



DÁIL ÉIREANN

Dé Céadaoin, 21 Meitheamh, 2017
Wednesday, 21st June, 2017

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 21 Meitheamh, 2017
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12 meán lae
12 noon

ORD GNÓ
ORDER OF BUSINESS

14. Ráitis maidir leis an réamhchruinniú den Chomhairle Eorpach an 22-23 Meitheamh.
Statements on pre European Council meeting of 22nd-23rd June.
2. An Bille um Ghairmithe Sláinte agus Cúraim Shóisialaigh (Leasú), 2017 — An Dara Céim (*atógáil*).
Health and Social Care Professionals (Amendment) Bill 2017 — Second Stage (*resumed*).
15. (l) An Bille um Pleanáil agus Forbairt (Leasú), 2016 — An Tuarascáil (*atógáil, Leasú 5*).
(a) Planning and Development (Amendment) Bill 2016 — Report (*resumed, Amendment 5*).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

112. (l) Tairiscint *maidir le* Caighdeán Foirgníochta, Rialacháin Foirgníochta agus Cosaint Úinéirí Teaghaise.
(a) Motion *re* Building Standards, Regulations and Homeowner Protection.

FÓGRA I dTAOBH GNÓ NUA
NOTICE OF NEW BUSINESS

- 7a. An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Maoinchearta Pinsin a Chosaint), 2017 — An Chéad Chéim.
Thirty-fifth Amendment of the Constitution (Protection of Pension Property Rights) Bill 2017 — First Stage.

I dTOSACH GNÓ PHOIBLÍ AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí a thionscnamh: Initiation of Bills

Tabhairt Isteach:

Introduction:

7a. An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Maoinchearta Pinsin a Chosaint), 2017 — An Chéad Chéim.

Thirty-fifth Amendment of the Constitution (Protection of Pension Property Rights) Bill 2017 — First Stage.

Bille dá ngairtear Acht chun an Bill entitled an Act to amend the Bunreacht a leasú. Constitution.

—Willie O'Dea.

ORDUITHE AN LAE ORDERS OF THE DAY

2. An Bille um Ghairmithe Sláinte agus Cúraim Shóisialaigh (Leasú), 2017 — An Dara Céim (*atógáil*).

Health and Social Care Professionals (Amendment) Bill 2017 — Second Stage (*resumed*).

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GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Fógraí Tairisceana:

Notices of Motions:

112. “That Dáil Éireann:

notes that:

- thousands of people in Ireland have been affected by poor quality housing following the building boom of the past 20 years;
- the record of the current Government and the previous Government is one of clear failure to properly regulate the building industry, and of regression of building standards;
- there is a commitment in the Programme for a Partnership Government to provide quality housing;

- effective building regulation requires an independent regulator and not self-regulation by the building industry;
- claims have been made by the Construction Industry Federation (CIF) that it will draft upcoming Government legislation in this area;
- with the exception of the Pyrite Panel, there has been no public inquiry or reflection on the causes of the widespread quality problems in housing, which continue to emerge and which are a heavy burden on the lives of those affected;
- there has been no law reform that addresses the lack of remedies available to homeowners affected by pyrite, building regulations breaches and other housing failures;
- the availability of effective remedies for defects when they occur is an essential part of the quality of housing;
- the defects in housing resulting from this situation include defects which cause risks to life, health and wellbeing as well as creating environmental damage and economic costs;
- Irish home buyers in both the public and private sectors are poorly served by the law, as it stands:
 - the builder may be insolvent;
 - the building contractor may not be available to provide a remedy when the defect appears (for example, where the house or apartment has been sold);
 - the Statute of Limitations may bar the action; and
 - there may be no defects insurance policy available to pay for the repair works;
- these problems have not been addressed by the Building Control (Amendment) Regulations 2014, as while the regulations provide for mandatory inspections by certifiers appointed by building owners/developers and which require a certificate of compliance with building regulations to be lodged with the local building control authority before a new building is opened, occupied or used and are changing the culture of construction regulation, they do not create new legal remedies for home owners;
- the Law Reform Commission has proposed appropriate legislation on several occasions to deal with many of these issues and there is also a commitment in Construction 2020 ‘to consider and report on potential forms of redress for consumers and homeowners, including the potential for latent defects insurance’ and that redress must include new legal remedies; and
- many housing defects have ultimately been rectified at the expense of the State, rather than those responsible for those defects; and

calls on the Government to:

- introduce new primary legislation to include a transmissible warranty of quality and assignment of causes of action in negligence from builders and those involved in the building process, in favour of the first and subsequent purchasers of houses;
- direct the carrying out of a feasibility exercise and business case for the creation of an Irish Building Authority, to which the functions of the existing building control authorities would be transferred, that would administer building control on a

nationwide basis, and that would provide a supervisory regulatory function in relation to those involved in the construction industry, including contractors, sub-contractors and others involved in the construction process as appropriate;

- consider the development and use of alternative forms of contract for delivery of housing;
- engage with the Law Society and the CIF to initiate a review of the standard form building agreement used for residential construction, to consider amendments to the agreement to facilitate consumer protection, including amendment of the dispute resolution provision, and removal of the restriction on transfer of the agreement upon sale of the unit;
- establish a consumer-friendly system of dispute resolution for homeowners dealing with defective housing;
- amend the Statute of Limitations 1957 to implement the recommendations of the Law Reform Commission in relation to building defects;
- review and evaluate the resourcing of building control for local authorities, recognising that their role and objectives are quite different to the role and objectives of private building control certifiers, who are appointed to protect the interests of building owners rather than the interests of the general public in ensuring compliance with the Building Control Acts; and
- prepare and publish options for the financing and carrying out of remedial works to defective housing units, that will form the basis for a nationwide scheme, enshrined in legislation, for the orderly remediation of legacy defects in housing.” — *Catherine Martin, Eamon Ryan.*

[13 June, 2017]

Leasuithe:

Amendments:

1. To insert the following after “orderly remediation of legacy defects in housing”:

- “— conduct an urgent review of the use of combustible materials used in the construction and refurbishment of homes and to update, if necessary, fire safety regulations; and
- conduct an urgent review of fire safety compliance and enforcement regulations and bring forward new regulations, if necessary, to ensure the highest safety standards in residential dwellings.” — *Eoin Ó Broin, Gerry Adams, John Brady, Pat Buckley, Seán Crowe, David Cullinane, Pearse Doherty, Dessie Ellis, Martin J. Ferris, Kathleen Funchion, Martin Kenny, Mary Lou McDonald, Denise Mitchell, Imelda Munster, Carol Nolan, Jonathan O'Brien, Caoimhghín Ó Caoláin, Donnchadh Ó Laoghaire, Louise O'Reilly, Aengus Ó Snodaigh, Maurice Quinlivan, Brian Stanley, Peadar Tóibín.*

2. To delete all words after “Dáil Éireann” and substitute the following:

“deeply regrets the tragic loss of life in Grenfell Tower, London as a result of a devastating fire on June 14th;

recognises:

- that the horrendous human cost of the fire highlights the importance of building regulation and fire safety standards;
- that a strong regulatory structure is vital to ensuring a high quality of home build

across the country and the design and construction flaws in Priory Hall, Longboat Quay and Millfield Manor are a sharp reminder of that;

- that the Building Control (Amendment) Regulations 2014, introduced in March 2014, will not provide enough protection and require reform and strengthening;
 - the new building control model is convoluted, difficult to manage, costly and not fit for purpose;
 - that self-regulation is an ineffective model for upholding the required building standards; and
 - the Law Reform Commission's recommendations in relation to building defects; and
- calls on the Government to:

- introduce new primary legislation to include a transmissible warranty of quality and assignment of causes of action in negligence from builders and those involved in the building process, in favour of the first and subsequent purchasers of houses;
- amend the Statute of Limitations 1957 to implement the recommendations of the Law Reform Commission in relation to building defects;
- develop a national strategy for remedial works on defective units;
- increase resources and powers to local authorities for fire inspection in the rental sector;
- establish an 'approved certifiers list' and a best-in-class building regulatory process within the existing local authority framework; and
- remove the current financial link between certifiers and developers in future reforms of building regulations and ensure 100 per cent inspection of refurbished vacant properties.” — *Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Stephen S. Donnelly, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O'Mahony, Darragh O'Brien, Jim O'Callaghan, Éamon Ó Cuív, Willie O'Dea, Kevin O'Keeffe, Fiona O'Loughlin, Frank O'Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.*

TEACHTAIREACHTAÍ ÓN RIALTAS MESSAGES FROM THE GOVERNMENT

Bille an Ombudsman Seirbhísí Airgeadais agus Pinsean, 2017. Financial Services and Pensions Ombudsman Bill 2017.

For the purpose of Article 17.2 of the Constitution, the Government recommend that it is expedient to authorise such payments out of moneys provided by the Oireachtas as are necessary to give effect to any Act of the present session to provide for the establishment of the Office of the Financial Services and Pensions Ombudsman and to confer functions on it; to provide for the appointment of persons to be the Ombudsman and Deputy Ombudsman; to provide for a complaints procedure; to provide for appeals in relation to decisions of the Ombudsman; to provide for the dissolution of the Financial Services Ombudsman Council, the Financial Services Ombudsman's Bureau and the office of the Pensions Ombudsman; to

provide for the establishment of the Financial Services and Pensions Ombudsman Council; to repeal certain provisions of the Central Bank Act 1942 and the Pensions Act 1990 and to amend the Freedom of Information Act 2014; and to provide for related matters.

Given on this 19th day of June, 2017

(Signed) Leo Varadkar,
An Taoiseach.

MEMORANDA

Dé Céadaoin, 21 Meitheamh, 2017
Wednesday, 21st June, 2017

Cruinniú den Chomhchoiste um Leanaí agus Gnóthaí Óige i Seomra Coiste 3, TL2000, ar 9 a.m.

Meeting of the Joint Committee on Children and Youth Affairs in Committee Room 3, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Dhlí agus Ceart agus Comhionannas i Seomra Coiste 2, TL2000, ar 9 a.m.

Meeting of the Joint Committee on Justice and Equality in Committee Room 2, LH2000, at 9 a.m.

Cruinniú den Chomhchoiste um Thithíocht, Pleanáil, Pobal agus Rialtas Áitiúil i Seomra Coiste 1, TL2000, ar 9.30 a.m.

Meeting of the Joint Committee on Housing, Planning, Community and Local Government in Committee Room 1, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um an Ochtú Leasú ar an mBunreacht i Seomra Coiste 4, TL2000, ar 10 a.m. (*príobháideach*).

Meeting of the Joint Committee on the Eighth Amendment of the Constitution in Committee Room 4, LH2000, at 10 a.m. (*private*).

Cruinniú den Chomhchoiste um Ghnóthaí an Aontais Eorpaigh i Seomra Coiste 1, TL2000, ar 2 p.m.

Meeting of the Joint Committee on European Union Affairs in Committee Room 1, LH2000, at 2 p.m.

Cruinniú den Chomhchoiste um Ealaíona, Oidhreacht, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta i Seomra Coiste 4, TL2000, ar 2.15 p.m.

Meeting of the Joint Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs in Committee Room 4, LH2000, at 2.15 p.m.

SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA dTITHE DOCUMENTS LAID BEFORE THE HOUSES¹

¹ I gcás nach leagtar scríbhinn ach faoi bhráid aon Teach amháin, cuirfear (D) – Dáil nó (S) – Seanad ina diaidh dá réir sin.

Where a document is laid before one House only it will be appended with (D) – Dáil or (S) – Seanad accordingly.

Reachtúil*In-neamhnithe le Tairiscint*

An tOrdú fán Acht um Pleanáil agus Forbairt, 2000 (Crios Forbartha Straitéisí a Ainmniú: Aerfort Iarthar Éireann, Cnoc Mhuire), 2017 (I.R. Uimh. 266 de 2017).

Eile

Ráitis Síntiús Bhliantúla, i leith na bliana 2016, arna gcur ar fáil don Choimisiún um Chaighdeán in Oifigí Poiblí ag Páirtithe Polaitíochta de bhun alt 24 den Acht Togcháin, 1997.

An Scéim Chomhréitigh agus Eadrána don Státseirbhís. Tuarascáil ó Bhord Eadrána na Státseirbhíse i leith díospóid idir an Cumann Oifigigh Tréidliachta agus an Roinn Talmhaíochta, Bia agus Mara i dtaca le héileamh ar chreidmheas breisíoch do ghráid na gCigirí Tréidliachta agus na nOifigeach Taighde. (Dar dáta 13 Meitheamh 2017).

Alt 5(2) d'Acht Rialuithe na Stát-Sheirbhíse, 1956 – Údarú.

Alt 5(3) d'Acht Rialuithe na Stát-Sheirbhíse, 1956 – Údarú.

An Roinn Talmhaíochta, Bia agus Mara. An Tuarascáil Leathbhliantúil ar Fhorbairtí in AE. Iúil go Nollaig, 2016.

Alt 20(1) den Acht um Fhoireann Thithe an Oireachtais, 1959 – Údarú.

Neamhreachtúil

An tAcht um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta agus Córas Bunachair Sonraí DNA), 2014 – Tuarascáil Iar-Achtacháin.

Rialacháin na gComhphobal Eorpach (Aistrithe Táirgí a Bhaineann le Cosaint Laistigh den Chomhphobal) (Leasú), 2017 (I.R. Uimh. 268 de 2017).

Statutory*Open to Motion to Annul*

Planning and Development Act 2000 (Designation of Strategic Development Zone: Ireland West Airport Knock) Order 2017 (S.I. No. 266 of 2017).

Other

Annual Donation Statements, in respect of 2016, furnished to the Standards in Public Office Commission by Political Parties pursuant to section 24 of the Electoral Act 1997.

Scheme of Conciliation and Arbitration for the Civil Service. Report of the Civil Service Arbitration Board in respect of a dispute between the Veterinary Officers Association (VOA) and the Department of Agriculture, Food and the Marine concerning a claim for incremental credit for Veterinary Inspector and Research Officer grades. (Dated 13 June, 2017).

Civil Service Regulation Act 1956 Section 5(2) – Authorisation.

Civil Service Regulation Act 1956 Section 5(3) – Authorisation.

Department of Agriculture, Food and the Marine. Six-monthly Report on Developments in the EU. July to December, 2016.

Staff of the Houses of the Oireachtas Act 1959 Section 20(1) – Authorisation.

Non-Statutory

Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 - Post-enactment Report.

European Communities (Intra-Community Transfers of Defence Related Products) (Amendment) Regulations 2017 (S.I. No. 268 of 2017).