supervisors. I submitted a parliamentary question last week asking whether the *ex gratia* payment which was agreed upon would be paid to these CE workers. The answer I received stated that discussions

regarding this are ongoing. However, I know that some CE workers have already been paid the *ex gratia* payment while others are still waiting, a year later. It is not acceptable to have people waiting this long to receive a payment, especially during such a crippling cost-of-living crisis. This demonstrates complete disrespect for CE workers and for the unions that represent them. What is the real reason that many community employment supervisors, including in my constituency of Donegal, have not been paid? Can these people be guaranteed that this payment will be made within the next couple of weeks?

Minister of State at the Department of Social Protection (Deputy Joe O'Brien): Under the terms of the settlement that we agreed with the unions late last year on reaching retirement age, eligible CE supervisors and assistant supervisors will receive a once-off *ex gratia* payment in respect of time employed in the CE scheme since 2008. People who have retired since 2008, who have reached retirement age, are now eligible to apply for the payment. In recent months, an administrative and ICT system to accept applications and process payments has been put in place in the Department. We wrote to approximately 720 ex-supervisors who had retired since 2008 and we received approximately 664 applications. Some 134 are ready to issue and 430 are being processed. The Department of Public Expenditure and Reform has questioned the timing of the payments. We wrote back to the Department to let it know that we are ready to issue the payments and we await feedback in that regard. I reassure the Deputy that the money is there and it is ready to be issued, but in short a technicality in the administrative process has arisen that we want to iron out as soon as possible.

Deputy Jennifer Murnane O'Connor: I wish to speak about funding for a community build on the Tullow Road in Carlow. The council and the Government are working on a jointly funded €2.5 million project. The project comes under Part 8 planning, and it has been approved for a hub. For 35 years there have been many high-density housing developments in the Tullow Road area of Carlow. Unfortunately, little or no social, cultural, green or economic infrastructure has been built to accommodate the increase in the population. This has contributed to isolation, lack of belonging and significant levels of disadvantage. Carlow has the third highest national rate of early school leaving and the Tullow Road area has 42% of Carlow town's population under 24. The lack of community facilities has been highlighted in the community consultation. The development of this hub facility will provide the community with a sense of place and dignity. I have spoken with the Minister, Deputy Humphreys, and the Minister, Deputy Darragh O'Brien-----

An Leas-Cheann Comhairle: I thank the Deputy. We are over time.

Deputy Jennifer Murnane O'Connor: -----on this as it falls within both of their areas.

The Tánaiste: I thank Deputy Murnane O'Connor for raising this important issue relating to Carlow. I am afraid I do not have any information on it to hand. I note that the Deputy has raised it already with the Ministers, Deputy Darragh O'Brien and Deputy Humphreys, and I will make them aware that it was raised again here in the Chamber. I hope we can find a satisfactory solution.

Deputy Joe Carey: In May of this year the Minister for Transport and the National Transport Authority, NTA, launched a 50% reduction in public transport fares for young people aged between 19 and 23. Issues quickly emerged regarding the scheme, in particular its extension to private operators and on the age limit. The Minister secured additional moneys in the budget to extend the scheme to commercial operators, which is welcome, but there still continues to be

an issue with the age limit. The Minister has committed to changing it but when will it be introduced? I am being contacted by students, parents and grandparents asking when the change will happen so that 16 to 18 year olds can benefit from the fare reduction.

The Tánaiste: The reduction in public transport fares has been a real success, both the general reduction and also the reduction for young people. I know governments in other countries have done more radical things, for example in Germany, but in fact they have had to reverse them. What we have done makes more sense, which is a sustainable reduction in public transport costs. We are facing some difficulty extending the scheme to commercial operators because of the fact that we do not control their fares. We want to make sure that if we give them taxpayers' money that the fares do go down by the amount they are supposed to go down. The Minister of State, Deputy Naughton, and the Minister, Deputy Eamon Ryan, are working on that. It is our intention to make sure that those young people get the discount that we want them to get.

Deputy Réada Cronin: I raise the decision by Maynooth University not to proceed with the student centre, for which a levy was put on students in recent years. This morning, students in the university staged a walkout in protest, as part of its Where's my Levy campaign. I have had so much contact from students and parents who paid into the levy and from the wider academic community as well who live around Maynooth. They tell me that what the university is suggesting is just not sufficient. I have written to the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, personally and asked him to launch an investigation into the decision and to publish his findings. Will the Tánaiste demand that the university commits to deliver the student centre, that the levy would be frozen, and the students would have joint oversight of the fund which is ultimately their money?

Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris): I will respond.

Deputy Réada Cronin: Will the Tánaiste respond to the question?

Deputy Simon Harris: It falls within my remit. I have some information for the Deputy. I assure her that none of the student levy money has in any way been lost. Her colleague, Deputy Conway-Walsh, raised the issue with me yesterday. I spoke with the chair of the governing authority today on the matter. I hope a satisfactory solution can be found. It is an autonomous decision taken by the governing authority. I hope that the student centre can be delivered. The student levy has not been used or lost.

Deputy James O'Connor: Covid-19 had many knock-on impacts across public services in the country, but the Government will be familiar with one particular area where there was an impact, namely driving tests. Unfortunately, people are waiting an extremely long period to get driving tests across many areas of Munster. In places like Wilton, Mallow and Dungarvan, which are very important centres in my constituency of Cork East, it will be well into December and even January. What proactive measures are being taken by the Government to deal with this issue that, unfortunately, was caused by letting go driving testers who were on temporary contracts in August of this year? Will the Government undertake any action to deal with the issue? As a Deputy in a rural constituency, this is an extremely important issue for rural Ireland and it must be dealt with urgently.

The Tánaiste: I am very much aware of the problems people are facing. We need to get on

top of it as it is impeding people from getting to college if they need to drive to college and getting to work if they need to drive to work and the situation is not at all acceptable. I know the Minister of State, Deputy Naughton, is working on the matter with the Road Safety Authority, RSA, which is trying to hire additional staff, which would help us to get through the backlog. We will get through it. A couple of months ago, if I was standing in the Dáil we would have been talking a lot about the backlog of people waiting for passports or work permits but with additional staff and automation we have managed to get on top of those delays and I assure the Deputy we will get on top of this one too.

Deputy John Brady: I raise the student registration fee and the decision that was taken in the budget to reduce it by €1,000 for this academic year. That is something I welcome, but there seems to be some confusion within colleges as to how the reduction is to be applied. I have been contacted by a number of students who make the payment twice over the course of a year. They have been hit with a bill and the colleges are demanding immediate payment of a student registration fee of €1,500 in addition to student levies and charges of €196.75 on top of that. Some students are being told that if it is not paid by this Saturday they will be formally removed from their course. In addition, they are being told that they must pay the remainder of the €1,500 in the new year. There is no application of the reduction of €1,000 in the registration fee. It is not just one college-----

An Leas-Cheann Comhairle: I thank Deputy Brady and call on the Tánaiste to respond.

Deputy John Brady: -----I have heard it from a number of colleges. There are serious concerns as to how this is going to be implemented.

Deputy Simon Harris: I am very happy to get information on any specific cases the Deputy has come across. From the Government's perspective, the situation is very straightforward. If a student is levied with an undergraduate registration fee of €3,000, the fee has now fallen to €2,000. If the fee was paid in full, which approximately 20% of students have done, they get a €1,000 rebate. For those who have not paid the fee in full, €1,000 will be knocked off the outstanding amount. If there are any issues the Deputy wants to bring to my attention, I am very happy to pursue them.

Deputy Richard Bruton: In recent years there has been a seachange in support for child-care, which is a credit to both the current Minister and his predecessors. We used to have just three hours per day in term time for just two years and now we have 45 hours for up to 14 years and it is year round. It is worth up to €63 per week. That is very important. However, our policy lab has done extensive work and there is still a long distance to go in meeting a situation where we truly value the importance of giving children a good start in their lives. In particular, there are too many gaps in the service. There needs to be a policy shift to inform all Departments, in particular those responsible for local development planning and the national development plan, of the importance of investing in children. We should throw open State facilities that often lie idle from 3 p.m. or 4 p.m. in the afternoon. I ask that we push ahead with reform in this very important area.

The Tánaiste: I agree that it must be a principle of this Government that every child gets a fair start in life and the best start in life that is possible. I am familiar with the work of the Fine Gael policy lab and also the care of the child document, which sets out a roadmap as to how we can improve services and supports for children. The reduction in childcare fees of approximately 25% next year is part of that, and we must pursue many of the points mentioned by

Deputy Bruton as well, including making better use of schools in the afternoon for after-school activities and other things as well.

Deputy Thomas Gould: After 28 years Gaelscoil Pheig Sayers got the good news this year it will get a new school building, but then it was shocked to find out that the new school hall would be 195 sq. m, which is too small.

1 o'clock

It is a disgrace. It turns out that it is now Department of Education policy to build school halls of this size for primary schools. When the school approached the Department, it was told to fundraise the additional €100,000. This is a Delivering Equality of Opportunity in Schools, DEIS, band 1 school. We are talking about getting kids involved in sport and PE, yet we are not building halls that are fit for purpose.

Will the Minister of State, Deputy Madigan, ask the Minister for Education to instruct her Department to build school halls like we did 15 or 20 years ago? It seems this was an austerity cut that is still in place.

Minister of State at the Department of Education (Deputy Josepha Madigan): My understanding is that approximately €4 billion is going into the building of schools through the planning and building unit in the Department of Education. If the Deputy wants to bring his query to me, I will have a conversation with the Minister for Education about it.

Deputy Danny Healy-Rae: We have heard today that demand for electricity will outstrip supply. Why would it not do so, given that the Government gave in to the Green Party when it closed two Bord na Móna power stations in the middle of the country? Surely the Government will not cave in to the proposal to decommission the Kinsale gas terminal, where we could store gas during the summer months and have it at the ready for the winter. Surely it will not concede on that proposal and exacerbate people's position. The cost of electricity has increased every day since the two power-generating plants in the middle of the country were closed.

The Tánaiste: That is just not accurate. Those power plants in the midlands were closed on foot of a court order in a planning decision. It was not an evil plot by the Green Party or the Minister for the Environment, Climate and Communications. That is just not true.

Deputy Danny Healy-Rae: They were not supposed to close for seven months.

The Tánaiste: They were closed on foot of a court decision. We are going to use the infrastructure there for battery storage, which will be helpful for dealing with our energy needs and energy security.

The reasons the demand for electricity has increased so much in Ireland are simple: our population is growing rapidly, our economy is growing fast and we are moving away from fossil fuels to electric vehicles, heat pumps and so on. The solution is more supply. We need more generating capacity and it is coming on stream. It is going to be gas and renewables, and we have a plan to catch up on this backlog and give us headroom to expand further.

Deputy Danny Healy-Rae: What about Kinsale? The Tánaiste never answered that.

The Tánaiste: I am sorry but I did not get the question.

Deputy Pádraig O'Sullivan: Recent proposals regarding changes to benefit-in-kind are counter to what we as a Government should strive for. The current system rewards people for driving more miles, while we as a society are being told to change our habits and protect the environment. In January, the benefit-in-kind rate is due to increase from 6% to 9%, which means certain car owners will pay thousands of euro more to do their job and go about their business. The percentage paid is calculated on the price of a new vehicle and does not take the trade value of another vehicle into consideration. Will the Tánaiste look into this matter urgently and revert to me in the coming weeks regarding the current benefit-in-kind model and whether it is fit for purpose?

The Tánaiste: I might ask the Minister for Finance to come back to the Deputy on this, given that it falls under his remit. My understanding is that this was well flagged a number of years ago and is designed to align the benefit-in-kind system with environmental objectives. It was designed to encourage company cars to be electric or low emission and it was well flagged a number of years ago. That is my understanding of it, but I will ask the Minister to get back to the Deputy on it directly.

Deputy Alan Dillon: The emergency department at Mayo University Hospital remains under significant pressure. The hospital is postponing a number of elective day cases and inpatient procedures due to high admission rates and pressure on the site. The signs for the winter ahead at Mayo University Hospital in Castlebar are not promising due to these issues. Given that the hospital and the HSE are aware of significant demands on the Mayo University Hospital emergency department and past failings in terms of treating patients in a timely manner, I cannot accept it will take another four years for a project to extend the emergency department to be progressed from design and procurement to delivery. I appreciate that the delivery of public projects takes time, but this is just excessive.

Will the Tánaiste examine how this project can be delivered more quickly, speak to the Minister for Health and address the structural issues within the HSE capital and estates team?

The Tánaiste: I am aware of the increase in overcrowding in our emergency departments in recent weeks. We are concerned going into winter, with Covid cases rising again and the risk of a flu season, that our hospitals could be extremely busy. With that in mind, the Minister for Health and the HSE have developed a winter plan and there will be bespoke plans for particular hospitals and regions. That is due to be discussed next week, I believe. I will make a point of raising Castlebar and Mayo University Hospital with the Minister as part of that meeting, and if we can speed up that project, we should do so. I share the Deputy's frustration about how long it takes to get some projects done. I will not even mention the University Hospital Galway emergency, paediatric and maternity facility, which is going on for far too long. On the other hand, other projects have been completed much more quickly, including those in Clonmel, Waterford and Drogheda, so it must be possible to do these things more quickly.

Deputy Rose Conway-Walsh: At 11.11 a.m. next Thursday, students from all over this State will walk out of their lectures. They have a list of well-justified demands, including adequate funding for the sector to address a legacy of chronic underfunding, reform of Student Universal Support Ireland, SUSI, and a living wage including decent pay for PhD researchers who are denied worker status. Three of their demands centre around the crisis in student accommodation, yet this year's budget is the third consecutive budget from the Government with no allocation for student accommodation. Students have had to defer their courses, sleep in cars and travel long distances. Will the Government look again at student accommodation and stop

avoiding the inevitability of investing in such accommodation? Will it listen to these students?

Deputy Martin Browne: While the one-off measures contained within the budget are welcome, they do little to hide the fact family carers are still undervalued by the Government. Pension entitlements are still an issue, and whatever increases in money that carers will see are likely to be offset by their having to continue to pay to go private for various therapies because State provision cannot keep up. The HSE recently told me, in regard to a family whose occupational therapist is advocating for respite, that it was not possible to provide a specific timeframe for when respite would be scheduled because there are not enough places available in the south east to meet the demand. Families are getting into debt to go private to address the needs their loved ones have, and the Government thinks one-off payments are going to hide that from us all. What is it going to do to get those services staffed and rolled out?

Deputy Simon Harris: As Deputy Conway-Walsh knows, we are pursuing a new policy in regard to student accommodation. For the first time as a State, we are going to invest in getting under way projects that have been stuck and building college-owned affordable accommodation. We will update the Cabinet committee on housing on this next week. I am meeting representatives of the Union of Students in Ireland, USI, this afternoon on it. As the Deputy will know, we took a number of cost-of-living measures in the budget, such as the first reduction in the contribution fee in more than two decades. I think I put the same amount of new funding into core funding that Sinn Féin proposed in its alternative budget.

The Tánaiste: To respond to Deputy Martin Browne, the budget provides for a €500 payment for carers, not means-tested, which they will receive before Christmas, and a €12 increase in the carer's allowance and the carer's benefit from the new year. There is additional funding for respite too. I fully appreciate how important it is that carers be able to get a break from caring. That is important in order that they can continue to do the work they do. The funding will be there. Recruitment of staff is a challenge, as the Deputy knows. That is certainly not a problem unique to us but we will do our best in that regard. One thing that is significant is that the Minister for Social Protection will bring through legislation next year to recognise the contributions that carers have made during years of caring towards eligibility for a State pension, not means-tested, which is a big step forward.

Traveller Culture and History in Education Bill 2018: Referral to Select Committee [Private Members]

Deputy Thomas Pringle: I move:

That the Bill be referred to the Select Committee on Education, Further and Higher Education, Research, Innovation and Science pursuant to Standing Order 180.

Question put and agreed to.

Sitting suspended at 1.10 p.m. and resumed at 1.51 p.m.

Communications Regulation Bill 2022: Second Stage (Resumed)

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

Deputy Darren O'Rourke: I will be sharing time with colleagues.

The Commission for Communications Regulation, ComReg, has been operating with one hand tied behind its back, which has allowed poor standards and customer service problems to go unaddressed. As in the energy sector, the Government established an independent regulator but left it without the teeth needed to enforce standards of quality properly. At the time, we called for the introduction of legislation to provide for much larger sanctions that would act as a deterrent to communications companies treating their customers with contempt. Here we are two years on. The Bill is better late than never, though, and I welcome its provisions and recognise the effort to ensure due diligence in terms of providing ComReg with the necessary powers to clamp down on poor standards and behaviour among communications companies.

I will mention another regulator that falls under the remit of the Minister for the Environment, Climate and Communications and is operating without enough powers, namely, the Commission for Regulation of Utilities, CRU. It has a number of questions to answer, but some of the problems fall at the Minister's door. A couple of weeks ago, the CRU confirmed to the climate committee that it lacked the legislative remit to govern standing charges. This means that utility companies can hike their standing charges without having to prove to anyone that there has been a corresponding increase in their fixed costs. It is a recipe for disaster. Despite households decreasing their energy usage, they are now being stung for more money via higher standing charges. This behaviour from energy companies will not help to encourage lower energy use in normal times. The Minister needs to address this. He should introduce emergency legislation to give the regulator the power to regulate standing charges and beef up its consumer protection abilities.

We recently learned that domestic electricity customers had paid €600 million over the past decade to subsidise large energy users' costs. This was an incredible revelation in the *Irish Independent*. The CRU has now cancelled that charge, but it has replaced it with another one. We need an explanation for this from the Minister, Deputy Eamon Ryan. He was the Minister with responsibility when the charge was introduced during the recession, so he cannot wash his hands of it now. I ask that he clarify what was happening. The Minister should also address the gaps in the powers that the CRU requires in order to protect consumers fully.

Returning to the Bill, ComReg was established 20 years ago, so it is well past time that it be given proper enforcement powers. ComReg has a wide and important remit over a large number of companies in the telephone, mobile, broadband and broadcasting sectors. The current legislation requires ComReg to pursue civil and criminal sanctions through the courts. In transposing the European electronic communications code, EECC, this Bill will establish a new civil enforcement regime for ComReg, which will allow ComReg to make declarations of non-compliance and impose a range of penalties instead of having to apply to the High Court. This is a positive move, as I hope it can speed up these processes and not leave them caught in the court system for years. It is proposed that the penalties can include administrative financial sanctions up to a maximum of €5 million or 10% of annual turnover, up from the current maximum of €500,000, which simply does not act as a strong enough deterrent for multimillion euro - sometimes multibillion euro - companies in these sectors. Providing ComReg with enhanced enforcement powers, particularly the power to find non-compliance and impose administrative financial sanctions, would bring the regulator further in line with equivalent regulatory bodies in the State.

The Bill would also provide for ComReg to set minimum quality of service standards in

the areas of customer service, complaint handling, switching, billing and refunds. I hope that this will address the problems that many people face when trying to get simple answers from, and issues resolved by, phone, TV, mobile and broadband providers. As acknowledged by the Minister of State, it can often take an age to get answers to simple questions and resolving straightforward technical issues can be a mammoth task when dealing with certain communication companies. There is no excuse for this. It is causing particular issues for people who are now working from home and are more reliant on their phones and broadband. Some people dread ringing telecoms companies because they can spend hours on the phone and still not get their problems resolved. Introducing minimum quality of service standards in this area will help to change the bad behaviour of some companies that show contempt for their customers.

One of the most annoying issues for mobile and email users is the constant stream of scam calls, text messages and emails. These are getting more sophisticated and advanced and can result in people losing thousands of euro. People are now receiving text messages with fraudulent links attached in the midst of the thread of legitimate messages from their banks. Others are plagued with scam phone calls and spam emails. Victims of text message scams were cheated out of an average of €1,700 during the first half of 2022 according to figures from FraudSMART, the fraud awareness initiative from Banking & Payments Federation Ireland. I understand that an industry-led task force, facilitated by ComReg, has been established to identify and recommend practical interventions that might be taken by operators in the short, medium and long terms to combat nuisance communications. The Minister of State, Deputy Ossian Smyth, might provide an update on this work.

The Minister of State will be aware that the European Commission launched infringement proceedings against Ireland over the Government's failure to transpose the EECC within the required timeframe. Will he update the House on whether this has resulted in financial penalties being levied and how much has been spent on the State's legal defence since Ireland was referred to the European Court of Justice in April?

I welcome the introduction of the Bill. It is vital that our regulators have the powers needed to protect consumers and clamp down on poor standards among some providers. I look forward to dealing with the particulars of the Bill on Committee Stage. I note the number of amendments from the Minister that were late additions, particularly those relating to the Digital Hub Development Agency Act 2003. I will discuss them with my colleagues and I look forward to engaging with the Minister of State on them.

Deputy Ruairí Ó Murchú: We all welcome this legislation, although it is one of those Bills that we would have liked to have seen earlier. It is a straightforward requirement that companies realise the service expected of them, particularly those that operate in the telecommunications field. We all know of the issues that existed with Eir. The pandemic brought us into a different world where we had an absolute necessity for as much connectivity as possible in our homes and the many other places where we ended up doing a great deal of business that we might not have done in those places before the pandemic. We need to ensure that all providers are providing people with the necessary level of service.

Complaints need to be dealt with quickly so that people can move on. Obviously, that has not always happened. One reason for this from ComReg's point of view - the Joint Committee on Transport and Communications has dealt with ComReg many times - is that it did not have enough teeth and has needed to use the High Court.

2 o'clock

We all realise how backlogged the courts are. There is an absolute requirement for them to have some of the powers provided for in this legislation. We must make sure that compliance can be ensured. This will only happen where it is a matter of “show me the money”, as the line in “Jerry Maguire” goes. We all agree it is necessary that we have the possibility of imposing fines of up to €5 million or 10% of turnover. This type of provision can ensure that there is sufficient leverage and that when ComReg speaks, it can speak softly because it will then have a big stick. We must ensure this happens.

It is vital that people can get services that are not only affordable and deliverable but are also up to a certain standard. If difficulties are encountered, it is crucial that complaints be dealt with. In that sense, then, we welcome this measure. It has been the case that, to a degree, we were lagging in this regard and the EU had to put us under a certain amount of pressure. In fairness to Deputy O'Rourke, he has put several questions concerning the costs in this regard and the associated engagements and interactions. I do not think it would do the Minister any harm to detail all this.

Another issue where I am in agreement in this context concerns the fact that we are dealing with regulators without the powers we would wish them to have. We are all aware of the changed circumstances we are in now concerning energy security and energy price security. I refer to the cost of everything from electricity and home heating oil to the fuel we put in our cars. We are certainly in a different place and this is due to many factors. The most serious of these is Russia's vile invasion of Ukraine, which we all stand in solidarity against. The reality is that we must do what we can to ensure people have these vital services. Nothing is more vital than electricity and heating. It must be ensured that people are getting the best deals possible. We must examine the situation where the CRU does not have responsibility for aspects such as communal heating systems and standing charges and is also limited in those areas where it does have responsibility. This present set-up must be considered from the perspective of being able to ensure decent prices for those services which are essential to how we live our lives. It is necessary, therefore, that this context is dealt with.

Moving on to talk about the energy sector in general, we all know that at an international level, and especially at EU level, we are only starting the conversation about getting to grips with addressing the energy and electricity markets. The Government was negligent in not pushing forward the required measures to decouple the price of electricity from that of natural gas. Sinn Féin put forward a proposal suggesting what we saw as an approach to capping in this regard, from the perspective of providing people with clarity concerning what their prices would be, and proposing that this be done in the context of the leverage of a windfall tax. I have no doubt that we will move in that direction at international level and, eventually, in the domestic sphere. This is what needs to be done.

I welcome what is in this legislation. We will deal with any proposed amendments on later Stages and we will be very interested to see if anything else is added to the Bill, as can happen from time to time. We support better services for our people and regulators having the necessary teeth to be able to do their jobs. This is about affordable and decent services and ensuring people's complaints are dealt with in a timely and decent manner. If someone needs to be dealt with properly, that is what will happen.

Deputy Thomas Gould: I welcome the opportunity to speak on this Bill. It has some very

good measures, specifically those that will increase the powers of ComReg. That organisation does good work. It supports vulnerable people and can be an easier organisation to gain access to and get support from. This removes the need to go to the High Court, freeing up valuable and vital court resources.

It is disappointing that this legislation has taken so long to emerge. We are two years past the deadline we signed up to. The State was referred to the European Court of Justice in April of this year for failing to implement these changes. To be clear, the court could fine the State and we could face the prospect of ordinary people having to pay the bill for the Government failing to do its job. It has taken four years to draft this legislation, and I recognise it is complex, but there are so many Bills like this that we need to process much faster. The Minister needs to make it clear why this process has taken so long and what actions he has taken to ensure this will not happen in future.

I have serious concerns about Eir. Recently, it hiked up prices by as much as the increase in the consumer price index plus 3%. I reiterate that Eir added an extra 3%. This saw monthly bills rising by €5 in August. The Minister of State needs to clarify whether this Bill will give people any recourse in situations like this, because we know the majority of people who use fixed telephone lines are elderly or living in rural areas. These are not luxury services, but necessities. While a €5 monthly increase may not seem like a huge amount for many people, for those living on pensions, those living alone and those living in vulnerable areas who are already struggling because of the cost-of-living crisis, these increases will have a huge impact on their household costs annually and make them even more vulnerable. Eir should come out now and reverse this decision.

Margaret, a lady from Cork, contacted me about this issue. She requires a fixed telephone line because she has a personal alarm. I assume the Minister of State will know that people with personal alarms must have a fixed telephone line. This ensures that if the alarm is triggered, a relative or someone supporting that person can be contacted. If people cannot afford to have fixed telephone lines, we will be making more people who are already vulnerable even more vulnerable. Elderly people living alone are now concerned about being able to afford a personal alarm. There is enough fear among older people already, especially among those living alone or in rural areas, concerning their safety, without them also having to worry about whether they can afford the cost of a fixed telephone line for a personal alarm. The Minister, Deputy Eamon Ryan, needs to engage with Eir and call on the company to reverse this decision.

With all that is already happening, including the increasing cost of heating, people being concerned with what they are going to eat and how they are going to manage, and a cost-of-living crisis that is crippling people, this move by Eir adds insult to injury. The Minister, Deputy Eamon Ryan, must ensure the Government takes action to ensure this increase does not impact on ordinary people. Companies should not be allowed to apply increases like this. What is the justification for it? I ask the Minister to act quickly. He has been out defending the big data centres and the amount of energy they are using. Where is the defence for ordinary people who have been priced out of necessities? We need a regulator with the power to protect ordinary people and to ensure people have recourse. There are good things in this Bill, but there is more to be done. My colleague, Deputy O'Rourke, is at the forefront in trying to ensure the regulations and the regulator have the power to ensure ordinary people are protected.

Deputy Ivana Bacik: I note the welcome aspects of this Bill. Despite the delay, this legislation will see the enforcement provisions in the EECC being transposed into Irish law. This

is very welcome, especially the provision for ComReg to have additional powers and a wider remit. We are all conscious in our constituencies of issues around consumer protection and lack of due regard for online security. This Bill is a welcome initiative to redress some of those issues.

I am not going to take my full time because I welcome the Bill. I will, however, highlight several issues concerning consumer protection in the online sphere. It is hoped that the legislation might play a role in addressing this aspect. I want to speak about the impact that cybersecurity breaches can have on individuals and also groups of persons, particularly those who are less adept at using new technology. We saw news in the last year, such as the awful real-world harms of the cyberattack on the HSE, that has highlighted the risks associated with new technologies and, indeed, failure to update old technologies. That is why the implementation of this Bill is so important. The huge cost implications around the breach of online security of the HSE was accompanied by horrendous impacts on the health and lives, in some cases, of individual patients. That should never be forgotten. It was absolutely horrendous to see the effects of the cyberattack on the ability of our health system to care adequately for patients undergoing necessary treatments. That is the starkest illustration of the real harm caused by breaches of online security in the recent past in Ireland. Year on year, however, we hear from individual constituents and through the media of people who have been abused or scammed through electronic communications at a more individual level. The advent of online technologies has undoubtedly made people vulnerable in many ways.

One area in which I have been campaigning is to try to address the closure of in-person services that have been offering supports to people in accessing or making contact with public services like the Revenue Commissioners, health services and the Department of Social Protection. Citizens Information Board services and the centres it runs have been really powerful mechanisms to provide people who are not technologically literate with the ability to make contact with and make applications to bodies such as Revenue, the Department of Social Protection and other Government Departments.

In my area in Rathmines in Dublin, we had a really serious issue when the citizens information centre closed during Covid-19 and all the services moved online. It has not reopened, however, and there are no plans to reopen the building. Indeed, the premises is being closed. Clearly, it could move to another premises and we are seeking to try to ensure that is done. My great colleague, Councillor Mary Freehill, is working with me on a campaign to try to do this. The issue of the Rathmines closure touched a nerve with so many people. We ran a public meeting in June. Large numbers of people from the local community came along and spoke about how the closure of a face-to-face service and contact point with Government services had really affected and adversely impacted them, and how it made it really difficult for them, for example, to access benefits to which they were entitled or find information they needed. There are, therefore, a variety of ways in which the closure of these services specifically disadvantage not just older people but the many people who have difficulty with accessing technology.

The reality is also that it makes individuals who do not have the necessary digital technology skills or who are trying to work through electronic service provision inherently more vulnerable to scammers and cyberattackers. That has a direct knock-on effect. “Liveline” also ran a series of programmes over the summer about the closure of citizens information services. This is an issue nationwide. It also reflects the more deep-rooted closures of in-person and face-to-face services and a move online for so many different services generally. It is not just public services. I am also thinking, obviously, of banking services about which we saw controversy.

Large numbers of people still want to be able to deal face-to-face with bank personnel and that was really revealed this summer. The reality, which the Government must acknowledge, is that shifting all services, public or private, online to electronic access-only opens up our most vulnerable citizens to cyberattack and cybersecurity breaches.

In addition to the new enforcement mechanisms that are set out in the Bill, I ask that the Government might review digital strategies, for which the Minister of State is responsible. It is very welcome to see us moving to digital strategies. The legal profession, in which I was once a practitioner, was far too slow, for example, in moving to use technology for conveyancing. The Law Society of Ireland did eventually move to an e-conveyancing strategy. That is all very welcome. So much of the movement online has been hugely positive. I do not want to sound like I am being negative about this. However, we need to see retention of in-person supports to support those who may have difficulty accessing all services online.

We need to see steps being taken to protect vulnerable members of the public from scam telephone calls, email phishing and any attempts to gain access to a personal computer or hijack or hack bank transactions or other sensitive information. ComReg and the Government need to take a more proactive role in protecting the public from this sort of fraud. Some very useful advertising is going on at the moment, which I think is very helpful in that regard.

I will speak about the cost of communications, for example, telephone and broadband bills. As we experience a cost-of-living crisis, we currently have a really serious consumer protection issue with increased costs for consumers on telephone and broadband bills. Organisations like ComReg and the Commission for Regulation of Utilities, CRU, should take up a stronger role in protecting the interests of consumers in that regard.

With the indulgence of the Chair, I will mention legislation relating to this issue that was brought forward in 2020 by my colleagues, Deputies Nash, Duncan Smith and Ó Ríordáin, namely, the Consumer Protection (Loyalty Penalty and Customer Complaints) Bill 2021. This would greatly improve consumer protection against price-gouging practices by outlawing what we call the “loyalty penalty”, in other words, outlawing enhanced costs for retained or existing subscribers of services such as insurance, utilities and telecommunications while also imposing an obligation on service providers to establish a system to handle customer complaints to a regulated standard. I am conscious that other contributors have spoken about customer complaints around the service people get from Eir. The Labour Bill would outlaw loyalty penalties for services provided to consumers on subscription or roll-over contracts. We think it is fair to say that in most consumer relationships, loyalty is rewarded and not punished. The loyalty penalty has been really problematic. It has caused a great deal of angst and concern among customers, many of whom do not have the time or energy to devote to shopping around. I know the advice from consumer bodies is always about shopping around, but that can create its own difficulties. Really, the loyalty penalty has been most pernicious in punishing people who just do not have the wherewithal to engage in shopping around. I should say that we also want to tackle the problems of poor customer service in the telecommunications industry. We want to see and ensure that mobile and broadband providers are required set up a complaints handling scheme that satisfies minimum criteria. We would impose a general obligation on service providers to set up a system for handling customer complaints to a certain regulated standard. We believe the debacle we have seen with Eir must be addressed and tackled. Again, the issue has been raised extensively by Councillor Mary Freehill.

Consumer protection has not been sufficiently strengthened in Ireland in the past. This Bill

is a welcome part of change in our attitude towards consumer protection. Unduly regulated markets in any sphere allow the exploitation of consumers who are unable to shop around regularly. Requirements that people do shop around tend to put the onus on the individual consumer or customer to change. We believe there should be more emphasis on placing responsibility on the company or provider of the service and not on the consumer of the service. We want to restore trust to ensure people do not feel ripped off when they access services and ensure that companies are not allowed to discriminate against existing customers by offering cheaper rates that are only available to new customers, nor should poor customer service and handling of complaints be allowed. We know the market alone cannot be trusted to deliver good customer service and fair pricing. By legislating, we can ensure there is adequate regulation of the market in the communication sector, but also beyond that in public and private services generally. I ask the Minister of State perhaps to consider adopting even some provisions on the loyalty penalty in our Bill in amending this Bill to strengthen the mandate of ComReg and further enhance the protections for consumer rights that are really at the core of this welcome Bill.

Deputy Richard Bruton: I join with other Deputies in saying this Bill is very welcome. I also join with other Deputies, however, in saying we need a much more activist consumer protection approach in this country, particularly at this time of rising costs but more importantly at a time of imbalance in the relationship between these large companies, which not only have access to market power but that also have an extraordinary imbalance in access to information. The data profiling they have of their consumers is completely different to the position of many of the users, particularly those who are not perhaps as familiar with technology or who are not digital natives. All the time we are seeing the encroachment on those who rely on freephone or phone services to get a response and, increasingly, there is no response at the end of the line from these larger utility providers.

I urge the Minister of State to consider a cross-government audit of all consumer protection regulators to examine just how effective they are being in protecting consumers in all the key areas, which are price, switching, complaints mechanisms, service standards, access to dispute resolution services and so on. They are a fairly standard mix and they are recited in the Bill in many provisions, including in access to refunds and so on, where it gives stronger powers to ComReg and confirms some of its existing powers. We need to see a consistent and activist approach from Government in ensuring all our regulators are acting to a high standard. Let us be fair; in the switching sector we have the obligation to inform people when they are coming to the end of their contracts and people must also be informed of the best charge for their mix of service. There needs to be an audit of that by ComReg to see how effective that mix is because there is a penalty for early exit from contracts. Does defeat the purpose of it? Are we seeing this regime deliver better protection for consumers in the communications area than in other sectors that do not have those same protections? It is only if a cross-government approach is taken that we will begin to see the consistency or lack thereof in the approach the Central Bank, the CRU and all the various regulators take.

I also welcome that we are imposing obligations on companies to take security seriously and inform us of incidents and so on. To put this into perspective we recently, and rightly, put clear legal limits on how the State can access information that we, as consumers, leave behind us in locational footprints, the sites we visit and the user activity we conduct. However, it begs the question of how citizens are protected from cyberhacking and from the legitimate ownership of some of this data, which we often inadvertently give permission for. It is a powerful tool and there is no serious assessment of what the proper limits on the use of that are. GDPR is

an important protection but I suspect there are many other elements, such as what is embedded in algorithms that are being used to determine choices that are made and how they impact on citizens' rights. There are a lot of issues here that we need to explore and an audit of different sectors would be helpful.

I welcome civil enforcement because for years when I was a Minister in different Departments I was told it could not be done and there were a thousand legal reasons for same but now we are doing it. That is welcome but it maybe gives us a timely reminder of what Robert F. Kennedy said when he asked "Why not?" Perhaps we should be doing more of that. The consumer standards are welcome but ComReg should aggressively publish those standards that are being delivered by these companies. We should promote a league table and competition among these providers in delivering quality of service, quick handling of complaints and keen and quick repairs. All those issues are important but they slip down the priority list unless sunlight is shone on them. They say sunlight is the best disinfectant and that is clear in the case of these large companies competing with one another that do not want to see reputational damage. We need ComReg to audit these various new areas to see how strongly the different companies are performing as well as publish that information and be open in encouraging the notion that customer service standards are important and that these companies will be judged by them. If they are not answering their freephone numbers and if people cannot get access to them then that should emerge and we will begin to see that standard being applied. Information is power and if we can get the information on that level of performance out there that would be beneficial.

Another area where ComReg should become more active is broadband. We know the commercial sector has carved out areas from the national broadband plan which are not open to the broadband plan delivering service but the reality is there are a lot of frustrated customers within those areas where the commercial sector is supposed to deliver. We do not see transparency in the plans of those companies to live up to their commitments that they would deliver these services commercially and that we would not have to have State-supported delivery in those areas. That frustrates people and at a time broadband is so important to people, we should do that.

I tried to look up the ComReg price comparison tool and I found it difficult to do so. I do not pretend to be a whizz at this but I found it difficult to use so maybe the Minister of State should look at that.

Deputy Ossian Smyth: Yes.

Deputy Richard Bruton: ComReg has a formal dispute resolution where a problem has not been resolved for 40 days but a fee of €15 has to be paid for it. I do not mind paying the fee but it should be refunded if the case finds that the company was wanting. We should not putt obstacles in the way; 40 days is four times what the delivery standard for those companies should be and if ComReg has to intervene in their dispute we should recognise that at the very least we should be making it as accessible as possible.

I welcome the Bill but it needs to be the start of an activist use of this legislation and the consumer rights Bill, which is also shortly to come before the House, to strengthen the position of consumers.

Deputy Mattie McGrath: I too welcome this Bill. As the previous speaker mentioned, ComReg and the different aspects to this area are something that people struggle with. It is a sad indictment on our country that we meet people in our clinics who mention problems with

Eir, which is a complete disaster. People in rural and isolated areas depend for safety and security on pendant alarms and their Eir lines might be down for one, two, three or, sometimes, six months and they cannot get through or navigate the system, especially elderly people. I walked in one day and heard my daughter asking not to be passed to someone else. There was a woman sitting in front of her for an hour and a quarter while she was contacting a company and that woman had to be there to identify herself under GDPR requirements. We were passed from Billy to Jack to Ned to Tom to Mary to Billy and back around the house again and got no resolution. It is so frustrating.

I recently met a nurse in a hospital in Dublin and I had not seen her before as she had just moved back from the UK. She said she used to come over every year to visit her mother for holidays but she never realised things were so bad with utility companies until she came back with her family of four kids, bought a house, which is great, and tried to navigate with the utility companies. She said it is a nightmare compared with the UK. What is wrong with us in our supposedly modern and inclusive State when we are excluding people and discriminating against them? That is especially true of people who are not good at IT - and I am one of those myself - and it is true of older people. I chaired the adult education board and I often gave certificates to 90-year-olds who went back and did their leaving certificate and everything else and it was wonderful to see that but many people are not proficient with electronic gadgets, especially older people as they are not into them. They can barely turn on RTÉ One on the television with the remote control and it is scandalous that they are not looked after. They are neglected and abandoned by these companies and they are paying dearly for the pleasure of being neglected and abandoned. It is very serious and we seem to just pass it off. We have ComReg and a plethora of other regulators but, honest to God, I wonder sometimes what is their function. They do not seem able to deal with these companies or they suffer from inertia in doing so. They seem unable to get the companies to behave properly.

I am in business, or part of a business, and, thank God, we celebrated 40 years in operation this year. I thank my wife and son for carrying on while I am in this job. We would not have any customers if we behaved the way these companies are behaving. Customer service does not seem to apply to them. I am not blaming the people at the other end of the telephone. That work is often farmed out to different companies, call centres and all the rest of it. It is just sad that people are so frustrated they come to us, as politicians, to the Ombudsman or to the likes of Joe Duffy and other talk show hosts. We hear all the time about the total and utter frustration of people who have been abandoned by the providers of services for which they have paid. They are already paying through their taxes to support many of those services, including the setting up of Eir and the roll-out of broadband. I know people who live 100 m or a little more from a centre that has broadband but they cannot get it and are told it will be two or three years before they do. It is shameful in this modern era.

I was at a Fianna Fáil Ard-Fheis at which the late Albert Reynolds held up one of the big phones we used to have on the hall stand in our house. We were afraid, as children, to go near the phone when we first got it. It was polished twice a week but we were not allowed to touch it. When you dialled, you got through to the local post office, which then put through your call. Albert Reynolds held up the phone and said he would have one of them in everyone's house within a month, which he succeeded in doing. That was in 1978 or 1979. Now, however, people might be waiting indefinitely for a phone line to be installed. ESB, to be fair, has very good customer service and is very good at repairs when there are outages. Their staff go out in all kinds of weathers. The same cannot be said of the other companies, some of which have

come and gone. The broadband situation is not acceptable. Timescales are given for roll-out but none of them are met. The companies are supposed to pay huge fines for missing targets but I do not know who is fining them or whether they are paying such fines. Public money is funding the roll-out of broadband. Is the public contributing to the payment of fines as well, while waiting for the broadband to be rolled out? It is quite simply appalling.

It is a sad situation in our modern country that we see young people with smart phones and everything else but ordinary people cannot get services they were used to having. There were great people working in some of those services, including the gangs of men we used to see working for Telecom Éireann and then Eircom. Now, someone might come the distance from Mayo to Clonmel and Cahir to repair an outage or fix a cable. We see the poles rotting and falling into ditches and wires hanging down on top of ditches. It is dangerous. Farmers cannot cut their fences because the wires could get tangled up in their machines. It is scandalous that we have a quasi-public utility whose workers have no pride in their work and whose morale must be very low. There are no staff left. I had a visit on Tuesday from Pádraig Ó Ceallaigh, whose wife, Shirley, works for me. He was a dedicated Eircom and Eir employee all his life. It is a pity for the many like him who gave great service that we are in this situation.

I hope this legislation is not just about ticking a box and passing another Bill, rather than ensuring we have proper regulators with teeth. I do not want to be repetitive but, as I said, it is very frustrating for people to be paying for a service and to be punished by not having that service and having to wait and wait and be fobbed off in trying to resolve it. I hope the legislation will make some impact but I very much doubt it will.

Deputy Denis Naughten: I welcome the opportunity to speak on this legislation and thank the Aire Stáit for dealing with it. I welcome the publication of the Bill, particularly the provision for additional powers to be given to ComReg, which is very much warranted. However, there are a few issues not dealt with in the Bill that need to be addressed.

The first is an issue I have raised on numerous occasions in the House, namely, the European Commission's definition of high-speed broadband. One of the provisions in the Bill relates to universal service obligations and implementing the relevant EU directive. I will come back to that presently. The difficulty at this time is that the legal definition of high-speed broadband at EU level is a services of 30 Mbps. No one in this country believes a speed of 30 Mbps is high-speed broadband. The Commission is setting a target of gigabit broadband speeds in eight years' time, yet it still retains the legal definition of high-speed broadband as being a speed of 30 Mbps. Why is this a problem? Under EU state aid rules, National Broadband Ireland cannot intervene to provide a householder with a fibre optic cable where that home is already getting a minimum speed of 30 Mbps. Sadly, it is not the case that those households are getting a minimum of 30 Mbps but that the provider, usually Eir, is telling them they are getting that speed. I am aware of instances right across rural Ireland, on the edges of many of the towns and villages in this country, where people are not getting 30 Mbps. However, Eir is telling the Department it can provide them with that speed and because of that, and even though the fibre optic cable is on the pole outside their door, NBI is precluded from providing them with a service.

The European Commission is threatening us with legal action on broadband provision. I ask the Minister of State, at European Council level and through his engagement with the Commission, to ensure the latter starts pulling up its own socks. It needs to revise the definition of high-speed broadband. No one on this Earth believes a download speed of 30 Mbps and an upload speed of 5 Mbps amount to high-speed broadband. Why is the Commission not prepared

to change its definition when it is setting a target for 2030 of 1 Gb? Ireland is probably the only country in the EU that will be able to achieve that target universally across the State but we are being precluded from doing so because the Commission will not revise its definitions. I hope the Minister of State can make progress on that.

On a related issue, something I, as Minister for Communications, Climate Action and Environment, took up with the Commission is that there should be a legal universal service obligation in regard to the provision of high-speed broadband to homes. There is no point in the Commission talking about high-speed Internet access and giving gigabit speeds to homes if there is no legal obligation in this regard. We will be unique in Europe in having fibre going to almost every door in the country by 2030. The difficulty is we will have a handful of homes scattered in different parts of the country for which there will be an astronomical cost to the State of putting in a broadband connection. If we had a universal service obligation on the telephone providers to provide broadband to every home, that would overcome the problem. We have a legal definition at present whereby people are legally entitled to have a copper wire brought to their door in order to avail of telephone services, but they have no legal entitlement to any broadband service whatsoever. The Commission needs to move on this. It has been pussyfooting around these issues for long enough. If it is prepared to take out the big stick and wave it at Ireland, we should go back to it and say we are the ones showing Europe how this can and will be done. We are the ones showing Europe how this can and will be done. Let them give us the opportunity to deliver on that by changing the archaic rules they have in place. They can come back closer to home. One of the provisions in this legislation relates to cybersecurity, particularly relating to 5G networks. I do not intend to get involved in that debate today; it is for another day.

However, I want to raise a related issue. We all accept that the 5G networks will need to be ubiquitous across this country if we are going to have equality of treatment for people on our island. At the moment, we are looking at it in terms of the 5G services that are provided currently. Such networks are going to be vitally important in the provision of services to farmers in rural areas, in crop and livestock management and in the provision of healthcare services. Yet, there is no obligation to provide 5G coverage on a geographic basis in this country. The disappointing aspect about this is that the Government launched its national digital strategy earlier this year on 1 February. It has set itself a bizarre target of only covering the populated areas of the country with 5G by 2030. It is going to provide fibre broadband to every rural home, 146,000 km of it to 96% of the landmass of this country, two years earlier, yet we are only setting ourselves a target of 5G coverage for populated areas by 2030. Eir is already covering 70% of the population, including 322 towns throughout the country. Three has 79% 5G population coverage at present. We are setting ourselves a very low benchmark by 2030. I accept that when we move into rural areas, the cost of it becomes prohibitive. I am asking the Minister of State to sit down with representatives of the industry and agree on the establishment of a single rural 5G network, so that all the operators can piggy-back on it and provide 5G coverage to every townland and parish in the country. It makes financial sense for the Government to do it if there is a little bit of joined-up thinking. The reason for that is the existing TETRA radio system used by An Garda Síochána and the emergency services is costing us €40 million a year. The technology is obsolete. We are going to put in a new network and spend a lot of taxpayers' money on rolling out a separate independent, geographic 5G network across the country to provide the services to our emergency services. Why not have a 5G service that people in rural communities can use, and that people in any location on this island can use to dial 112 or 999 to get access to the emergency services and the type of medical support that can now be made available on a 5G network, as well as providing it to the emergency services and An Garda Síochána? Instead of

it costing €40 million a year, we could replicate what is being done in Northern Ireland where a rural network is being rolled out. The estimated cost, according to the industry, of rolling that out in this jurisdiction would be between €30 million and €50 million in a one-off capital cost, not a recurring cost, benefiting our communities as well as benefiting the taxpayer.

Deputy Seán Canney: I am delighted to be able to speak on the Bill, and to bring to the attention of the Minister of State some of the issues that are affecting us nationally. First I will deal with the telephone system and the billing situation at the moment. Eir has issued letters to all of its fixed line customers to say that, in future, they will have to pay €7.50 for the privilege of getting their bill sent out in the post. I think that is wrong. Most of the people affected by this issue are those who perhaps do not have access to online services or do not have the competence to use online services to pay their bills, or do not have the broadband or telephone networks required to do the same thing. It is wrong for companies, such as Eir, to introduce a €7.50 charge for the privilege of having bills posted. I spoke to a woman yesterday who said that she is thinking of giving up her landline because she has an old-fashioned mobile phone. The problem is that she is not sure whether she will need the landline to install emergency alarms in her house because she lives alone. She is paying approximately €250 a year for the benefit of having a landline. She checked her bills and she made one call on it in the past two months. There is a corporate responsibility on the likes of Eir to look at this type of situation, and to ensure that they are not just milking innocent people. Adding €7.50 on to the cost of posting a bill is wrong and should be tackled head on by the Department.

When people have broadband installed and get their package from whatever company they get it, they are told that they will enjoy broadband speeds of up to a set number of megabytes. That is a marketing tool. If people go back and check on how many days in a month that they actually reach the target speed, they will find that it is very few. Customers are told that they will enjoy speeds of up to a certain number of megabytes. That is wrong, and has to be stopped, so that customers who are buying something know that they are getting, and are getting what they pay for. That is the important message there.

With regard to the NBP, I am critical of the likes of Eir. It has an installation in place that serves a certain length of a road, for example, but will not serve the next house or whatever. According to Eir, that house is in the intervention area and is out of its service area. There might be five houses left on the road without service. I know that the installation is in a circle on a map, and this is how it ends up. Surely to God, there has to be some joined-up thinking between National Broadband Ireland and Eir to ensure that such houses, which are still low-hanging fruit, can be connected to the system so that customers can get the fibre-optic broadband. In some cases, the service is available and businesses in rural areas cannot access it because they are outside the service area. There might be a line in the road, as it were. That is an archaic way of trying to deal with things, especially in light of the fact that the roll-out of the NBP was delayed and it will continue until 2027.

There is another innovation that the Minister of State might consider. It concerns cases where NBI or Eir are connecting customers and there is a satellite dish at the property. Such dishes should be taken by the local authorities and set up, in extreme rural areas that are going to take four or five years to get to, to be reused. Perhaps the mobile phone and broadband task force could look at this, as something that there could be joined-up thinking on, to ensure that we roll out, even on a temporary basis, satellite signal to places that will not get the fibre-optic broadband for a good while. That is very important.

I was involved in the NBP, as was my colleague. It is the best thing that has happened, but we need to make sure that the roll-out is expedited and that we push it along to get more and more houses done. The frustration I have is that people ask when it is going to be done. It is going to be 2024, 2025 or 2026 before they get their broadband. These are people who could be working or doing a lot of other things from home. At the moment, they are travelling a lot and wasting a lot of carbon.

Deputy Matt Shanahan: The Communications Regulation Bill is certainly a topical subject in light of the cyberattack on the HSE and news from the US today that a chief technology officer from Uber is being prosecuted for a data breach in 2016. This Bill is designed to enact a European directive on data management, network management, and security and legislative provisions. Customer care has been a significant feature for many people dealing with communication companies in this country, particularly those dealing with cable television, phone and Internet providers. In this area, as my colleagues have outlined, ComReg has significant work to do in properly managing and enforcing the standards of these regulated companies.

As well as managing data security on the Internet, I question the ability of the European directive to manage the integrity of content on the Internet, particularly news media. I was listening to a discussion on “The Pat Kenny Show” earlier about the generation of conspiracy theories and how much they are being promulgated through social media platforms. This calls into question the integrity of the news we hear and where fact-based news can be accessed. On that point, I would like to mention the independent radio broadcasters of Ireland who continue to be forced to pay a broadcast levy while, at the same time, receiving no support by way of the licence fee, unlike public broadcasters. In addition, they are required to run a news service, which is vital for regional and community news updates but which requires significant journalistic input and cost. The two radio stations in Waterford, WLRFM and Beat FM, fall squarely into this characterisation. They are finding it very difficult to recruit and retain journalistic talent, which they are required to do in order to provide the standard of news and community engagement they wish to provide. It is worth noting that independent radio received no support in this year’s budget, yet the newspaper industry was moved to a zero VAT rating. In addition, the public broadcasters, RTE and TG4, were provided extra funding at this time.

The broadcasting levy on independent broadcasters amounts to approximately €2.5 million per annum and should be eliminated. It is an unfair levy on those broadcasters that do not receive public licence supports and have seen a collapse in their advertising revenues since the Covid-19 pandemic. There has been no recovery in that revenue stream. These broadcasters are expected to provide a public news service as part of their licence approval but get no support for doing so. Independent public radio is a fundamental piece of our democracy. If it is dismantled, how are we to push back against fake news, which, as I say, is being promulgated widely?

For years, the online social media platforms have taken advantage of the lack of regulation to out-compete and disrupt independent radio and newspapers in this country. No levy is applicable to those foreign-owned social media companies and it is high time a levy was placed on streaming and paid television services, as well as on digital advertising channels.

I welcome the new civil enforcement and other powers that will empower ComReg to impose administrative financial sanctions for non-compliance and require compensation to end users. I also look forward to the setting up of a media commission that will hopefully have adequate powers to properly regulate online and social media platforms. I hope it will also play

a role in the fair and equitable treatment of independent radio and recognise the importance of this sector.

The increasing digital landscape is progressive but it must be progressively managed to ensure it is a force for greater good and not greater evil. The independent radio sector has long since proved itself. The Government must now recognise the damage the broadcast levy is doing and how badly these businesses need that funding, and allow them to retain it. The levy should be scrapped as a first port of call in this legislation. If the Bill clarifies the position in that regard, among its other objectives, I would welcome it.

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I thank Deputies for their interesting contributions. Deputies O'Rourke and Ó Murchú raised the question of nuisance calls, scam texts and scam calls, and asked for an update in that regard. Last year, I convened a meeting of the mobile operators, the head of the Garda National Economic Crime Bureau, the head of the Garda National Cyber Crime Bureau and ComReg. We set up a task force to deal with the problem, which is widespread and increased during the pandemic. The result is not just inconvenience, as it is for most of us, because some vulnerable people have had their identities compromised and their entire life savings stolen. It is a serious issue. I know a number of recommendations are coming forward from the task force and will be presented to me in the coming weeks. I am looking forward to seeing what is happening in that regard. I know the Garda has co-operated with the National Crime Agency in the UK because it seemed that gangs were perpetrating similar crimes in the two countries from another jurisdiction. We were sharing law enforcement information. There has been a reduction in the number of nuisance calls and texts but I would like to see them minimised further and cracked down upon. There are a number of recommendations coming and I look forward to strong action in that area.

Deputies Ó Murchú and O'Rourke also asked about the potential penalties from the European Commission because of the late transposition of this legislation. We received notification from the EU in April and last month we issued the regulations that are required for the transposition. The Attorney General tells us we need to have primary legislation to give full effect to these measures and that is why we are discussing the matter today. There are no penalties so far. The strongest response we can make to late transposition is to make legislative progress. We have issued the regulations already. We have published and signed them and we are working on the primary legislation today.

The Deputies also asked about the costs we have incurred to date, which is a question for the Office of the Chief State Solicitor. I will follow up and see what I can find on that issue.

Deputy Gould welcomed the Bill and praised ComReg. He also emphasised that we need to ensure the individual, the ordinary person, is being protected. That is the purpose of this legislation. People are extremely unhappy with the customer service they have received from their communications companies. That is not only the case for one company. The sector as a whole is at the bottom of a list of sectors for performance in customer service. Communication has now become a utility. It is absolutely vital for people to have access to their communications in order to work or study from home. This Bill lays down standards for communications companies and failure to comply with them will result in penalties. In practice, it means that if citizens receive poor treatment from their communications companies, they should be automatically compensated financially by that company and if that does not work, people will be able to take civil action through a dispute resolution system that will be simple and easy to use. The purpose

is to move the balance of power towards the consumer and away from these companies.

Deputy Bacik welcomed the Bill and emphasised the need for citizens' information services. She expressed worry that as we move Government services online, some people who are unable to go online will find their services are closed down. I assure her that our intention and policy are to ensure that Government services are fully inclusive and we do not exclude anybody because they do not have access to a computer. Another Deputy asked about charging for bills. One of the communications companies has announced that it will charge customers who wish to receive a paper copy of a bill. We need to look into that matter.

Deputy Bacik also mentioned that the legal profession is sometimes slow to digitise. I have been looking across different sectors and trying to figure out how to bring them all online. The particular problem with the legal sector - and this is the case in all countries - is that there is a large amount of legislation governing its procedures. The Leas-Cheann Comhairle is an expert in this area. Things must be done in a way that makes no sense or is inefficient. For example, everybody must show up in court on a certain day instead of sending an email to each other. That is because such a procedure is provided for in legislation. Making progress on digitising the legal profession requires that an enormous quantity of legislation be passed. That can present a barrier. The Courts Service, which has a new chief information officer, is making great progress. The *courts.ie* website is being improved and all of the points where the legal system interacts with the citizen are being focused on at the moment.

3 o'clock

Deputy Bacik brought up the very important question of penalties for loyalty, whereby a customer is penalised at the end of the year for staying with the same provider. In fact, this Bill states that when contracts comes to an end, every communications provider will have to write to customers to tell them what the best packages are for them and advise them which tariff they should change to in order to make sure people are not penalised for loyalty.

The question on price flows from people thinking about the CRU and the regulation of price for customers and so on. What should a reasonable price be and will regulation extend to price? For the first time, this legislation will require that broadband be available to everybody. We have never had a universal broadband obligation. We have had a universal telephone service obligation, which has been good as it meant people living in a remote area could get a telephone service no matter where they lived in the country. The same will apply in future. Wherever people live in the country, they are entitled by right and by law to a broadband service that is adequate and affordable. The question of what is adequate and affordable is up to the Minister to define in regulation. It will be up to the Minister to set out in regulations what is an affordable and adequate service.

Deputy Naughten asked what the definition of high-speed broadband is. High-speed broadband might have been 30 MB some years ago but it is not now. The commission is saying that everybody should have gigabit broadband by 2030. Nationally, we have said a number of things. The draft communications strategy for the country has been out for public consultation and while a final version has not been published, it is due to be published soon. What has been put out in draft is that by 2028 everybody in Ireland will have gigabit broadband. In rural areas, in the intervention areas covered by NBI, everybody should have 500 MB broadband by 2026. That is the intention of the national broadband plan.

There is then a possibility that there will be people in black-spot urban areas who do not have broadband at a time when we will have reached 100% coverage under the national broadband plan. That plan is designed in such a way that providers must complete an area in full before they get their payment. They cannot leave anybody out, which is in marked contrast to what is happening in commercial areas, where a commercial operator could be providing fibre broadband on a street and then reach a point where the last person on that street is rather hard to provide for, and that operator just turns the truck around and connects up somebody who is a little easier. What such operators are doing as a result of this is leaving little black spots all around our urban areas, towns, villages and cities. I want to send a signal today to the fixed broadband and fibre broadband suppliers that if they do this, they will find at a later time that they will be required to go back to those places, at great expense, and connect those people who were left out. It is not a sensible long-term policy or strategy for those companies to find themselves at a point where they are legally required to go back to connect up those customers they left out because they thought it was in their short-term interest on that day to leave the last person at the end of the cul-de-sac disconnected from their network. I strongly advise anybody who is deploying fibre broadband not to leave streets and areas with little black spots that they will have to come back to complete in the same way we would not paint a wall and leave holes in it for the next day. That is my message to the broadband companies today.

Deputy Bruton asked for a cross-government audit on the effectiveness of all consumer regulators. It is an interesting suggestion and one I am happy to talk to him about outside the House. The Deputy also praised ComReg for its switching services and stated he is happy to see civil enforcement and would like to see fees being refundable. That is something we can look at on later Stages of the legislation. Is my time running out?

An Leas-Cheann Comhairle: Yes.

Deputy Ossian Smyth: I commend the Bill to the House.

An Leas-Cheann Comhairle: On being an expert, the longer I live the more I realise I am less of an expert on any subject.

Question put and agreed to.

Communications Regulation Bill 2022: Referral to Select Committee

Minister of State at the Department of the Environment, Climate and Communications (Deputy Ossian Smyth): I move:

That the Bill be referred to the Select Committee on Transport and Communications pursuant to Standing Orders 95 and 181.

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in

each case:

Deputy Emer Higgins - to discuss the progress on delivering new school buildings and-or extensions for schools in Dublin Mid-West.

Deputy Bernard J. Durkan - to discuss the ongoing and serious issue of the removal of the two youngest children from the custody of their mother, forcibly by order of the court, whereby the children were removed from the classroom by the Garda on the basis of the need to separate the children in order to secure a victory in court for the opposing side, notwithstanding the serious psychological damage done to both mother and children who have not been allowed to meet their mother.

Deputy Jennifer Murnane O'Connor - to discuss if funding from the Arts Council for a gallery will be extended to its in-house theatre.

Deputy Michael McNamara - to discuss why all agricultural cargo coming in to Dublin for Shannon Airport is cleared and inspected in Dublin.

Deputy Pádraig O'Sullivan - to discuss when consultation on private wire direct-line renewables will be released.

Deputy James Lawless - to discuss the student levy that Maynooth University imposed for several years for a building that will not now be built.

Deputy Pat Buckley - to discuss the rationing of incontinent pants for elderly people by the HSE.

Deputy Bernard J. Durkan - to discuss the protection of the rights of the child in the course of any legal proceedings.

Deputy Kieran O'Donnell - to discuss the need for an elective hospital for Limerick and the mid-west.

The matters raised by Deputies Pat Buckley and Kieran O'Donnell have been selected for discussion.

National Cultural Institutions (National Concert Hall) (Amendment) Bill 2022: Second Stage

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Catherine Martin): I move: "That the Bill be now read a Second Time."

Dlí tábhachtach is ea an An Bille um Fhorais Chultúir Náisiúnta (An Ceoláras Náisiúnta) (Leasú), 2022 agus tá áthas orm é a chur faoi bhráid an Tí. The purpose of the Bill before this House is to put the necessary legal framework in place to support the transfer of the National Symphony Orchestra, NSO, and choirs from RTÉ to the National Concert Hall. This legislation represents a critical step forward for the National Concert Hall as Ireland's national cultural institution for music. It will also cement the role of the National Symphony Orchestra within that institution, formalising and enhancing the relationship that has been in place since the establishment of the concert hall.

When the National Concert Hall was officially launched by President Patrick Hillery on 9 September 1981, the symphony orchestra performed the inaugural concert with a programme that included Beethoven's Ninth Symphony and the premiere of Seóirse Bodley's *Ceol: Symphony No 3*. Since that time, the NSO has been the resident orchestra at the concert hall and its Friday night concerts are an important fixture in the classical music calendar and a central pillar of the concert hall's annual programme.

The NSO has long been a primary force in Irish musical life, with live performances of symphonic, choral and operatic music as well as popular and traditional music, new commissions, recordings and broadcasts on RTÉ and abroad through the European Broadcasting Union. The symphony orchestra has also toured widely, both nationally and internationally, to great acclaim. Despite these successes, the NSO has been faced with a number of operational challenges over the past number of years. The symphony orchestra was founded by RTÉ in 1948, at a time when there was intense demand for broadcast orchestral music. In those days, public service broadcasters tended to create their own orchestras to satisfy demand, which was more flexible and cost-effective than hiring external orchestras for recording. Since then, however, the nature of media and its consumption have been utterly transformed, which is something that I am currently addressing more broadly through the Online Safety and Media Regulation Bill. With respect to the orchestra, it has become clear in recent times that it could no longer reach its full potential within the administrative and financial structures of a public service broadcaster. In response to the challenges faced by the orchestra, RTÉ commissioned a report from consultant Helen Boaden of Mediatique, a strategic advisory firm specialising in the media and communications industries, to review its two orchestras, the NSO and the RTÉ Concert Orchestra, and to provide recommendations for their future structure, activities and funding. The report was published in April 2018 and its main recommendation was that the NSO should either become a national cultural institution in its own right or be positioned within the National Concert Hall, NCH, and funded directly by the Government. The report also proposed that the NSO should be restored to its historical levels of staffing and activity, to include regional performances and educational programmes. Given the vital role of the orchestra and the choirs in the Irish musical landscape, this Government has shown its commitment by working with the orchestra, the concert hall and RTÉ to effect the changes envisaged in the Boaden report and to ensure that the orchestra is supported into the future by effecting a transfer to the NCH, our national cultural institution for music.

Getting to this stage has taken significant time, resources and commitment from all involved, including the players and staff of the orchestra, the concert hall team, RTÉ and Government Departments. I would like to take a moment to reflect on the engagement, effort and vision of the individuals and bodies involved. Without that commitment, we would not find ourselves here today considering this Bill, we would not have the NSO embedded within our national cultural institution for music and we would not be looking at a bright future for the orchestra at full strength in its long-term home at the NCH.

Over the past four years, the Government has considered this matter on a number of occasions. In July 2018, following the publication of the Boaden report, the then Ministers for Culture, Heritage and the Gaeltacht and Communications, Climate Action and Environment brought proposals to the Government regarding the future of the NSO. At that meeting, the Government agreed that the NSO should be brought within the concert hall's remit and authorised the initiation of discussions on the implementation of the report's recommendations under the aegis of an oversight group. At the same time, the Department commissioned a report that

estimated the full operating costs of the orchestra to be approximately €8 million per annum.

In response, my Department immediately established the oversight group and an associated working group with RTÉ and the NCH to look at all the issues relating to the proposed transfer. These groups featured representatives from the orchestra, the choirs, RTÉ, the NCH and the unions. During the consultation process, it was agreed that the three RTÉ choirs, the RTÉ Philharmonic Choir, RTÉ Cór Linn and RTÉ Cór na nÓg, should also transfer from RTÉ to the NCH with the NSO, given the complementary and collaborative nature of their work. Along with the orchestra, the choirs are provided for in the Bill before the House today.

As part of the consultation process, the Department also engaged a financial consultant to provide one-to-one advice on pensions and benefits to all of the transferring employees. Following this extensive period of engagement, all queries relating to the employees' terms and conditions and pension entitlements were fully addressed.

Having completed all of the consultation and preparatory work with the agreement of all of the principals involved, the Government approved the transfer of the RTÉ National Symphony Orchestra and choirs from RTÉ to the NCH with effect from 24 January 2022. The Government also approved the drafting of the Bill before the House today to ensure a robust legislative underpinning for the concert hall incorporating the functions of the orchestra and choirs.

In tandem with the drafting of this Bill, the transfer of the NSO from RTÉ to the NCH took place on an administrative basis on 24 January of this year. This transfer was effected by contractual agreement between RTÉ and the NCH, and on the advice that sections 7 and 9 of the National Cultural Institutions (National Concert Hall) Act 2015 were broad enough to include the transfer of the NSO as part of the wider function of the NCH to promote and support the performance of music. The transfer also complied with transfer of undertakings and protection of employment, TUPE, provisions in that transferring members of the NSO and choirs were guaranteed to retain the terms and conditions they enjoyed in RTÉ.

It is not enough just to transfer the NSO to the NCH. I am committed to seeing the orchestra return to full strength and take its place at the heart of Irish music and cultural life. I want the orchestra and choirs not only to survive, but to flourish. To that end, I am pleased to inform the House that, since transferring to the concert hall, the NSO has been in the process of being restored to its full playing strength. Over the last several months, my Department has sanctioned the NCH to fill a number of vacant positions within the orchestra and choirs. This includes three section leaders, a music librarian, a principal bass trombone and a percussion section leader, all of which are permanent positions. The National Concert Hall is now in the process of recruiting for these roles, ensuring that the artistic vision for the orchestra is another step closer to being realised.

The task of restoring the NSO also necessitates investment in the orchestra's capital infrastructure. It has recently come to my attention that some of the orchestra's musical instruments are no longer fit for purpose and require replacement. My Department is now making a substantial capital investment in the orchestra's equipment with the purchase of a range of instruments. This investment in world-class instruments will ensure that the NSO can operate to the rigorous standards required of international orchestras.

Given the long-standing collaboration between the two, I am delighted that the choirs have joined the orchestra in transferring. The philharmonic choir has since been renamed the Na-

tional Symphony Chorus in recognition of this historic relationship. This choir was established in 1985 and is made up of volunteer singers who rehearse on a weekly basis. The children's choir, Cór na nÓg, was founded in 1987 and comprises children aged ten and older who perform on special occasions including new year's day celebrations. Cór Linn, which was formed in 2018, is made up of young singers aged 15 to 20 and serves as a bridge between the other two choirs. Cór Linn rehearses together weekly and performs a wide and varied repertoire from classical to pop. I take this opportunity to recognise the remarkable contribution of these three choirs to Irish music, much of which is undertaken on a voluntary basis. It is wonderful to see emerging musical talent being developed in such a considered way.

All of this investment is taking place within the overall redevelopment of the NCH as part of the implementation of this Government's national development plan. With the Office of Public Works, the concert hall has developed exciting plans for the redevelopment of the Earlsfort Terrace site which I hope to bring to the Government shortly. The redevelopment plans will enable the NCH to meet the needs of 21st century performing artists and audiences. The works will include a new state-of-the-art main auditorium, world-class stage facilities for visiting musicians and resident organisations and artists, increased availability of creative spaces for the next generation of composers and musicians and new public facilities for audiences.

This journey of consultation, transfer and investment has brought us to today and the presentation of the National Cultural Institutions (National Concert Hall) (Amendment) Bill 2022 to this House. At the outset, I acknowledge the contribution of the Joint Committee on Tourism, Culture, Arts, Sport and Media in its examination of the general scheme of Bill. Following meetings between my officials and the committee about the content and intention of the Bill, the committee opted not to undertake prelegislative scrutiny and, therefore, no recommendations have been made for incorporation into the Bill.

The purpose of this Bill is to update the legislation for the NCH to recognise the role and position of the NSO and choirs within the concert hall and, crucially, on its board. The Bill will bring the orchestra and choirs within the statutory framework of the concert hall and will also provide for appropriate reporting and accounting to me and onwards to the Oireachtas without impacting on their artistic freedom. The Bill also provides for the legal transfer of all undertakings related to the orchestra to the concert hall as well as amending the Broadcasting Act 2009 to reflect the transfer of the orchestra from RTÉ.

I will now introduce the specific provisions of the Bill. The Bill is divided into four parts. Part 1 deals with general provisions such as the Short Title and definitions of terms in the Bill. Part 2 provides for the transfer of functions, staff, property and liabilities relating to the orchestra and choirs from RTÉ to the NCH. These provisions date from the transfer day of 24 January 2022. This Part amends the National Cultural Institutions (National Concert Hall) Act 2015 by inserting a number of new sections into the principal Act.

Section 4 provides for the transfer of functions relating to the orchestra and choirs from RTÉ to the NCH on the transfer day. It also provides for the transfer of any administration and business in the performance of those functions. Sections 5, 6, 7 and 8 are technical in nature and provide for the transfer of all undertakings, staff, assets and liabilities relating to the orchestra and choirs to the National Concert Hall on the transfer day. Section 9 substitutes the name of the National Concert Hall for that of RTÉ in any legal proceedings relating to the orchestra or choirs while section 10 provides that every act done by RTÉ or the NCH in relation to the transfer prior to the commencement of this part shall be deemed valid and effectual for all purposes.

Part 3 of the Bill sets out a number of amendments to the principal Act to reflect the integration of the orchestra and choirs into the everyday operation of the NCH. In this regard, the critical section is section 11, which amends section 7 of the principal Act by adding a new function, “to maintain and operate an orchestra and a choir”, to the functions of the concert hall.

Section 12 builds on this by including the orchestra as a core consideration in the corporate governance structures of the concert hall. It does this by amending section 10 of the principal Act to increase the membership of the board from eight members to nine. This additional board member is required in the legislation to have experience of and expertise in the development of orchestras. This provision is considered essential in ensuring that the appropriate expertise is present on the board at all times to support the work of the NSO and choirs.

Following on from the increase in board members provided for in section 12, section 13 is a technical amendment to increase the quorum for board meetings from four to five.

The final part of the Bill, Part 4, amends the functions of RTÉ as set out in section 114 of the Broadcasting Act 2009. Section 14 replaces RTÉ’s previous function to manage orchestras and choirs with the function of managing a concert orchestra only. This reflects the current situation where RTÉ retains responsibility for the National Concert Orchestra, as recommended in the Boaden report.

Although largely technical in nature, this Bill represents a very important step in the journey that the NSO, the NCH, RTÉ, myself and my colleagues have been on for the past number of years. It is the culmination of a broad commitment by everyone involved to build a stronger orchestra within a dedicated national cultural institution for music. I would particularly like to thank the staff of both RTÉ and the NCH for all their co-operation and advice in preparation for the transfer. I also welcome the orchestra and choirs as they take their place within the hall.

In some ways, the Bill represents the end of one journey with the transfer of the orchestra and choirs but it is also the first step in a much more important journey, as we turn our minds to how to build and enhance the NSO and NCH to ensure they are fit for purpose in an evolving environment and are at the heart of music in Ireland for generations to come. When President Hillery opened the NCH in 1981, he described it as “the realisation of a dream long cherished”. This Bill brings that dream, shared by music and arts lovers nationwide, ever closer to reality.

These have been challenging years for music in Ireland as the pandemic severely restricted our opportunities for live performances. During this time, the NCH and NSO have worked diligently to provide online and outdoor concerts, concerts with limited capacities, and other events. Even in the darkest days of the pandemic, they kept making music for people to enjoy. This Bill, I hope, supports that instinct to keep making music for people to enjoy. Mar a dúirt an tUachtarán ag Fleadh Cheoil na hÉireann i mí Iúil:

Lig dúinn ceiliúradh a dhéanamh ar cheol ... na hÉireann i ngach cruth a thagann sé, agus lig dúinn athcheangail a dhéanamh leis an gceol, agus an tábhacht atá ag baint le taispeántas beo agus muid ag ceiliúradh ár gcairdeas le chéile.

As such, I am delighted to bring this Bill before the Dáil and I look forward to hearing the contributions throughout Second Stage. I commend the Bill to the House.

Deputy Aengus Ó Snodaigh: Cuireann Sinn Féin fáilte roimh an mBille seo. Tá sé ag teacht le fada. Tá súil again go n-éireoidh agus go mbeidh an t-ádh leis an National Concert

Hall, an t-oirceastrá, Cór na nÓg agus Cór Linn, chomh maith leis an gcór nua, the National Symphony Chorus agus iad bogtha. Tá sé seo tar éis tarlú cheana féin. Tá an bogadh tar éis tarlú agus tá an reachtaíocht ag teacht i ndiaidh an athraithe. Tá sé tábhachtach go dtuigeann daoine é sin.

Tá sé go maith go bhfuil sé seo tarlaithe agus go bhfuil todhchaí amach roimh an ngné seo de cheol agus amhránaíocht na hÉireann, chun go mbeadh sé flúirseach ní hamháin san institiúid thíos an bóthar uainn anseo ach mórthimpeall na tíre, mar atá luaite ag an Aire. Tá sé tábhachtach nach bhfuil aon snobaireacht ag baint le ceol d'aon sórt ar an oileán seo agus go bhfuil sé ar fáil do chuile dhuine go bhfuil spéis acu sa cheol. Tá deartháireacha agam gafa leis an gceol ach níl ceol ar bith nó aon expertise agamsa maidir le ceol ach amháin, cosúil le gach duine eile, go mbainim sult as nuair atá sé timpeall orm.

Bhí sé go maith le linn tréimhse na dianghlása, agus sa tréimhse mórthimpeall ar Covid san iomlán, go raibh ceol á chothú i ngach uile áit agus in áiteanna nár shíl muid go raibh sé. Bhí daoine a bhí glasaílte ina dtithe féin ag seinm cheoil dúinn agus á chraobhscaoileadh agus leithéidí na hinstiúidí náisiúnta ag cuidiú leo, chomh maith leis an Aire agus an Chomhairle Ealaíon, chun déanamh cinnte de go raibh gliondar éigin le baint as an tréimhse sin.

I welcome the Bill. I have no expertise in music other than having brothers involved in it. That is where my expertise in terms of music extends. This legislation has been promised for a while. In fact, the effect of it has already taken place in that the NSO has already moved. It has been under the control of the NCH for a while and RTÉ has been relieved of the burden, as some in RTÉ felt it was, of the NSO. It is good that the move also included the National Symphony Chorus, as it is now called, Cór na nÓg and the newly founded Cór Linn. I congratulate all those performers and the management. Hopefully they now look forward to quite a fruitful number of years ahead of them and even longer. I also hope they will get the required investment, as the Minister mentioned. The Minister referred to the investment needed to bring equipment and musical instruments up to the level that is required to compete on an international stage. Investment is also required to put across the music we have in our communities throughout Ireland.

One of the key points is that we need to ensure the musical talents in Ireland are harnessed. Over the years people have tried to forge greater links to ensure there is a pathway for young musicians to full-time employment or into the likes of the NSO. We need to ensure there is a throughput and a pathway. Some of that is through making sure schools have the musical instruments, the teachers and the wherewithal to train those students, whether in classical music, traditional music or other music forms. That needs to happen on a greater scale. Music cannot be pushed to one side within the school curriculum. It is important for us as a small nation that our individuality and our music is enhanced.

In my area, there are a number of schools with music programmes. They are in Delivering Equality of Opportunity in Schools, DEIS, areas and have outreach to Departments and so on. As the Minister says, we need the best equipment but that is not always possible for a poor school in the likes of Cherry Orchard. Other Ministers have visited St. Ultan's School and Rosary College in Crumlin, where pupils are learning instruments that would not normally be associated with working-class areas. I have had the pleasure of listening to them on a number of occasions and they are on par with anything I have heard anywhere else. That should be harnessed. The only way of harnessing it is to make sure they have the equipment and the time from a very young age, or sometimes older, to enjoy music. If they enjoy co-operating

together, that is the benefit of an orchestra but if they do not want to co-operate and instead have an individual pursuit as a musician, that can be encouraged as well. For the new institutions and the institutions that have been transferred to the National Concert Hall to survive, we need to have that throughput, whether through the primary schools or secondary schools, and make links with universities as well. There was a comprehensive report on the transfer. That is where we are coming from in this legislation. I do not think the Minister will find any opposition. We are all looking to encourage the transfer and greater investment, and to encourage the NCH to ensure that all institutions within it such as the chorus or the NSO put on a programme that runs throughout the regions as much as possible or on our airways - be that through specific broadcasts or a different format permitted by new technology. Hologram concerts are now taking place and perhaps these can be considered to ensure where the full orchestra has to remain in Dublin, a performance can be broadcast to different venues at the same time. This might be something that could be looked at. I have been to a number of concerts in the past couple of years that stand out. Only recently, I attended an event in the NCH marking the Civil War. It showed the range of different talent we have in Ireland such as the singers and the orchestra. This should be encouraged. There is nothing like sitting at a performance of an orchestra where the conductor is building up the music to a crescendo and the sound reverberates throughout the building. That is something to behold. I do not ever expect us to go back to the days when an orchestra sat in the cinema playing music while black-and-white silent films played but it shows that from day one, the different types of media work well together. We have all the new technologies that do not require that and orchestras are expensive to run so I would not expect every theatre to have it. However, I expect that every musical venue could make a bid to be included in a programme whether that was for the full orchestra to attend or a reduced section. It is truly a national cultural institution and these are truly national orchestras and choirs.

The investment is welcome and needs to continue. We also need to look beyond what is covered by this legislation. Other musical forms are not captured by the NCH. We need to make sure they have the same type of funding and protection this legislation gives the NCH. While Comhaltas Ceoltóirí Éireann does tremendous work in respect of traditional Irish music, to my knowledge, we do not have a national traditional music ensemble that is fully paid for by the State. We do not have a national rave. It is something we may need to look at to see whether that can be captured in the future through the NCH or whether we need different ways of ensuring that there those who are best at music can be encouraged. While we have had the debate, the basic income for artists and the *cnuas*, that is not always available to the best in our society when it comes to music and, therefore, they must often leave our shores to work abroad. If you have the best, be that a *céilí* band, *sean-nós* or whatever form of music it is, you should try to capture those people, hold them here and work for the national good - paid obviously. The idea is to pay them a wage that can sustain them and their music can be enjoyed by as many people as possible. We have gone away from the old days where everything was put on a record or CD and people bought that to enjoy their music. We are now down to Spotify and people do not always pay artists. They are, therefore, not as well paid as they were in the past if they had a successful album. It can be more difficult for artists because they must get themselves known, which means they must issue their music for free or have the luck of the draw.

I encourage the Minister not to stop at this legislation but to continue and ensure there is proper investment. The main issue, which was teased out during pre-legislative scrutiny, is to make sure there is no liability on RTE in the future following this move and to ensure that all the terms and conditions enjoyed are transferred to the NCH and enhanced. Those affected by this with whom I have spoken are happy that this is taking place. The Minister has given reas-

surances and RTÉ can concentrate on producing good programming. We also need to ensure that not only does it continue to produce good programming, but it also gives an airing to good music coming from the NCH so that we are not all dependent on having to attend the hall in person. One of the best concerts I attended was one where the NCH had reached out to my local community and put on different people who would not have ever been on a stage but were encouraged to sing their stories and their families encouraged to attend. I would say 99% of those in attendance had never been in the NCH before. That is something we should not say about any of our national institutions be it the NCH, the National Gallery or the National Museum. The public need to know that they are welcome. We also need to look at a mechanism to encourage them. In other jurisdictions, when tickets are left over or are not selling, they are made available free of charge to ensure seats are full but also to target working-class audiences or audiences who are more remote and cannot get to venues. I welcome this decision and wish the transfer well. Hopefully, year-on-year, we will see it enhance music in Ireland and more young people going through into national cultural institutions.

Deputy Ruairí Ó Murchú: Tá fáilte roimh an mBille seo. Is dócha nach bhfuil deacrachtaí ag duine ar bith leis agus tá achan rud ráite faoin am seo ag an Aire agus ag an Teachta Ó Snodaigh, mar sin níl mé cinnte caidé a bhfuil mé chun a rá. I generally find an ability to fill space. This is relatively straightforward.

Deputy Catherine Martin: It is an unusual situation.

Deputy Ruairí Ó Murchú: We all support the idea of what has happened. This is retrospective legislation. If I was unfair, I could probably make a complaint about that but that would probably be a stretch. We all like the idea that the NSO will be situated within the NCH. I quite like the idea of the three associated choirs feeding into each other. I suppose that is something that needs to happen with regard to the orchestra. It is similar to what Deputy Ó Snodaigh said. The Minister has dealt with the issues of pay, conditions, pensions and all those necessary parts and has provided the capital expenditure necessary to ensure an orchestra that is fit for purpose and that nobody is wanting for the sake of having the correct instruments and everything else necessary to do business.

It is great to be here among the cultural boffins in Leinster House. I probably should make a slight claim myself: I made it to grade 5 piano. My mother had great notions for me but it did not quite work out.

I will follow up on what Deputy Ó Snodaigh said on the importance of music communities that have been well removed from classical music experiencing increased engagement. We have the possibility to do that on a regional basis. We have the prospect of virtual performances, alongside being able to visit. There would be no harm in making the journey to the Táin theatre in Dundalk, or the Oriel Centre in what was Dundalk jail. That would be welcomed by many. It is necessary that we make those connections and make this normal, as Deputy Ó Snodaigh said, for communities that were removed from it. We need to make that happen. It is a benefit for all of us throughout society. It is an easy ask that we can deliver on. It is a matter of making sure the resourcing follows the basic plan.

Deputy Ó Snodaigh spoke about the difficulty for artists in making money. He spoke about Spotify and the new ways by which musicians are paid. That has created certain difficulties. It would be remiss not to deal with the issue in front of the Committee on Budgetary Oversight yesterday regarding section 481 funding for films and TV. There was support for it but there is

a need to examine it. There are questions as to who owns the intellectual property and issues regarding pay and working conditions. The State has put €4 billion in and we need to know where that investment is, from the point of view of ensuring we have a viable film industry to continue into the future that offers quality employment. There are still question marks about a situation where a producer pulls down the money and the money goes into a designated activity company, DAC. That DAC does its business and afterwards some intellectual property may exist and we are not entirely sure who owns it. The Minister needs to examine that.

Acting Chairman (Deputy Verona Murphy): I am sure that was music to the Minister's ears. Deputy Gannon is next. He has three minutes.

Deputy Gary Gannon: I will not be that long. I welcome the Minister's contribution and, especially, the transfer of the NSO and the choirs from RTÉ to the NCH.

At its best and when done correctly, the NSO is an invaluable reflection of Ireland's musical and cultural heritage, and there is probably no home more suitable than the NCH, which, when done correctly as it often is, is a champion of the arts.

The addition of the orchestra and choirs will reaffirm the concert hall as a world-class venue and institution, and I am delighted that they will be designated adequate funding and state-of-the-art facilities, allowing them to provide the best services they can.

Now that the future of the symphony orchestra and choirs has been secured, it is important to evaluate the services the concert hall provides. On a Friday or Saturday evening, all over Ireland people are not thinking about going to the NCH. Some communities feel removed from what it provides. If we are honest about that, we can seek to counter it. The NCH has made great strides in diversifying the performances on the stage, but that is not often reflected in the audience. There is work to do and I am sure the Minister is very capable of doing it. It is important that it diversifies its schedule to reflect the varying interests of the public, or it risks being seen as an elitist institution. Sometimes, in the past more than the present, some parts of our artistic community have been that. I recognise the great strides made and hope that continues.

One great stride contained in this Bill is the announcement of the new education and outreach centre. I hope that the facility will be used to give back to the local community. Specifically, working-class communities and communities towards the margins have not had access to instruments of the highest quality or to the tutoring required to attain the level of ability needed to perform on that stage. If the National Concert Hall is to truly meet the standard of being national, we need to invest in that. We have extraordinary artists at every level and offering diverse types of performance. That needs to continue, but the type of music played in the NCH requires investment outside the building. It requires going into schools and giving children access to instruments their parents or guardians could not afford. That has to be the target. It is opening up that range of artistic expression to communities previously excluded from it. There is nothing in this Bill to oppose; hence our contributions will all be short. However, the aim must go beyond that.

Deputy Richard Boyd Barrett: Mine is not.

Deputy Gary Gannon: Is it not? The Deputy's are never short. The aim must transcend the Bill and go into the intention of opening our National Concert Hall to communities who have not felt it as a home or place where they can perform their works. I am excited to see how it develops. I commend the Minister on bringing forward the Bill and on the work she has done

in her Ministry, and I look forward to hearing how it progresses.

Deputy Marc Ó Cathasaigh: I am relieved that Deputy Ó Murchú has left the Chamber because I was intimidated by the stellar heights of grade 5. I could manage the right hand and the left hand but playing two hands together at any given time always eluded me. Preparing for this debate I read through the Boaden report. It begins with a series of quotations from different periods in Irish life, starting with one from a Department of Finance memorandum of 1937, which states:

...public attendances at Symphony Concerts, and consequently the necessity for such public concerts, has become smaller and will continue to decline. Is it any part of the State's duty to resuscitate a Victorian form of educational recreation[?]

That jumped out at me. I very much believe it is the State's duty to step in in respect of cultural and artistic institutions, and would not characterise them as "a Victorian form of educational recreation".

I believe Miriam Lord has imposed a de facto moratorium on Seamus Heaney quotes and, therefore, I will turn to Oscar Wilde, who said a cynic is a man who knows the price of everything and the value of nothing. While I do not wish to impugn the character of the official who wrote that memorandum in 1937, it speaks to a certain type of cynicism because national cultural institutions such as the NSO and the NCH come at a price, often a significant one. I strongly believe it is a price worth paying because their cultural, artistic and emotional value and the value they have within a nation of holding a mirror up to ourselves and helping us understand our place in the world is many times greater than the price we pay for it.

The Minister is to be commended for acting on the chief recommendation of the Boaden report, which argued that the "National Symphony Orchestra should be a national cultural institution, in its own right or within the National Concert Hall". The NCH is the right home. I agree with Deputy Gannon that we need to make sure the doors of the hall are open to everybody and that everybody in society understands it is their National Concert Hall. I know the Minister appreciates that this orchestra deserves and needs to be put on a firm footing for the future for a number of reasons, as laid out in the report. The report identified that the *status quo* funding model under RTÉ, which was dependent on TV licence funding, was untenable. According to the report, we place too much cultural responsibility in one place - RTÉ - by having both the concert orchestra and the symphony orchestra there. That built a fragility into the system that was ultimately putting both orchestras at risk. Then underfunding and underresourcing also had repercussions on the nature and the quality of the work that both the NSO and the chamber orchestra were able to undertake, including the overall number of events. Deputies Gannon and Ó Snodaigh referred to regional touring and the outreach component. Those have been stripped back in stark contrast to other European public service broadcaster, PSB, orchestras where adequate provision for both regional and youth audiences is seen as fundamental to a successful PSB orchestra strategy. It should not be seen as elitist. Everybody within our society should have that ability to experience what it is to sit in front of a live orchestra. It is really quite something, as Deputy Ó Snodaigh said, when to sit in front of a live orchestra and hear the instruments literally play in concert. The NSO is my orchestra and it is the Minister's orchestra; it is all of our orchestras. I want to be able to see it in the National Concert Hall but I want to be able to see it in County Waterford too, and I am sure that the Minister would like to be able to see it in County Monaghan. Getting the resourcing there so that they can bring back the touring is so important.

Another important aspect that we should not lose sight of is that playing in our national orchestras is a career and should be viewed as a career. I am lucky to be married to a professional performing artist. She got past grade 5. She is not an instrumentalist so I do not have a conflict on this and she is not an orchestral player, but I do know the level of skill, commitment and passion required to play to that level. It is a lifelong commitment. If musicians have gone into the business of playing in an orchestra to get rich, they have made some bad decisions because it is not a get-rich quick scheme. These people do not do it for the money but for the love of it. They do it because they know the difference between the price of something and its value but that should not mean that they do it for nothing or next-to nothing. For all that, they deserve to be well paid and to have security in their employment. The Bill does a lot of that by putting the NSO in its new home it puts the orchestra on a firmer footing facing into the future. I hope and expect that it will result in additional resources and staffing and I welcome the Minister's details on those additional positions that have been put in place to bring the orchestra back to its full complement that it so richly deserves and to help grow that outreach programme to make sure that it is an orchestra for everyone in Ireland and that it is a concert hall for everyone in Ireland. That outreach and educational remit is so important.

With regard to the choirs, the RTÉ Philharmonic Choir, RTÉ Cór na nÓg and RTÉ Cór Linn have moved across. Those are voluntary choirs. There is space in a country of our size for a professional performing chamber choir that would be a small outfit. We have Chamber Choir Ireland, which was previously the National Chamber Choir, but there is room to expand on that and to put it on a firmer footing.

The Minister will know that the well-being framework is my hobbyhorse and I have often spoken about it. It is the business of being able to distinguish between the price and the value of a thing and how GDP is a very poor measure of how our economy and our society is doing. I strongly believe that there should be a separate artistic, cultural and linguistic indicator built into that well-being framework so that we can begin to measure metrics such as how many people are getting to hear the NSO or how many people are getting to attend the National Concert Hall, and how many people are going to Croke Park. That is an important aspect of life and our national politics and it is something that we should be working on.

Deputy Richard Boyd Barrett: This is a good news story without a shadow of a doubt. It secures the future of the National Symphony Orchestra. For a period, its future existence was imperilled. It is positive that it is being put on a statutory framework after the transfer earlier this year and that it is being matched with additional money to reinforce that and try to bring it up to full strength. I commend the Minister on that. The NCH is a very good home for the NSO and the choirs, the RTÉ Philharmonic Choir, RTÉ Cór na nÓg and RTÉ Cór Linn. All that is very positive but it is also worth pondering some of the lessons of the difficult period that the orchestra went through where it had to fight for its existence. I do not want to claim huge knowledge of it but I was aware of the campaign when it was worried about its existence. I refer the Minister to a good article I read in preparation for the debate, which she may have read herself but it is well worth reading. It is by Dr. Adrian Smith, assistant lecturer in musicology at the TU Dublin Conservatoire. He makes a number of comments that should have a bearing on the Minister's attitude to this issue and hopefully have. From some the comments she made in her contribution, I think she is aware of at least some of these issues. RTÉ has said it has mixed emotions about the transfer. Dr. Smith suggests that maybe that is not the full truth because the problem was that RTÉ saw the symphony orchestra as a financial burden and that was a problem. That is because of the financial pressures that RTÉ felt and that resulted in the or-

chestra being understrength and not having a main conductor for quite a while. When the RTÉ Philharmonic, as I think it was originally called, was set up, it had 62 members of the orchestra. That went up in its heyday to 89. There has been some improvement but Dr. Smith's article, which was written earlier this year, suggested that it was only at approximately 72 and, therefore, was well short of the numbers that it needed and that it had at its height what he describes as the golden era of NSO in the early 1990s. It then took a major hit, as the arts generally took a hammering, during the austerity period. The NSO felt the impact of that with a considerable reduction in numbers. Dr. Smith argues that unless we get the NSO back up to the numbers it had in its heyday, it will be below what is required to perform the full repertoire of classical programming. He suggest the lack of numbers led to an over-reliance on freelance or casual performers where the full-time performers did not know from week to week or from month to month who they were performing with and that this seriously undermined morale among those in the orchestra and the conditions needed for creativity. That is an important insight. We have what we are now rightly seeing as a national cultural institution; a vital part of our heritage and, to use the language of Maura McGrath, the chairperson of the National Concert Hall, "the custodian of Ireland's musical heritage".

4 o'clock

It is a very important thing to be the custodian of Ireland's musical heritage. In that important role we need to really value that institution. We need to value the performers and ensure they are paid properly. As Deputy Ó Cathasaigh said, they may not be in it to get rich, but they need to live. We cannot have vital parts of our national cultural institutions, in this case our musical heritage, being placed in a precarious position. Some of those involved in the NSO are in precarious situations and are operating not only to their detriment but also to the detriment of the full-time musicians and also to the detriment of cohesion. Therefore, the conditions that lend themselves to creativity, which is what all this is about, are being undermined.

The Minister referred to wanting to get the orchestra back up to strength and providing an additional €8 million to do so. It is critical that we engage with the performers to ensure that is actually the case. We need to get it up to the strength needed so that it is secure into the future and we are not over-reliant on people operating on a freelance or casual basis where there is a turnover of people. That is undermining the cohesion and creativity of the NSO.

Adrian Smith's article goes on to suggest that certain things should be done. Now that we have made this positive move, the orchestra needs to build a new sense of identity. He suggests that it should be given its own website in order to project its identity. This also relates to the positive changes in the NCH over recent years. As he puts it in the article, there was a time, maybe that still lingers, when the NCH may have been seen as a little bit snooty and a bit "up there". We need to work to undermine that perception. I must confess to my shame that I think it was only about eight or nine years ago I first walked into the National Concert Hall to see Martin Hayes and I was incredibly impressed.

Deputy Catherine Martin: That is great.

Deputy Richard Boyd Barrett: Obviously, Martin Hayes is brilliant. The NCH has worked to overcome that perception and is very committed to doing so and to showcasing not just classical music but also contemporary music and projecting itself outwards. In this case the NCO and choir are projecting outwards that they exist, and that they and the concert hall are there for everybody. However, we need resources to do that. They should be given those resources

to develop their audience and to ensure that as well as the classical repertoire, we are also constantly nurturing new contemporary music and ensuring it gets its opportunity for exposure.

As previous speakers have mentioned, there then follows the whole question of reaching out beyond the physical limits of the building to project out what goes on in the NCH and what the NSO and the various choirs do. They need to project those things out to communities and parts of the country that do not often get exposed to them. That again requires resources and support but they are also vital.

This is a good news story and very positive. However, we need be conscious of the lessons. For a period, there was a real possibility we might not have a National Symphony Orchestra. Let us remember these dangers exist if art, culture and music are seen as financial burdens rather than integral parts of our society. It is about our identity, the cohesion of our society, and what is truly valuable and worthwhile.

In that regard let us also extend out the lesson that we have learned from this episode, and in this case a positive final result for the NSO, to other areas of culture and heritage. I said this during the budget debate. I do not know if the Minister will have the chance to respond. Other musicians and performers who do not come under the NCH or the NSO were extremely disappointed with the budget. The Minister may be aware that the Music and Entertainment Association of Ireland, MEAI, which is part of a cross-party group that meets regularly in Leinster House campaigning for certain things prior to the budget, was extraordinarily disappointed with the budget.

In my contribution on the day of the budget, I noted that the overall budget for arts and culture is down by 5% this year, according to the Estimates book at least. The overall budget for the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media is down by 8%. While we have a good news story here, we have cuts elsewhere and specifically a 5% cut in arts and culture. That is disappointing and also flies in the face of commitments given by the previous Government - to which I presumed this Government would have been equally committed - to increase the proportion of Government spending on arts and culture every year. The Government in place from 2016 to 2020 committed to double this expenditure and to move it towards 0.6% of GDP. It flies in the face of that to have a cut in the overall level of expenditure on arts and culture in this year's budget.

At least one group that is very disappointed in this regard are those jobbing musicians and performers represented by groups like MEAI. I would be interested to hear the Minister's response to this. I have been told that the funding provided during the Covid pandemic to local authorities to subsidise gigs and performances by musicians who were hit by the pandemic has now been withdrawn. While everybody is glad to see the additional money going to the Arts Council and the funded sector, there was absolutely nothing for the unfunded sector. When we say the unfunded sector, we are referring in particular to individual musicians, artists and performers who, as we know, struggle to survive. They often live quite an episodic and precarious existence but, just like the musicians in the NSO, they deserve our support.

They do what they do primarily because they love doing it. They are also a vital part of our musical heritage but they did not get the support and appear to have lost some of the support they had received during the Covid pandemic in the recent budget. As welcome as the transfer of the NSO to the NCH is and the commitment that the Minister is clearly showing to the NSO and the NCH, we need that commitment and support to go to all of those who contribute to what

is a fantastic musical heritage and a fantastic array of musicians and performers, many of whom really struggle. The Government should rethink its support for those jobbing musicians.

This is the same idea that underpins the Minister's decision to support the NSO and give it a stable secure home in the NCH. As Deputy Ó Cathasaigh said, we need to recognise that although they do not make a fortune, it should be a career. Being a musician with all the skill involved in that should be seen and supported as a viable career. I would like that same logic to be extended to other areas of arts and cultural endeavour. I do not know if the Minister had a chance to look at the discussions yesterday in the Committee on Budgetary Oversight, of which I am a member, where we had representatives of Equity, which represents actors and performers and we had representatives of film crews from the Irish Film Workers Association. Both groups stated that despite very significant amounts of money going in, approximately €100 million a year in the film tax credit - I do not know what the current figure is for Screen Ireland, but it could be in the range of €20 million to €40 million a year - that is not translating into the requirements for security and the proper vindication of rights and conditions for those who work as performers or behind the camera in the Irish film industry. Some of what they said should set alarm bells ringing. The Minister knows I have raised these issues repeatedly. Equity stated, essentially, the law is not being complied with in terms of the copyright and intellectual property rights of artists and performers. It pointed out that the main output they produce as actors and performers is films and suchlike, and that this is being exploited by film producers who benefit from public money through section 481. The performers are effectively forced to sign buyout contracts where they lose entitlement to the residual payments for their own performances. That is something they used to enjoy but have now lost. I asked Equity directly what happens if an actor or performer who wants to get on a film is asked to sign such a contract by a film producer who is in receipt of public money. The public money is supposed to be conditional on quality employment and training but if a performer is not willing to sign a buyout contract where he or she loses his or her right to residual payments, the Equity representatives simply stated they would not get the job. That is bullying.

I noticed the Minister was at the creative space event, which is very welcome, and that she wants to stop bullying, but film producers are bullying performers into signing substandard contracts or they do not give them work. The contracts are grossly substandard compared to the contracts actors and performers get in the UK, the North of Ireland or anywhere else. That is not on. Something needs to be done about it. The film producers should be forced to comply with the European directives. The European copyright directive states that buyout contracts should be the exception, not the rule. In the Irish film industry, they are the rule. Anyone who is not willing to sign up, or worse, anyone who starts to agitate about this situation, is blacklisted. There is nothing to protect people from being blacklisted. That was the other allegation made by the witnesses representing those who work behind the camera who attended yesterday's meeting. They testified to the fact that 40 people who had worked for 20 and 30 years in the film industry have been blacklisted. They have gone out of the industry in spite of having worked on film after film because they asked for recognition of their service in the industry. This relates to what Deputy Ó Cathasaigh stated. In other words, they asked the film producers to recognise that their job was a career. Even though the funding the film producers get is conditional on them recognising that, they do not. Every time a film produced with public money has been completed, the clock goes back to zero for everybody. A person could have 20 years' experience but the next time a film is produced it is as if he or she never worked in the film industry at all. The producers will take a person if they like them, but they will not take them if they do not. There is nothing to protect those workers. I ask the Minister to very

seriously examine that because it must stop. We must protect, value, respect and show dignity to all musicians, artists, crew and performers.

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Catherine Martin): I thank the Deputies for their contributions today. I am heartened by the engagement we have seen on the Bill. The various issues raised will be considered further in the Department as the Bill makes its way through the House.

Having reflected on the contributions, I note that this is a technical Bill which provides for the legislation underpinning the transfer of the National Symphony Orchestra and choirs from RTÉ to the National Concert Hall. Its main provisions are to amend the functions of the National Concert Hall to include the management of an orchestra and choirs. It is an important recognition of the newly expanded remit of the National Concert Hall now that the National Symphony Orchestra and choirs have transferred to it and are operating fully within its administrative structures.

Second, the Bill will ensure that the board of the National Concert Hall is enlarged to include an additional board member and that at least one of the members must have experience of and expertise in the development of orchestras. This is a most welcome development, as it will endow the board with the knowledge required to fully support the orchestra as it is restored to its full playing strength under the National Concert Hall. The Bill also contains standard provisions regarding the transfer of staff, property, liabilities and legal undertakings in regard to the orchestra and choirs from RTÉ to the National Concert Hall.

The Bill provides for an amendment to the statutory functions of RTÉ under the broadcasting Acts. RTÉ is no longer required to manage multiple orchestras, but rather just the RTÉ National Concert Orchestra. The transfer of the NSO and this Bill mark an important next step in delivering the National Concert Hall's vision of being an inspiring and world-renowned music destination, accessible to all and enriching the cultural landscape of Ireland. The NSO, as Ireland's premier orchestra, is central to delivering on this vision which, coupled with the ambitious redevelopment plans for the National Concert Hall under the national development plan, will see it transform into the pre-eminent centre for music in Ireland.

Deputy Boyd Barrett raised concerns which I had somewhat addressed in my opening statement about staff. I have always recognised the need to build the staff up to full capacity. On the transfer, we had 54 musicians and nine ancillary staff, who moved from RTÉ to the National Concert Hall. Since then, the National Concert Hall has worked diligently to begin the process of returning the orchestra to its full playing strength. In recent months my Department has sanctioned the filling of a number of vacant positions within the orchestra and choirs - the music librarian, six musician posts, namely, the orchestra leader and first violin, as well as section leaders for percussion, double bass, horns and timpani, as well as bass trombone principal, all of which are permanent positions. The National Concert Hall has also received sanction for 26 fixed-term guest musician contracts, and contract extensions for four choral co-ordinators along with the HR staff support for this increased recruitment activity. The National Concert Hall is now in the process of recruiting for these roles through specialist classical music recruitment channels, to ensure the artistic vision of the orchestra is another step closer to being realised. We will continue to support the orchestra and the National Concert Hall to recruit permanent positions in 2023 and beyond.

In response to Deputy Ó Cathasaigh, the national well-being framework includes cultural

expression as an important dimension of well-being. My Department, with officials from the Department of Public Expenditure and Reform and the Department of the Taoiseach are working together to identify new indicators to expand our understanding of culture and well-being in Ireland.

Also in response to Deputy Ó Cathasaigh, bringing the NSO and the choirs within the National Concert Hall provides access to greater administrative support in terms of programming, outreach, marketing and in-person operation. This also includes proximity to several other musical organisations. Chamber Choir Ireland and the Irish Baroque Orchestra were mentioned by the Deputy. That will provide opportunities for collaboration and much-needed joined-up thinking.

In terms of outreach, the Creative Youth element of the Creative Ireland programme is a key pillar of the next five years. It will bring investment from my Department and the Department of Education directly into schools across the country. As someone who taught in a DEIS school for 16 years, I understand the need to reach out and to give opportunities to be exposed to music of all genres but as Deputy Ó Snodaigh stated, also the opportunity to have access to instruments and to play them. That is a sentiment I share. Creative Schools has reached more DEIS schools since I became Minister. Deputies Ó Snodaigh and Gannon, and possibly Deputy Boyd Barrett as well, spoke about outreach. The National Symphony Orchestra will be involved in the National Concert Hall education programmes in 2023. The National Concert Hall already has an extensive outreach programme. For example, events are organised in children's hospitals around the country, as well as programmes for audiences with dementia. There is significant opportunity in the redevelopment of the campus. There is a vision for further outreach and additional education programmes. The National Concert Hall redevelopment is a flagship project in my Department. I envisage increased public access to music performances and programmes.

To respond to Deputy Ó Snodaigh in respect of traditional Irish music, we have a shared vision regarding the outreach of all music and I have it in buckets when it comes to traditional Irish music. I was delighted recently to allocate an additional €150,000 to the Fleadh Cheoil in Mullingar as a signal of the value I place on traditional Irish music.

On the point made by Deputies Ó Murchú and Boyd Barrett, SIPTU and Irish Equity have raised the issue of compliance with copyright legislation and, in particular, with the new EU directive on copyright as it applies in the audiovisual industry. It was raised at the meeting of the Committee on Budgetary Oversight last night. In the first instance, my colleague the Tánaiste is responsible for the implementation and compliance, and breaches of copyright are a matter for his Department. Copyright is a complex area, but I understand SIPTU and Irish Equity made some suggestions to the Committee on Budgetary Oversight regarding dealing with the protection of intellectual property within the film tax relief. I have asked my officials to follow up and meet with SIPTU and Irish Equity to discuss and examine those very issues.

To respond to Deputy Gannon and others on diversifying the concert hall, I might point to last weekend and the spectacular event with the haunted dancefloor experience in the concert hall. There were two very late nights as part of the night-time economy pilot. They went on until about 2.45 a.m. or 3 a.m., attracting very different crowds who had never before walked through those doors. That is what it is all about, namely, seeing the value of what we have at the heart of our capital city and reaching out to audiences of all sorts with all types of music. I visited the concert hall yesterday, and the board members were very excited about that weekend

and loved that experience in the presence of the new audiences. I hope to see more of that with the expansion of the night-time economy.

Deputy Boyd Barrett asked about the budget. Arts Council funding has been doubled since 2017, which I did in the first budget I had, and we have that €6 million for the night-time economy. There is the game changer of the basic income scheme and we are leading the way as a country in how we value our artists, with every arts genre and every county included. Moreover, next year's culture allocation is 82% higher than that of 2020.

We are continuing to engage with stakeholders about the needs of the commercial industry, but the Covid schemes that were in place were a response to public health restrictions, when doors were closed and performers were not performing. This time last year, people could not go to nightclubs and there were restricted audiences. We were debating whether people could stand or sit and that led to restrictions for performers. By contrast, people can go out tonight, perform and enjoy performances. The supports were specific to Covid.

Nevertheless, I have that money for the night-time economy and the basic income scheme. We are continuing the engagement and those commercial venues will benefit from the horizontal supports. We are in different times compared with last year. They were Covid-specific supports when there was a shutdown in the sector. From the very beginning, we were trying to support online performances and so on, whereas now it is about the basic income scheme and developing the night-time economy. As I said, I have held on to the €130 million for the Arts Council, but we are continuing the engagement and we will meet some of the groups the Deputy mentioned.

To return to the Bill, as I outlined, it is a technical Bill that will provide for the transfer of functions from RTÉ to the NCH. I again thank Deputies for their engagement. My officials have taken note of the many issues they raised and I am sure these will form part of our considerations. I request that Deputies who intend to table amendments to the Bill give us sight of them because I would like to undertake as much constructive engagement as possible in advance in order that we can give them due consideration. The Bill represents an important step forward in the journey of both the orchestra and the NCH. It is a critical part of the National Concert Hall's ambitious vision for the development of symphonic music, with the restored symphony orchestra taking its place in a 21st-century concert hall. The legislation will enable the NCH to commence the process of returning the orchestra to full strength and empower it to deliver on the recommendations outlined in the Boaden report. I acknowledge the hard work of my officials in preparing the Bill, which I am pleased to introduce to the Dáil. I look forward to it making steady progress through the Oireachtas and commend it to the House.

Question put and agreed to.

National Cultural Institutions (National Concert Hall) (Amendment) Bill 2022: Referral to Select Committee

Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Catherine Martin): I move:

That the Bill be referred to the Select Committee on Tourism, Culture, Arts, Sport and Media pursuant to Standing Orders 95 and 181.

Question put and agreed to.

Saincheisteanna Tráthúla - Topical Issue Debate

Healthcare Infrastructure Provision

Deputy Kieran O'Donnell: I raise the need for an elective hospital in Limerick. It is already Government policy that Cork, Galway and Dublin will get elective hospitals, and it is completely illogical that Limerick and the mid-west are not included. There are a couple of reasons for that. I have been a public representative of Limerick for many years. We have the highest number of people going through the emergency department, ED. In 2021, Limerick had the highest number of patients going through the ED in any one year, while it is predicted that almost 80,000 people will go through it this coming year. Furthermore, we have the lowest number of open beds per 1,000 of population of any region.

Cork, Galway and Dublin all have private hospitals. We have no private hospital at the moment, even if we will have one in the future. The lack of an elective hospital is illogical given Limerick has been the place with the highest number of people on trolleys over a recurring period. Thankfully, the numbers today are down. Nevertheless, while they are not at their highest level, they are still high.

This is pretty straightforward. The Taoiseach has stated in recent days that he now believes that the case for an elective hospital in Limerick is compelling. I want to see about getting a process under way. An elective hospitals oversight group has been established to progress the elective hospitals in Cork, Galway and Dublin. I want to see the Minister for Health now direct it to start scoping for an elective hospital for County Limerick. This is the process I want to see around that. We have University Hospital Limerick, UHL. St. John's Hospital in the heart of the city has a proposal in at the moment. It is already an elective hospital, in many ways. It has a proposal in to increase the number of beds from 90 up to 150. UPMC has also brought forward a proposal for an elective hospital. This needs to be scoped. I want an agreement in principle from Government that it will now make a Government policy that Limerick will have an elective hospital. Part of that has to involve the consideration of what St. John's Hospital can bring to the table. We need to evaluate the UPMC proposal as well.

The process, which I have looked through, is very straightforward. The Government and the Minister for Health need to direct the elective hospitals oversight group, which has joint governance under the Department of Health and the HSE, to now include the scoping out of an elective hospital in Limerick along with what it is doing in Cork, Galway Dublin. Otherwise, it is incomplete. I would certainly question the methodology that was used that gave rise to elective hospitals in Cork, Galway and Dublin and none in Limerick. It is illogical to me. We have to move to the next step.

The Taoiseach came out and firmly stated that he now sees the compelling need. He said he will go to the Minister for Health to fast track it. I am now putting forward what the process is, which is that the Minister for Health instructs the elective hospitals oversight group to start the scoping exercise as to what form the elective hospital in Limerick will take. When it goes to the elective hospitals oversight group, however, it should be Government policy that there will

be an elective hospital in Limerick.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank the Deputy for raising this Topical Issue matter today, which I am taking on behalf of the Minister, Deputy Stephen Donnelly.

As the Deputy is aware, the cross-party Sláintecare report in 2017 articulated a new vision for healthcare in Ireland, including the provision of elective only hospitals and providing protected capacity for elective care. This policy has also been informed by a number of subsequent policy documents and Government decisions including the 2017 Sláintecare report, the Sláintecare implementation strategy and the national development plan in 2018, the programme for Government in 2020, the Sláintecare Implementation Strategy and Action Plan 2021-2023 and, finally, the new national elective ambulatory care strategy, which was agreed by the Government in December 2021.

This new strategy aims to change the way in which day cases, scheduled procedures, surgeries, scans and outpatient services can be better arranged to ensure greater capacity in the future and help to address waiting lists at a national level. The development of additional capacity will be provided through dedicated, stand-alone elective hospitals in counties Cork, Galway and Dublin.

The elective care scope of service will be developed in two phases commencing with day cases, diagnostics and outpatients, and then by inpatient treatment. On this basis, the elective care centres will be designed to provide sufficient capacity to facilitate further phases, including some elective inpatient capacity, thereby providing a sustainable and strategic response to cater for the highly dynamic landscape of healthcare policy and practice.

It is important to note that the locations chosen will allow for new facilities of a size and scale to implement a national elective care programme that will tackle waiting lists on a national basis. This means that the new facilities will be designed to maximise their capacity and, in doing so, will operate to meet the demands of as wide a catchment area as possible, extending beyond existing and future health areas including the mid-west. The Minister, Deputy Stephen Donnelly, is conscious of the desires expressed by Deputy O'Donnell for a dedicated elective hospital in Limerick.

I would say to Deputy O'Donnell that the locations were chosen in line with good practice, which suggests that in order to maximise economies of scale, dedicated, stand-alone elective centres should be as big as is reasonably possible to meet identified demand while providing appropriate population coverage. Locating the new facilities in counties Cork, Dublin and Galway will enable the provision of a national service while aiming to maximise the coverage of the elective care centres as far as is reasonably possible.

A central point of introducing these new facilities is not that they will only benefit the subset of the population that sit within their direct catchment, but rather that the introduction of a new delivery capability into the public healthcare system will benefit the whole population, including those who do not fall within the immediate geographical catchment.

An additional elective facility in Limerick would have a minimal impact on population coverage relative to the significant increased investment to build and operate. The Minister expects to bring an update to the Government very shortly and the preliminary business cases will be published when approved by the Government. I hope that when they are published, the

significant and material benefits for the people of Limerick and the mid-west will be evident.

Deputy Kieran O'Donnell: I have two issues. I mean no disrespect to the Minister of State, Deputy Rabbitte, but I would like to have had the Minister, Deputy Stephen Donnelly, in the Chamber today. He is the Minister with primary responsibility; he should have been here.

Second, I wholeheartedly disagree with the Minister for Health's comment that an additional elective facility in Limerick would have minimal impact population coverage relevant to a significant increased investment to build and operate. From what I can see, other jurisdictions that have the elective hospital cannot even decide on a site. They are openly arguing. We have options on the table, namely, St. John's Hospital and UPMC, maybe with both working together. In my view, that subject has to be looked at.

The bottom line here is that this is a Government decision. This is at variance with what the Taoiseach said publicly both in the Dáil and outside. He said there is a need for an elective hospital unit. The case is compelling. This particular response seems to completely ignore the fact that we have had a performance management unit in UHL for the last number of months. We have the highest number of patients presenting to the emergency department in the country. We had 80,000 this year. Second, our ratio of emergency department attendees-to-bed ratio is by far the highest in the country. The case is, therefore, compelling. I have looked at the process. Under the Sláintecare national elective ambulatory care strategy, the elective hospitals oversight group was challenged with basically scoping out the elective hospitals in Cork, Galway and Dublin. It needs to be directed by the Minister for Health, in line with the commitment from the Taoiseach, to now include Limerick as well.

Our system in Limerick is under enormous pressure. The recently published Deloitte report stated that we will need 300 additional beds by 2026. At the moment, we need 200. We have 96 being built; we need another 90 more or less straight away. There are options on the table that would effectively involve an enhanced elective hospital at either St. John's Hospital or UPMC on the ground very quickly.

I very much want the Minister for Health to take up this issue now and have discussions with the Taoiseach in terms of what the Taoiseach said publicly. We need to get this elective hospital for Limerick included as Government policy and get the scoping from the elective hospitals oversight group under way.

Deputy Anne Rabbitte: I thank the Deputy for raising this important issue. As I said in my opening remarks, I am conscious of Deputy O'Donnell's desire for new elective facilities in the mid-west. However, I would stress to him that the new facilities that are planned for the three locations in Cork, Dublin and Galway should be considered as national assets that will introduce a new delivery capability into the public healthcare system, which will benefit the whole population to the greatest possible extent.

I am conscious of the remarks made by the Taoiseach earlier this week in response to a proposal for elective facilities in Limerick. I fully agree with the Taoiseach that progressing the elective hospital route is the way to go. We are taking all steps to fast track this proposal within the current rules. By introducing new capacity, we can tackle waiting lists in the long term and free up hospital capacity in the existing wider public hospital network. To conclude, I would note again that I hope Deputy O'Donnell will see the clear benefits that Limerick, the mid-west and the country as a whole will see through the development of these new world-class elective

hospitals.

Deputy Kieran O'Donnell: Can I just say-----

Acting Chairman (Deputy Bernard J. Durkan): I am sorry. The Deputy cannot-----

Deputy Kieran O'Donnell: I welcome the comments from the Taoiseach in the Minister of State's response. It is something we will be following up on.

Acting Chairman (Deputy Bernard J. Durkan): We cannot set a precedent; I am sorry about that. If the rules change we will accommodate that.

Home Care Packages

Deputy Pat Buckley: I thank the Minister of State for being here. This Topical Issue matter is practically self-explanatory. For the past number of weeks I have been making representations on behalf of some constituents of mine on the matter of home help hours and so on. In fairness the Department has come back and sanctioned hours and stuff but the issue is that we do not have staff to fill those hours.

This takes me on to particular incidents and I spent two and a half hours being bounced around Departments yesterday while trying to find somebody who is accountable or responsible or who makes the decisions when it comes to elderly care in the home. I was talking to a family who has a parent in their 90s and they have been told that the number of incontinence pants they use on their parents have been reduced to two per day. I found that highly insulting and degrading for this family and my fear is if it is happening to one family is it happening to others? I did not want to raise it as a Topical Issue matter because of the fact that it is nice to pick up a phone and tell someone this is wrong and ask to get it sorted out. However, as I said I was stonewalled all day yesterday trying to get a response on this.

I have details on this horrible individual case that I will supply to the Minister of State but I want to highlight the fact that somebody from outside this House will have picked this up this evening. Hopefully whoever is responsible for making these decisions can reverse them. We are in here and people are under the perception that we are in the protection of the Chamber or whatever. We all go home and if we are lucky enough to have parents we look forward to seeing them. Surely when you come to the latter stages of your life people would have respect and empathy for these elderly people. I cannot figure out how this individual or collective body has made a decision to cut the likes of a basic necessity and limit it over a possible cost.

I know the Minister of State will not be able to give me a direct answer but I want to make her aware of this. All of us here are expected to know everything that is going on in our constituencies and in the country but we do not. The Minister of State needs to be informed about it and that is why I am informing her that I am afraid because another family asked me not to complain. That makes it even more serious because they are doing it through fear now. If there is fear of cutting back the number of incontinence pants for our elderly then our system is going backwards. I wanted to raise this with the Minister of State so that hopefully the powers that be who are responsible for these moves will reverse it. Hopefully this precedent will never be set again.

Deputy Anne Rabbitte: I assume it is a constituent who came to the Deputy so I can only

assume he is talking in the context of community healthcare organisation, CHO 4. On behalf of the Minister for Health I thank the Deputy for raising this important matter.

The Health Service Executive provides a wide range of medical aids under the community funded schemes to eligible persons, as set out in the Health Act 1970, free of charge following assessment by a relevant health professional. The HSE oversees the provision and supply of incontinence wear products for eligible persons across Ireland. Provision is based on an appropriate clinical assessment and a determination of the most appropriate products that will meet the individual's needs. These assessments are supported by national guidelines and other educational tools that are available to healthcare staff working throughout the country.

The HSE operates a home delivery service which provides incontinence wear products to more than 70,000 individuals living in their homes. This is a person-centred delivery system, which allows the individual or their carer to vary both the time of delivery and the amount of product delivered, according to their specific needs. It is also possible to alter the location for a particular delivery should the need arise. In the past, individuals have at times been provided with too much or too little product, which is not optimal for the individual person or their families, and the system now in place helps to ensure that these issues are now at a minimum. In addition, the HSE has a bulk delivery system in place for community nursing units and other residential care settings. This also operates on the basis of a regular delivery schedule with a facility to adjust both the amount and timing of the delivery. The HSE also utilises the service provided by public health nurses and continence nurse advisers to assess individual patient needs in order to ensure that the supply of incontinence wear products is appropriate.

As part of the national service improvement programme for the community funded schemes, the HSE has completed and implemented national guidelines in respect of incontinence wear products. Governance arrangements have been strengthened through the implementation of an integrated electronic management system to support the ordering, supply and distribution of incontinence wear products across all healthcare settings, including the home delivery service. The provision of clinically appropriate incontinence wear products to eligible persons is operated by each CHO under a national tender arrangement. The HSE views the appropriate provision of incontinence wear products to eligible persons based on need as a success of the improvement programme. In circumstances where a person does not hold full eligibility, such as a holder of a medical card or a long-term illness scheme card, reimbursement support for incontinence wear products is provided under the drug payment scheme, DPS. While there is no set limit on the quantity, the DPS claim must be supported by a valid prescription for such products.

It is unfortunate that the Deputy had to raise this on the floor of the Dáil but what I see here is that there is no limiting but that it is based on clinical need and assessment. When there is a clinical need assessment done, reducing the amount that is available to two per day does not seem appropriate. Perhaps it is something that needs to be taken up with the public health nurse.

Deputy Pat Buckley: I know where the Minister of State is coming from. While I was listening to her I was thinking we should not be bringing these cases up because people have responsibilities and they are in jobs to provide these services. In her response the Minister of State mentioned the DPS. While there is no limit set a valid prescription is a cost to people, which is a separate issue. I refer to the idea of there being "too much or too little product". When it is causing that much stress to a family and they have to go to their Dáil Deputy, who tries all the angles to go through the HSE to try to get this solved and it ends up being discussed

in the Dáil, then there has to be a breakdown somewhere. My wife always kills me when I make the following point but is it not better to be looking at it than looking for it? While we are sitting here that family does not have the answers. I will be talking to them afterwards and I will tell them it will hopefully be addressed now.

I know where the Minister of State's response is coming from and it mentions: "too much or too little product, which is not optimal for the individual person or their families". We talk about carers and they are the individuals who have been involved for the longest length of time so to me they are the experts. If you are dealing with the district health nurse and saying that two, five or ten items is not enough then surely that should be taken on trust. People are not hoarding these products to sell them. I appreciate the Minister of State's response and she is right that I should not be raising this matter here. I am just afraid that if a precedent is being set here and if families and their loved ones are suffering because of the lack of a simple necessity. This could not be taken away from a child for example. I spoke to a mother very recently and I mentioned something about this and she said she did not know how many nappies she was going to use on her child that day. There should be a common sense approach to this and there should be trust between families and the health system.

Deputy Anne Rabbitte: I agree there should be common sense shown in the approach to this issue. There is a middle ground that needs to be achieved, which is called neither "maximum" nor "minimum" but is just common sense. I reiterate that the service provided by the HSE operates on a person-centred, person-specific basis to fulfil patients' clinically determined needs. I assure the House there is no rationing of these products, which are provided to people as they need them. That is important when people are making telephone calls or trying to reassure families. There is no limit set out and no rationing taking place.

The HSE operates a flexible home delivery service, which currently provides incontinence wear products to more than 70,000 people. It also operates a bulk delivery system to community nursing homes and residential care settings. This is to ensure each person receives incontinence wear products as he or she needs them. The improved provision of incontinence wear products to eligible persons nationwide is rightly viewed by the HSE as one of the indications that the national service improvement programme can deliver. The reimbursement support for incontinence wear products available under the drug payment scheme ensures all persons, including those who do not have full eligibility, can avail of such products as they need them.

Report of the Joint Committee on Justice on GDPR: Motion [Private Members]

Acting Chairman (Deputy Bernard J. Durkan): The proposer of the motion has 15 minutes, the Minister of State has 15 minutes and other speakers have ten minutes, with the exception of the penultimate speaker, who will be a Government speaker and will have five minutes, and the proposer will then have another ten minutes.

Deputy James Lawless: I move:

That Dáil Éireann shall take note of the Report of the Joint Committee on Justice entitled "Report on meeting on 27th April 2021 on the topic of GDPR", copies of which were laid before Dáil Éireann on 22nd July, 2021.

I thank Deputies Pringle, Costello and the other members of the Joint Committee on Justice,

of which I am Chairman, who have engaged in producing this report, some of whom cannot be present today. I thank the Minister of State, Deputy Rabbitte, for taking the debate and Deputy Buckley and the other Deputies who are in the Chamber for the discussion. This is the first report of the prolific justice committee that has come before the House, although we have delivered many reports in the past two years. It is a very good committee, the members of which work together productively and collaboratively. I am delighted one of our reports has found its way to a full formal debate in the Chamber.

The report we are considering deals with the general data protection regulation, GDPR, which falls under the remit of the committee and the Department of Justice. The regulation is in its fourth year as applicable legislation and it has had a significant impact on Ireland in the sense that we are the lead regulator for GDPR across the EU. That in itself has led to some tensions, with views being expressed at home and abroad that the approach is perhaps not always consistent. There is a threat associated with being both the home regulator and the EU-wide regulator. Some regulatory bodies within the EU and elsewhere would like to bring that function home, as it were, and decentralise the approach. It would not be a good thing for Ireland if that were to happen as it would not reflect well on our competencies and capacities. Our economic offering includes certainty for those who are headquartered here. We hold 40% of the EU's data sets and there is a significant presence by multinationals and similar corporations. There are many moving parts. The GDPR is relatively new legislation and very important for Ireland. There are great opportunities but also challenges and it is in this context that I bring the committee report before the House.

We published the report in July last year. Many members of the committee indicated an interest in this topic when we set about our work programme. We acknowledge the significant responsibility Ireland has in being the lead supervisory authority in Europe, which makes us responsible for progressing cases of data protection breaches filed against all companies the European headquarters of which are located here. In effect, we are the European headquarters for GDPR, which often means, by extension, we are the European headquarters, full stop, for those companies. Two weeks ago, we had an opportunity to meet with members of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, LIBE, which I will refer to again presently. We had a very good interaction with those members in which we discussed concerns expressed by counterparts across Europe that the fundamental rights of privacy for EU citizens may be endangered by lack of sufficient enforcement of the GDPR. Enforcement begins at home and Ireland's regulator is both State regulator and lead EU regulator, which makes this an issue of concern to the House.

As always, the Oireachtas committee conducted a stakeholder engagement and solicited a number of opinions in the course of this exercise. We invited key stakeholders to submit their written opinions and we then had a public meeting of the committee on 27 April 2021. This was a very interesting engagement and all the richer for the participation of our stakeholders. They included Dr. Fred Logue of FP Logue Solicitors, representatives of the Irish Council for Civil Liberties, ICCL, the Data Protection Commissioner, Ms Helen Dixon, and Mr. Max Schrems, who will be known to those following this discussion as a data protection veteran and expert. A number of members of the committee have since met with Mr. Schrems informally over coffee and were again pleased to hear his views on these matters. The stakeholders were invited to present to the committee any areas of reform or improvement they considered to be most necessary and urgent to implement and enforce the GDPR, with the aim being to establish which specific areas of enforcement could benefit from improvement and strengthening to ensure an

efficient implementation of the regulation.

A number of key issues were raised by stakeholders. One was the delay in processing cases and complaints made to the Data Protection Commission, DPC. The committee was told this is one of the biggest stumbling blocks to achieving effective GDPR enforcement in Ireland. We have heard it said many times that cases take a very long time to get to completion. In some cases, completion is never marked and there is no end date to a complaint. Complaints seem just to sit. There may be reporting improvements in terms of a case closing mechanism whereby a case can be closed out rather than sitting on a shelf. The statistics may be somewhat skewed in that regard but there certainly is room for improvement. It was noted that Austria has issued 852 decisions and Spain has issued 700 since the implementation of the GDPR in 2018. In the same timeframe, Ireland, despite being lead regulator at an EU level, issued only four decisions. Those statistics do not flatter us. As I said, I understand there may be a system whereby the DPC does not close cases and, therefore, they appear to linger.

5 o'clock

Some closure would be useful for all concerned and certainly would help the closing out of those items. The Data Protection Commissioner told the committee, in her own evidence that, among other reasons, the principles-based nature of the GDPR and the fact that there is little established case law to guide such evaluations means that every case must be evaluated on its own merits and this can take significant time. I do not really accept the point that the lack of established case law means it cannot be done. Any piece of law, by definition, is new, and it takes a while for courts and judges to pass decisions. The role of a regulator charged with upholding that legislation is to grapple with it and begin to make decisions. Perhaps they do not have the full force of precedent but I do not accept that a regulator must wait for a period of years for courts to consider a matter in detail before it can begin to follow a particular pattern. I think it should be the other way round or at least in parallel.

The next point that was made was that the Data Protection Commission needs to clarify its procedural law when processing complaints and cases of data breaches. The committee was told that the unclear nature of the DPC's processes means that cases risk being overturned due to apparent unfairness and a lack of transparency in decision-making processes and the exact definition of cases being concluded or resolved by the DPC must be clarified. That is a point I made a moment ago. In response, the DPC told the committee that it would attempt to codify what it publishes in its processes if it would provide greater legal certainty. Another point that was made in the debate was that the general compliance with and enforcement of the GDPR is perceived as being weak, which is not a good reflection on Ireland. Witnesses told the committee that non-compliance with the GDPR can often appear consequence-free and that companies will continue to breach the GDPR if they feel that there are no credible sanctions for non-compliance. I should say that some headline sanctions have been issued recently, including to some multinationals. However, there is still a view abroad that non-compliance does not really lead to any particular or purported sanction. Witnesses also criticised the lack of transparency in the DPC's approach of informal engagements with large corporations to find solutions to issues with GDPR, rather than the DPC using enforcement measures against them to comply with the GDPR. The poacher and gamekeeper becoming friends never makes for a good regulatory model. I think there is a suggestion that the DPC, at times, engages in a deep-dive with particular lead parties, but that is not necessarily good practice. I understand that there may be a practical desire to get close to the problem and attempt to work collaboratively to find a solution but perhaps the pendulum has swung too far. Certainly, the point was made by witnesses

in the debate that the regulator is in with the regulated, helping them to devise processes. A better approach may be to stand back and actually issue sanctions and impose direction, rather than being in under the hood.

The risks of poor enforcement of the GDPR to Ireland's role as lead supervisory authority in Europe is one that I flagged at the outset. It is of great concern not just to the technical GDPR arena, but to our economic offering. If we cannot guarantee certainty to technical and business companies that are headquartered here, the next logical implication is that the reason for the attractiveness of Ireland and Dublin as a hub begins to wane and some of that business begins to move abroad. The committee was informed that the DPC's ability to carry out its role as lead state authority is coming under scrutiny by its European counterparts. We have seen pressure from other European states to relocate activity and to actually be allowed to regulate themselves in other EU capitals. Witnesses directed the committee towards several high-profile cases, such as the decision of the European Court of Justice in June 2021 when it effectively ruled that other data protection authorities, DPAs, could sidestep the DPC where it was perceived in being too slow in pursuing cases. The committee was concerned about the impact on Ireland's reputation as the centre of data regulation in Europe if that became common practice.

I will move on to some of the key recommendations that were made in the report, on behalf of the committee. The committee recommended that the DPC moves from emphasising guidance towards a hard enforcement approach as a matter of urgency and that it be supported to do this by whatever means necessary, including the provision of additional resources, should that be required. It was recommended that the DPC increase the use of its sanctioning powers under Article 58(2) of the GDPR and that the DPC should publish quarterly statistics on the use of its sanctioning powers. The committee recommended that, to speed up the timeframes in which decision on GDPR cases are issued, a separate decision-making entity within the DPC, separate to that of commissioner could be created or individual case managers could be allowed to issue final decisions in cases on behalf of the DPC or both. In other words, delegate and divide and conquer. That makes a lot of sense. The committee recommended that the DPC should introduce more transparent and defined procedures when handling complaints, which should include clear deadlines as to how long it should take for cases to result in a final decision. It was recommended that multi-stakeholder hearings with other data protection agencies in Europe should occur first, in order for their feedback to be taken on board in this regard. I think an outreach programme to other European capitals and data protection regulation agencies elsewhere would make sense and would be part of healing those divisions that have emerged in recent times. As I have said, there is a bit of a turf war and some frustrations are being expressed elsewhere as to what are at least perceived, if not real, delays in Dublin. It was recommended that the DPC provide clarity by publishing the exact processes it follows when handling complaints and that the DPC should clarify its definitions regarding cases being concluded or resolved and consider using similar terms to those used in other European DPAs to avoid misinterpretation. Again, the point I made earlier about whether cases or closed, concluded, resolved, a work in progress or in limbo, and where exactly they are at, holds true. That is why we only have four concluded cases when other countries have 700 or 800. Perhaps it is a reporting difference, but we need to get to the bottom of it.

The committee recommended that the Minister appoint two new commissioners. The legislation refers to "commissioners" rather than a "commissioner". It was recommended that in accordance with the provisions of section 15(1) of the Data Protection Act 2018, the Government should avail of that option and appoint additional commissioners to strengthen the team.

Perhaps there could be specialties within particular areas. If additional commissioners were being appointed, perhaps they could have different areas of expertise or responsibility. The committee recommended that a review be undertaken to strengthen and reform the DPC and should include an examination of whether staffing levels and resource allocation are appropriate. It is very often a challenge for any regulator but in an industry that is highly technical and competitive at the coalface in particular, a regulator faces the same HR challenges in hiring staff and is in the same market for staff as the players themselves, which often have greater resources and competitive bargaining power. A regulator will often face challenges in recruitment for that reason. That should be examined and the resources should be made available to the DPC and if it does need to hire additional technical, legal and IT staff, it should be made possible. At least, the review should take place and an informed decision made.

Recently, the committee had the opportunity to meet with a delegation from the LIBE Committee within the European Parliament to discuss matters relating to GDPR enforcement and the committee's report. The engagement was very fruitful and the committee felt that it provided an opportunity to take stock of its report and review progress made. There were some very helpful suggestions from MEPs from other EU states. Arising from the engagement, the committee reiterates its calls for a review of the DPC and its policies, procedures and processes. Some have called for this review to be undertaken by an independent body and not by the DPC itself. *Nemo iudex in causa sua*: one should not be a judge in one's own cause. I think that recommendation makes perfect sense.

The committee also welcomes the decision of the Minister in July to appoint two new commissioners to the DPC. Although I do not believe the appointments have been made yet, there has been an indication of intent to do so. We ask that that be accelerated and made good. We stress the need for one of the commissioners appointed to have expert knowledge of material and procedural law. As I have said, different commissioners could have different strengths. It would make sense for them to complement one another rather than overlapping. Finally, the committee underlines its recommendations that the DPC should clarify the procedures used when handling complaints and provide clear deadlines as to how long it should take for cases to result in a final decision, alongside a clarification of the difference between concluded cases and cases which are resolved. Clarity in these matters would bring more transparency to the DPC's internal procedures and provide more confidence domestically and to its European counterparts.

I thank Members for their interest in this topic. I look forward to the Minister of State's engagement and, indeed, that of members of the committee. I look forward to the debate. I am glad to have had the opportunity to bring the report to the Chamber. I think it deserves a wide audience. It relates to matters that are significant for our regulatory reputation and our economic viewpoint and to very important issues such as privacy and data protection rights, which are enshrined at the heart of European and Irish legislation, and which deserve to be vindicated and regulated in a thorough and effective fashion.

Minister of State at the Department of Children, Equality, Disability, Integration and Youth (Deputy Anne Rabbitte): I thank the Deputies for providing me with the opportunity to address the House. I am doing so on behalf of the Minister, Deputy McEntee, who sends her apologies that she cannot be here due to her attendance at the British-Irish Intergovernmental Conference. We are here to discuss the Data Protection Commission and the legislation that underpins its work, the Data Protection Act 2018. The discussion takes place in the context of the report on the topic of the general data protection regulation published by the Joint Committee on Justice in 2021. I thank the committee for its hard work in compiling the report.

The GDPR report followed a public stakeholder engagement on 27 April with the Data Protection Commissioner and other stakeholders, including the Irish Council for Civil Liberties and Mr. Max Shrems, a data privacy advocate from the organisation known as None of Your Business, NOYB.

I want to be clear that under the Data Protection Act 2018, the Data Protection Commission is statutorily independent in the performance of its tasks and the exercise of its powers. This is in line with the GDPR, which states that supervisory bodies must be independent. The Government's commitment is to ensure the DPC is supported through both resourcing and a robust statutory footing to carry out its work.

The GDPR entered into force on 25 May 2018. It provides for higher standards of data protection for individuals and imposes more detailed obligations on bodies in the public and private sectors that process personal data. The GDPR also increases the range of possible sanctions for infringements of these standards and obligations.

The programme for Government clearly commits to recognising the domestic and international importance of data protection in Ireland. Delivering on this commitment means supporting and resourcing the DPC to deal with an ever-increasing workload with increasingly complex investigative requirements. This is largely due to the one-stop mechanism, which is a core element of the GDPR, providing for a central point of enforcement by a lead member state supervisory authority. Due to many major technology companies locating headquarters in Ireland, the DPC has significant lead supervisory authority responsibilities across the European Union. To that end, the resources of the DPC have steadily increased in recent years. The DPC has been funded under its own Vote as of 1 January 2020, with the Data Protection Commissioner as Accounting Office. The DPC received an allocation of €26.2 million under budget 2023, an increase of €3 million from 2022. This means that next year, funding will have increased more than sevenfold from its 2015 allocation, in line with the DPC's increased functions. To put this into perspective, the funding allocation in 2015 was €3.6 million. The DPC's sanctioned budget allocation for next year allows for recruitment of up to 283 staff by the end of 2023, which is an increase of 25 staff on the sanctioned figure for 2022.

The Department's role requires regular review of the legislation underpinning the DPC's work to ensure it is up to date and fit for purpose. To that end, the Courts and Civil Law (Miscellaneous Provisions) Bill 2022 will include a number of Committee Stage amendments to the Data Protection Act 2018. These are currently being drafted and cover a number of areas, including ensuring data subjects have third-party beneficiary rights in primary law, clarifying confidentiality obligations and clarifying DPC powers in respect of the issuance of reprimands.

A further proposed amendment will confer jurisdiction to hear data protection actions related to the District Court and, as it currently stands, the Circuit and High Courts. This will provide data subjects with improved access to justice when initiating actions under this Act and should reduce the associated costs for the data subjects and those providing a defence claim. The Bill was published on 13 September and is scheduled to go to Second Stage in early October.

The Government has committed to ensuring Ireland delivers on its responsibilities under the GDPR. The Department of Justice continues to monitor the impact of implementation of the GDPR and the impact of any possible future regulatory changes, as well as any changes within industry, in conjunction with the DPC. As part of this effort, an examination was instigated in 2021 by the then Minister for Justice, Deputy Heather Humphreys, to consider whether an

increase in the membership of the DPC should be pursued. In line with the Government's commitment to ensuring the DPC can best deliver on its responsibilities, the Department of Justice was asked to consider the matter of appointing additional commissioners as provided for under the 2018 Act. This was initiated on the basis that the DPC had evolved significantly since its inception. In order to support the evolving organisational structure and the governance and business needs of the DPC, on 27 July, the Government approved commencement of the process to appoint two additional commissioners. This was in line with the Data Protection Act, which provides for the appointment of up to three commissioners. The Minister knows that these decisions also accord with the recommendation of the Joint Committee on Justice to appoint additional commissioners in its report on the GDPR. The GDPR report further suggested that at least one commissioner should have expert knowledge of material and procedural law. The Public Appointments Service is tasked with making a recommendation on the two people for appointment as commissioner, following an open selection competition. The expectation is that the new commissioners will have the appropriate skills to perform their functions under the Data Protection Act. This process is expected to take six months to complete.

The Joint Committee on Justice report on the GDPR makes a number of recommendations in respect of the DPC. The Minister feels it is important to acknowledge that in the 15 months since the publication of that report, the DPC has achieved notable results as lead supervisory authority for personal data processing of the many global Internet platforms which are headquartered in Ireland. This is borne out by the accurate statistics on the DPC's work, which were published on its website. Article 60 of the GDPR provides for co-operation between the lead supervisory authority and the other supervisory authorities concerned when making a decision. Last year, the DPC issued more draft Article 60 decisions about major breaches of the GDPR than any other data protection authority in Europe. The DPC leads the bloc in both the quantum of monetary fines imposed on the draft decisions and the number of corrective measures enforced against online platforms. Furthermore, its decisions have been approved by fellow data protection authorities around Europe in over 90% of the cases.

The DPC has issued significant enforcement fines, the most notable of which include the €225 million fine imposed on Facebook in July 2021. In March this year, Meta Platforms Ireland Limited, the parent company of Facebook, was fined €17 million. It was fined €405 million last month for GDPR violations involving Instagram. On 13 September, the DPC also announced a draft Article 60 decision to other concerned supervisory authorities across the EU following a large-scale inquiry into TikTok. In addition to this, in 2021 the DPC also imposed a number of sanctions on other bodies.

According to the DPC, almost €650 million in fines has been levied against companies as a result of its investigations. It is fair to say that the DPC has performed its role of independent data protection regulation in the State very effectively to date. I want to emphasise this point, particularly in light of ongoing criticism of the organisation. It is particularly disappointing that some of that criticism continues to be based upon incorrect figures despite clear corrections having been provided by the DPC on multiple occasions.

The Government's decision to appoint two new commissioners sends a strong statement of its intention to continue to build the capacity of the DPC, support the existing commissioner and ensure that the DPC can continue to deliver on its role. The DPC has developed and grown significantly under the leadership of the current commissioner, Ms Helen Dixon, since its establishment. That is why, in light of her considerable experience and expertise, the Government has agreed to the proposal of the Minister, Deputy McEntee, that Ms Dixon be nominated as

chairperson of the DPC pursuant to section 16 of the Data Protection Act. The Minister has also asked the DPC to undertake a review of governance structures, staffing arrangements and processes. The Joint Committee on Justice's GDPR report requested such a review be undertaken which should include an examination of whether staffing levels and resource allocation are appropriate. The review is being carried out to support the work to be performed by the new model of commission, which comprises three commissioners instead of one.

The Government values the DPC's important and independent role as one of the largest EU data protection authorities and acknowledges its strong track record in carrying out its duty. The Department of Justice will continue to provide the support it requires.

Acting Chairman (Deputy Bernard J. Durkan): We have three more speakers. It will be tight enough to fit all three into the time available because a maximum of 75 minutes has been allocated to the debate. I ask everybody to keep that in mind, but we will include everyone. Deputy Costello has ten minutes. I ask him to save a few minutes so we will not run over. The debate has to finish-----

Deputy Patrick Costello: Given the session is due to finish at 9 p.m.-----

Acting Chairman (Deputy Bernard J. Durkan): -----in 75 minutes. We might get through the debate but it is 75 minutes from start to finish.

Deputy Patrick Costello: I will be as quick as I can. I acknowledge the work of the committee secretariat in compiling this report and the support they have given committee members. It is also important to acknowledge the role of the GDPR in protecting civil rights and our fundamental freedoms. If we look at the issues of real-time bidding and the use of these things in disinformation, misinformation, the manipulation of society and the undermining of democracy, we can see at one end why the GDPR is important. However, the GDPR will only be effective if it has teeth and if it is administered effectively. We asked for new commissioners and I acknowledge the Government has committed to appointing two such commissioners. Getting the right experience and skills is incredibly important.

However, I utterly reject the Government's line that the commission has performed its role as an independent data protection regulator in the State very effectively to date. I will offer more evidence on that but will start by considering the statement by the European Commission Executive Vice-President, Ms Vestager, who said that the EU Digital Services Act was written in a way to cut out Ireland to ensure it would not have the lead supervisory authority or role because everyone was disappointed by how we were performing in this area. That lack of effectiveness will result in huge economic loss for us. I will also point to the case of DPC v. Doolin in June this year. This was a High Court case and a later Court of Appeal judicial review on the decision-making of the Data Protection Commission. The Court of Appeal held that the commission was wrong in its understanding of law. The court called it "a manifest error ... which is serious and significant." Both the High Court and Court of Appeal held that the DPC made critical errors in its understanding of the concept of personal data. If the Data Protection Commission is getting the basic definition of "personal data" wrong, and is being held by the High Court and the Court of Appeal to have done that, it is not fair to say that office has been effective to date.

We also need to look at some of the issues raised by Deputy Lawless, such as the use of the terms "resolved" and "concluded", the opacity of this, and on what decisions are being made

and how they are being made. I cannot remember the figure off the top of my head, but a significantly high number of decisions have been made, in the order of 84%, which used amicable resolution. That figure may only relate to cross-border decisions but there is a disturbingly high number of amicable resolutions, many of which focus on repeat offenders. European data protection authorities have come together to produce their own guidance, which outlines when amicable resolution should be used and when it is not appropriate. We continue to use it time and time again on occasions when it has been called out as inappropriate and because we keep doing that, we are missing systemic problems within the GDPR and systemic breaches of the GDPR. If we are failing to tackle systemic and repeat offenders, then we are hardly being effective. We are just not effective. On cross-border cases, we are not delivering results or numbers at the same level as other data protection authorities across Europe. We have been called out on this. As I said, the Commission Executive Vice President, Ms Vestager, called these things out specifically.

We have also been criticised and corrected regarding cross-border decisions that have gone to other European data protection authorities. There is significant evidence of weight of other data protection authorities calling us out as the roadblock to effective administration of the GDPR and they are taking steps to get around us. As I said, the Commission is writing legislation to cut us out because it does not see us as effective in any meaningful way. This was on the cover of the *Business Post*. I do not understand why this is not a huge scandal. The loss of the role we could have had under the EU Digital Services Act will affect our economy and the nation's bottom line. This is all because we have not had, despite what the Minister of State may claim, an effective administration of the GDPR in this country.

It is not just about the budget. When I was elected in 2020, I started raising this subject. At that point, the commission was not resourced properly. The Data Protection Commission now has the fifth-highest budget of any EU data protection authority so it is not just about budget. It cannot just be about budget. This is why we need this independent review. It must be an independent review so we can examine the policies, procedures, decisions and the use of amicable resolutions. What exactly do “resolved” and “concluded” mean? Why are we continuing to fail to address the systemic problems? These are the issues we should look at. The addition of two extra commissioners gives us a perfect opportunity to do that.

I will also flag that a review of procedures, and legislation around procedures, is now essential in light of the Supreme Court decision in the Zalewski case. While we talk about whether the DPC is in line with EU law, I am not fully convinced the DPC is in line with constitutional law as adjudicated by the Chief Justice in the Zalewski decision. The Chief Justice was very clear that quasi-judicial decision-making bodies should have the same standard of justice as a court. We had to introduce emergency legislation to amend the policies, procedures and processes of the Workplace Relations Commission, but that will happen across all our quasi-judicial decision-making bodies. Major consequences flow from this that we are barely beginning to grapple with.

Now is the time we need to look at this matter and ensure we are meeting basic Irish constitutional justice standards because I do not believe we are. Are we achieving European standards in effectively administering the GDPR? I do not believe we are. Again, I am not alone in this. The European Commission said the same things I am saying. The Court of Appeal and the High Court in Ireland have both said the same thing. I cannot more firmly reject the suggestion that this commission has been very effective to date. The step of appointing two commissioners is very positive but we need a fully independent review to ensure that the Data Protection

Commission can be effective into the future.

Acting Chairman (Deputy Bernard J. Durkan): There are 40 minutes left for two speakers who have five and ten minutes, and two other speakers with ten minutes each.

Deputy Thomas Pringle: I welcome the Minister of State back to the Chamber. She seems to be the Minister for the Dáil rather than anything else.

Deputy James Lawless: She is the hardest working Minister in the House.

Deputy Thomas Pringle: She is the only working Minister in the House because she is the only Minister who turns up in the House by the look of things. That is a sad reflection because this motion was tabled three weeks ago for debate in the House. There is a Minister of State in the Department of Justice, with no disrespect to the Minister of State who is present. I would put a lot of store by what this Minister of State has to say more than any other. However, there is a junior Minister in the Department of Justice who could have been here today. This is a disgrace and shows a lack of respect for this House. It cuts across every Department and everything that happens here. I faced the same situation yesterday with a Topical Issue matter. The Minister of State was here for Topical Issue debates yesterday as well. I have said enough about that. We might have another discussion on the matter at some stage.

It is good to see this report being discussed in the Chamber. It was published in July 2021 and is only now coming up for discussion. It is interesting that we had an EU delegation before the Joint Committee on Justice last week to discuss the GDPR and, lo and behold, this report just happened to be approved for discussion in the House around the same time. It is fortunate coincidences like this that make life interesting around here. Things like that continue to go on.

This report was published in July 2021. I wonder what the view of the Department was in the meantime because we in the committee certainly do not know. Surely, more than a year after receiving the report there could have been a response. We have a response today although not from the Minister but from the stand-in Minister of State. That is the problem. This report was sent to the Department in July of last year and we have not had any response before now. I wonder if the response outlined in the Department's speech today is in response to the visit of the EU delegation in recent weeks.

We see that legislative provisions are being introduced on Committee Stage of another Bill that will sort out some of these matters, which seem to have been viewed as problematic in the Department for some time. However, they are being introduced on Committee Stage so there will not be any Second Stage debate on them. We do not know what is to be included because we have not seen the amendments. According to the Minister of State's speech, the Bill was published last week and the amendments in respect of the GDPR will be submitted on Committee Stage. That is the way the Government does business around here. That is fair enough and we will just have to live with it.

Before I heard the Minister of State's speech, I had forgotten the format and that she would have a chance to respond. She has already answered some of my points. I am sure the Department has given consideration to recommendation No. 5, at least. We have heard some more about that with regard to what is being proposed by way of amendments on Committee Stage of another Bill.

From the meeting between the EU committee members and the Joint Committee on Justice,

it appears there are discrepancies between some of the statistics the committee used in compiling its report and those the EU committee members were aware of. For example, the report states in its summary and evidence that, from May 2018 to December 2020, draft decisions were produced in only 2% of cases. The EU group, through Clare Daly's office, insisted there were decisions in 65% of cases. That is certainly an improvement although we must still ask whether resolution in 65% of cases is adequate. It seems to me that it may not be because that resolution rate is very low.

There also appears to be confusion around the definition of resolution of a complaint. The Data Protection Commission says that it does not have to report a decision where a complaint is simply closed after a resolution has apparently been reached with no report issued, that is, where the complaint is amicably solved. This is provided for in section 109(3) of the Data Protection Act 2018, which states:

Where the parties concerned reach an amicable resolution of the subject matter of the complaint, the complaint shall, from the date on which the amicable resolution is reached, be deemed to have been withdrawn by the complainant concerned.

This removes the need for any reporting. However, the same section of the Act states that the commission has a high degree of flexibility in whether it agrees to accept an amicable solution. Perhaps what is at dispute is the willingness of the commission to decide to amicably solve so many cases. That is a result of the woolly language used in the legislation. In the same section of the Act, we see terms such as "considers appropriate" and "may take such steps as it considers appropriate", as well as provisions for when the commission "considers" that something has happened. All of this is in section 109 of the Act. The Act was probably written to be so woolly. That is part of the problem with it.

The question is whether companies should be able to amicably resolve so many complaints when there is a power imbalance that is so much in their favour. That is a question that the commission may need to deal with.

The one thing about this report that has bothered me is that the Data Protection Commissioner has not really engaged with the committee since its publication. Surely if she felt that we had got things wrong, she would have pointed that out in correspondence with the committee since the report was published. Perhaps that is one advantage of it having been so long since the report's publication that this debate is taking place in the House. There has been plenty of time for the Data Protection Commissioner to highlight her concerns, so we can only assume that her office is happy with the report and agrees with the recommendations contained in it.

Of the 17 recommendations in the committee's report, quite a few of them are for the Minister and the Department to deal with. There may be recommendations that the commissioner act in a certain way that is not provided for in the legislation. It would be interesting to hear the Department's view on that, as we probably did earlier when we heard that legislative provisions are going to be rushed in through Committee Stage of other legislation without any proper consideration in the House. That is the Department's view on these recommendations. Surely, as it has been so long since the report was published, the Department will have had adequate time to mull it over. We see that it has and that legislation is now being brought forward when, coincidentally, EU committee members came before the committee a few weeks ago. Those members also met with the Minister at the same time. Perhaps all of this arose from that.

I wrote this response before I saw the Minister of State's speech but the one thing the Department is actually going to do is to act on one of the recommendations I am not sure about, No. 10, in which the committee recommends that the Minister appoint two new commissioners with specific skill sets that are provided for in the legislation. It seems to me that this might be a cosmetic exercise that would give the impression of change without actually achieving the desired effect. That might be what is happening here. I hope I am wrong but time will tell, although it will probably be another three or four years before we have another report and another attempt to look at this matter. This recommendation might have merit if it were part of a complete examination of the legislation to see if it is adequate and provides an overall solution. To my mind, if the law was right, it would not make any difference whether there was one commissioner or 21 but maybe that is just my ignorance and how I view things. If the legislation was adequate, met the needs and did what needed to be done, it would not matter whether there was one, three or five commissioners. We will see what is chosen in the legislation and what the outcome will be. I hope the language of the amendments will not be as woolly and open to interpretation because that is part of the problem with the whole thing. I am grateful for the opportunity to contribute to this debate. I hope it will not be so long after we publish our next reports that we actually see some action from the Department.

Deputy Pat Buckley: The motion we are considering proposes that “Dáil Éireann shall take note of the Report of the Joint Committee on Justice entitled “Report on meeting on 27th April 2021 on the topic of GDPR”, copies of which were laid before Dáil Éireann on 22nd July, 2021”. I will start by paying tribute to the members and staff of the committee for their work on the report. It is typical of the unglamorous but important work that committees are set up to tackle. I understand from my Sinn Féin colleagues that Deputy Lawless has done a good job within the committee.

I will turn to the concerns Sinn Féin has in this area, which were raised when the matter was discussed in the committee. The first is the resourcing of the DPC, a concern raised by Deputy Martin Kenny. The DPC takes an incredibly long time to get back to a lot of complainants. Covid-19 may have had some impact but, with much of the commission's work not necessarily requiring in-person visits and so on, that is no excuse. The delays were also an issue well before the pandemic. There was some discussion of this at the committee hearing and we respectfully diverged from the commissioner's views on the resourcing. We made provision in a previous alternative budget for an increase in funding to the DPC, which the Government heeded. However, the reality is that we are a number of years behind in terms of that investment. We cannot afford to become a data protection blackspot and it is not difficult to imagine the DPC has been deliberately under-resourced compared to its European counterparts. Given that so many technology companies are based here, far more than is the case in those counterpart countries, it is unacceptable for this under-resourcing, whether deliberate or otherwise, to continue.

The second concern, which is strongly reflected in the report's recommendations, is the issue of negotiation over enforcement. The resources tech companies have, compared with those of any State agency, are significant, and their ability to protest and litigate is extremely strong. Negotiation might make sense in order to protect precious State resources but the statistics are far too skewed away from any enforcement. A change in mindset is needed here.

A third issue that was raised was that of the mother and baby homes and how the records were going to be sealed and so forth. One would be hard-pressed to find a piece of law that is invoked as regularly and as strongly as the GDPR on a wide number of issues. Unfortunately, it is misapplied and misunderstood by many, despite the fact it is simple enough in legal terms.

For instance, the advice of the Minister for Children, Disability, Equality, Integration and Youth was that GDPR did not apply to these records, whereas a number of experts felt it clearly did. There was a need for clarity as to whether the sealing of records in those cases would have been a breach of legislation, especially EU legislation. These records represent more than just data for many, and cases such as those of people boarded out, which Deputy Daly has been vocal on, need to be looked at as well.

Finally, there are increasing applications of data, or more accurately, large amounts of quantitative data, across our daily lives. Legislation and regulation need to be ahead of the curve here rather than being reactive. In that context, the report's call for a review of the Data Protection Act 2018 to ascertain if legislative amendments are necessary, and to consider codifying the published processes of the DPC as regulations, is incredibly important.

Deputy Anne Rabbitte: I thank the Deputies for their contributions to what has been an informative and enlightening debate, at least for me. I have learned an awful lot from listening to it and reading my scripts. As I said at the outset, I am taking this debate on behalf of the Minister for Justice, Deputy McEntee. I also extend apologies on behalf of the Minister of State, Deputy James Browne.

The Data Protection Commission is statutorily independent in the performance of its duties. The Government's role is to ensure the DPC is fully resourced and supported to carry out its functions. The Government values the DPC's role as one of the largest EU DPAs and acknowledges its successful track record of national cross-border data protection regulation. In my opening statement, I outlined the ways in which the Department of Justice provided resources and statutory support to the DPC. A number of Deputies referenced the four cases that had been concluded by the DPC. It has concluded over 17,000 of almost 20,000 complaints received from individuals up to August 2022, and 793 cross-border complaints where the DPC was the lead authority have been concluded.

The Department will continue to build the capacity of the Data Protection Commission, supporting the existing commissioner and ensuring the commission can continue to deliver on its role. The commission itself has pointed out that much of the criticism levelled against it is based on incorrect representations of its enforcement work. It has incorrectly been claimed that almost 98% of major GDPR cases referred to Ireland remain unsolved. The accurate data, which are published by the DPC website, demonstrate that the DPC plays an effective role. For example, 73% of all cross-border complaints handled by the DPC as the leading supervisory authority since May 2018 have since been concluded. Indeed, the DPC is the leader among all EU data protection authorities in terms of the quantum of fines imposed and corrective measures enforced.

In order to support the evolving organisational structure, governance and business needs of the Data Protection Commission, the Government has approved commencement of the process to appoint two additional commissioners. In making this decision, the Government recognises that the DPC has evolved significantly since its inception and has an increased work burden and investigative complexity, as well as the DPC's fundamental role within the EU data protection architecture.

The outcome of the DPC's forthcoming review of its governance structure, staffing arrangements and the process to support the work to be performed by the new model of the commission will no doubt pave the way for its continued growth and development. I wish to make it

clear that the Government has asked the DPC to carry out this review in light of the decision to augment the resources of the commission by appointing two additional commissioners. This is the right approach to take as it is consistent with the independence of the commission and will allow it to examine its process in adapting to the changing environment. The committee's report requested that a review of the DPC be undertaken, which should include an examination of whether staffing levels and resource allocations are appropriate. This report did not specify that the review should be independent. However, the Irish and EU-based special interest group has called for an independent, more root-and-branch style review of how DPAs operate. In response to those calls, I reiterate that the DPC is a statutory independent body, as per section 12(7) of the Data Protection Act 2018. On that basis, Government intervention in the running of the DPC would be inappropriate. The Government would not intervene in the DPP or court decision-making and should not do so for the DPC either.

Furthermore, the DPC is subject to oversight by the European Data Protection Board, EDPB, the European Commission, Irish courts, and the Court of Justice of the European Union, CJEU. Given that recent decisions of the DPC and the EDPB are being reviewed by the High Court and the CJEU, the need for the Government to respect the independence of the DPC and the EDPB is emphasised. The DPC has also been undergoing reviews by, among others, the Comptroller and Auditor General, the DPC's independent audit and risk committee, the DPC's internal auditors and the courts. It is worth noting that no issue of any gravity has arisen in the context of those recent reviews. In fact, in December 2021, the justice Commissioner, Didier Reynders, stated that the Commission had not identified any issues with Irish data protection rules or how they are enforced.

I reiterate the value this Government places on the DPC's work, as well as our intention to continue to support and resource the commission to carry out its increasingly voluminous and complex workload. I thank Deputy Lawless and the members of the committee for bringing this report before the House.

Acting Chairman (Deputy John Lahart): That was an acronym-filled speech. I call Deputy Lawless to conclude.

Deputy James Lawless: I thank the Minister of State. I agree with Deputy Pringle that she is a very hardworking Minister who is performing a number of duties in this House at the moment, not least her own. Well done to her on that. It is noted. I thank all Deputies who took part in the debate and the members of the committee, as well as Deputy Buckley, who I know speaks on behalf of Deputies Daly and Martin Kenny. I thank him for bringing those views into the room today. I also thank the tireless staff of the committee, in particular the sage that is Mr. Alan Guidon, who gives us great steer on every matter under the sun, not least this one, and is still a marvel with his technical expertise and procedural knowledge. I thank our policy advisor, Emer Hannon, and our staff, Fiona McCarthy and Keelan Crowe, who all worked tirelessly on the many reports that have been produced. I also take this occasion to put on the record that the justice committee covers 50% or more of all legislation across the Houses, so I again give credit to the members of the committee for their co-operation and throughput in that regard.

I welcome the statements by the Minister of State, particularly the news that the appointment of the two additional commissioners is ongoing. I look forward to that process completing. The committee would welcome a role in that process. There is a procedural precedent for candidates coming before the committee for a hearing and we stand ready to do that at the appropriate time. I stress the importance of the two new commissioners complementing the

current commissioner but also bringing some diverse skill sets to the role. We do not need three people doing the same job; we need three people doing different jobs with different skill sets and drawing from different professional life experiences. That is a positive development.

The Minister of State noted that one of our recommendations was that a review be performed of the organisation. She advised that a review is being initiated. I welcome that but I would add the caveat that, as I said earlier, an internal review is often less useful than an external one. If there was another body or if somebody was seconded in as part of that, it might add greater value. It would certainly have greater credibility even if the result is the same. It would be in the organisation's own interest to consider that approach. I know the Minister of State will pass that suggestion on to the relevant Minister. It should be taken on board.

Great emphasis is placed on the statistics. There are lies, damned lies and statistics. It is quite confusing, even for the people in the weeds on this, to determine whether their case has been closed, satisfied, progressed or concluded and often it can be a matter of opinion or labelling. In my office, I operate a constituency representation system. I often wonder whether a case is really closed. I wonder whether it is closed to the satisfaction of the person who raised it. We might say that the matter has been replied to but that does not necessarily mean the case is closed and it certainly does not mean it is closed satisfactorily. We could spend all day using different labels as we try to figure out the most appropriate one. We need to bring some clarity to this because a number of stakeholders and witnesses across the EU and locally have identified this as being an issue. Perhaps it leads to under-reporting or under-crediting of the DPC. Perhaps it leads to misreporting across Europe. Some kind of consistency of approach to those categories would be helpful for all concerned.

Some other findings of the committee perhaps did not get as much attention today. Under the Data Protection Acts that preceded the GDPR, the data protection website featured case studies that I found quite useful. People could look up a particular scenario if, for example, they owned a small business or were considering making a complaint. A club or organisation wondering what procedure it could use in a particular scenario could look it up to see what someone else had done and what the finding was. There was a good knowledge base under the old system. I do not believe that is still in place and I am not sure if it would be compatible with the GDPR.

Sometimes people believe that the foot that treads lightly is the better approach. Alternatively, heavy enforcement leads to fewer breaches. There is an initial flurry of activity because there is lack of compliance, enforcement and sanctions and this can lead to increased resources being required but behaviours begin to settle down after a while. If the stick is wielded at the start, businesses and organisations get to know the system and what happens if they put a foot out of line unless people put a foot out of line in the first place because people begin to behave themselves and the system almost manages itself. I note that there were multiple complaints regarding data subject access requests, is any individual has a right to make. Many organisations are still not fulfilling these requests to the extent they should and perhaps the DPC has not been as heavy-handed as it ought to have been in those scenarios. If that was applied robustly and consistently, those organisations would cop on pretty fast and we would end up with fewer complaints on the far side because better practices would ensue.

Deputy Costello quoted a *Business Post* article. A concern flagged by me and other Members today and in the committee is that there is an economic advantage for Ireland, which is vulnerable. It is often thought that perhaps large tech companies welcome a light touch but they

do not always welcome it because what business really wants is certainty. If there is uncertainty about a decision that is coming down the track or there is a risk of another decision being imposed by another EU state because the decision in Ireland is taking so long to come around, businesses are left in an uncertain environment. Contrary to what might be intuitive, business, including big business, will actually welcome a heavier touch and if that means sanctions, so be it, provided there is certainty of approach and companies know certain actions will have certain consequences. That leads to a more certain business environment, which is a more attractive business environment.

Deputy Costello mentioned the digital services directive. I would add that an artificial intelligence, AI, directive is coming downstream from Europe. It may be that Dublin is viewed in certain capitals as a less attractive option for centralisation of areas such as digital services or AI regulation and activity because of a perceived lack of enforcement on data protection, which undermines our offering in other areas. There is a wider tapestry to consider.

I am not sure if it was Deputy Pringle or Deputy Costello or both who made the point regarding the Zalewski decision. The point was made by a number of witnesses at the committee as well that the DPC procedures tend to be internal. There is a degree of opacity as to how certain decisions are made. I strongly recommend that it be considered whether there is room for a forum similar to the Workplace Relations Commission or the Residential Tenancies Board, which are quasi-judicial bodies that can hold hearings that allow affected parties to come into a room, have a hearing, be represented if they require it and have a decision issued within a space of time. I know the Residential Tenancies Board processes 20 cases per day while the Workplace Relations Commission might be similar. Many resolve themselves prior to getting to that stage. The Zalewski decision shone a light on those and as I highlighted yesterday, they are constitutional, very efficient and preferable to a full court hearing. It is a halfway house between an administrative body making a decision off its own bat and having a quasi-judicial chamber with an adjudicative function. I advise the Department to consider if there is any role within the DPC for that type of decision-making to be progressed and pursued. It is a very efficient way of doing things.

A general point was raised repeatedly in the joint committee by a number of witnesses and Mr. Schrems also made it when we discussed the matter with him more recently. The GDPR is great legislation and it is great to have privacy at the heart of Europe and the heart of legislation. One criticism that could be levied at it is that it is one size fits all. The difficulty with that is that a local GAA club or charity could be tied up in knots trying to comply with it. Even if some of it is simple, it struggles to get on board with the process and procedures involved because it is trying to match a mid-tier system whereas a tech giant can get away lightly in some cases because it is coming down to the level of a mid-tier system. We have a one-size-fits-all set of rules that smaller organisations struggle to keep up with despite their best efforts, while a large organisation can duck and dive in some cases because it is perhaps a lower level of complexity than may be appropriate to the size of that organisation. If the GDPR was to be written again, and I do not think anyone involved would like to have to revisit it, perhaps a banded approach where the tiers reflect the degree of complexity in the organisation and the degree of onerousness on the user at that level could be adopted. That might be an improvement but I think it is outside the scope of this House. It is a matter for our colleagues in Brussels to consider.

I am delighted this report has come before the House. It did take a while to have it presented to the Dáil. We have many other reports waiting to come out next week and in the weeks after that. We will certainly be churning them out for the next while.

Deputy Thomas Pringle: We should get EU committees to come over.

Deputy James Lawless: Exactly. We will be inviting plenty more over after this. I thank the Minister of State and all the Members who participated in this debate. I am glad I had the opportunity to have this debate tonight.

Question put and agreed to.

Water Services (Amendment) (No. 2) Bill 2022: Message from Select Committee

Acting Chairman (Deputy John Lahart): The Select Committee on Housing, Local Government and Heritage has completed its consideration of the Water Services (Amendment) (No. 2) Bill 2022 and has made amendments thereto.

Cuireadh an Dáil ar athló ar 5.58 p.m. go dtí 2 p.m., Dé Máirt, an 11 Deireadh Fómhair 2022.

The Dáil adjourned at 5.58 p.m. until 2 p.m. on Tuesday, 11 October 2022.