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DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

# DÁIL ÉIREANN

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

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# DÁIL ÉIREANN

*Déardaoin, 01 Bealtaine 2014*

*Thursday, 01 May 2014*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 09.30 a.m.

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Water Charges Introduction

1. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government the total level of public subvention, the first-fix policy, the low income subsidy and the level of free allowance in its submission to water charges policy; and if he will make a statement on the matter. [19639/14]

**Deputy Barry Cowen:** Following the disclosure of the debacle that was the excessive costs associated with the establishment of Irish Water, particularly the €85 million spent on consultants, the Government, including Ministers of both party persuasions, committed last January to openness and transparency. It was indicated that there would be a commitment to engagement with the public in the Commission for Energy Regulation's consultation process on the pricing for the provision of water services for homes. Unfortunately, while the process has begun, the submissions of Irish Water and the Government have yet to be lodged, let alone published. Did the Minister bring to the Cabinet some weeks ago a wide range of proposals dealing with the content of my question, including proposals on the amount of public subvention, the first-fix policy, the low-income subsidy, the level of free allowance and the manner in which Irish Water will bill those who have yet to be furnished with a meter?

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government is considering the proposals I have brought to the Cabinet on the funding model for Irish Water, including on the level of Government subvention. Proposals include measures on the affordability of water charges, in particular the provision of a free allowance in accordance with the commitment in the programme for Government. Full details will be an-

nounced following the completion of consideration by the Government.

The Water Services (No. 2) Act 2013 provides that Irish Water is required to submit its water charges plan to the Commission for Energy Regulation for approval. The free allowance and the level of funding to be provided by the Government for Irish Water will have a strong bearing on the net charges to be met by households. Consequently, decisions on these matters will provide greater visibility on the expected level of charges in advance of the final determination of all aspects of the water charges plan by the Commission for Energy Regulation. The commission will announce its decision on the approved water charges plan in August.

As part of the metering programme, my Department is working in conjunction with Irish Water on a proposal regarding customer-side leakage, the implementation arrangements for which will have to be worked out with Irish Water.

**Deputy Barry Cowen:** Considering the delay which has ensued, in spite of commitments given by several members of the Cabinet, an example of which was the comments made by the Tánaiste last week to the effect that this should have happened months ago, will the Commission for Energy Regulation be allowed extra time during which the public might be permitted to make submissions as part of the consultation process? Given the issues of the poor quality of water in many areas, the level of leakage and the fact that the Government and Irish Water on its instruction have yet to publish a complete audit of the system and a road map for reinstatement and rectification works and the status of progress in Dublin, the submissions of the Government and Irish Water are required to be published before people would be in a position to make a submission. They may believe the Government's proposals fail to address the deficiencies in certain parts of the country, the issue of hard water and its effect on white goods and the effect on households and their ability to pay the standing charge and the level of the free allowance. They might not meet with their approval. Considering the Government's delay and procrastination in this area, will the Minister make a commitment to the public, and to this House, that the chief executive officer will be allowed extra time as it did not adhere to the initial commitments on the timetable put in place?

**Deputy Phil Hogan:** I agree with Deputy Cowen that a huge level of investment is required throughout the country. Approximately 80 water and wastewater plants are in need of urgent remediation because they are subject to potential European Commission infringement proceedings. Approximately 1 million householders are at risk because water quality is not up to scratch, and there are people on boil water notices. We are establishing a commercial semi-State body to allow us borrow money on the markets to double the amount of investment required and spend €10 billion over the next 12 years making sure that we put matters right. We are trying to make up for the under-investment in the good times.

The regulator will have adequate time for public consultation. He has already started the public consultation process regarding the tariff design and structure and when the Government makes the decision shortly on its submission on the free allowance affordability measures, and all the other issues we are required to do under the legislation, that will be put out to public consultation.

**Deputy Barry Cowen:** In the absence of the Minister's own submission, it is very difficult for the public to make a qualified submission, let alone ourselves and many others who have an interest in this issue. Has Irish Water made a submission and, if so, would the Minister instruct it to make that public to afford people an opportunity to ascertain the intentions of Irish Water

with regard to these areas? In that way the public would have a better sense of engagement in this process in so far as their objections, concerns or willingness to engage in the process might be recognised more openly and honestly by the Government.

**Deputy Phil Hogan:** Irish Water is engaged with the Commission for Energy Regulation regarding its submission. Regarding its costs structure, establishment costs and investment requirements in the future, that is part of the process the regulator will have to scrutinise carefully on behalf of the customer. That is going on at the moment. The final piece of the jigsaw to allow the open and transparent system in regard to the charges will happen very shortly. Under the Act the Government will be making the necessary submission to the regulator to give the full picture but the Irish Water dimension of it is in place with the Commission for Energy Regulation, and it is fully engaged in the establishment process.

**Deputy Barry Cowen:** Can its submission be published?

**Deputy Phil Hogan:** It has made its submission. It is a matter for the regulator to publish all these matters in due course.

**Deputy Barry Cowen:** Would the Minister agree it should be published?

**Deputy Phil Hogan:** It is a commercial semi-State body. The board makes those decisions.

## **Wind Energy Guidelines**

2. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if in view of the Government decision not to oppose the Sinn Féin Bill on the planning of wind farms, he will support the proposals it contains in relation to minimum setback distances and that wind farms only be located in areas designated by county development plans. [19637/14]

**Deputy Brian Stanley:** I raise this question about wind farms because it is fair to say the Government put the cart before the horse in this matter. We did not have the cost-benefit analysis on the export projects, the new guidelines on planning and the Government's Green Paper on energy policy. I put down this question because of the widespread opposition to large, industrial-scale wind farms in the midlands in counties like Laois, Offaly, Westmeath in particular, and Kildare. I hope the Minister can give me some reassurance that the Government's decision not to oppose the Bill I brought forward in the Dáil some weeks ago, which would not stop the development of wind farms but would regulate them properly, was not simply a cynical ploy to get us by until after the local elections on 23 May.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** As I indicated during the discussions on the Private Members' Wind Turbine Regulation Bill 2014, the Government did not oppose the Bill on Second Stage on the basis that some of the issues raised in the Bill are already under consideration. However, the Government will need to consider the outcome of the consultation processes on the revision to the 2006 wind energy development guidelines and the renewable energy policy and development framework as this Bill progresses, and it is important that the outcome of these processes is not pre-empted.

Some 7,500 submissions have been received in response to the public consultation I com-

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menced in December of 2013 on proposed revisions to the existing 2006 wind energy development guidelines focusing specifically on the issues of noise, setbacks and shadow flicker. These draft revisions propose the setting of a more stringent day and night noise limit of 40 decibels for future wind energy developments; a mandatory minimum setback of 500 m between a wind turbine and the nearest dwelling for amenity considerations; and the complete elimination of shadow flicker.

In regard to section 3 of the Bill, which requires the location of proposed wind turbines to be identified in county development plans, I can confirm that this matter is already addressed in the existing wind energy development guidelines, which include a recommendation that development plan maps identify the key areas within the planning authority's functional area where there is significant wind energy potential and where, subject to certain criteria, such development would be acceptable in principle. In addition, many local authorities have produced local renewable energy strategies, which address the location of wind turbines in considerable detail.

**Deputy Brian Stanley:** I thank the Minister of State for her reply. The problem is that the Minister of State is bringing forward guidelines to the effect that planning applications must have regard to local county development plans. I have heard the man sitting beside the Minister of State speak here many times in the past two years about the need to give power back to local councillors. We now have an opportunity not to stop developments but to ensure they are located sensibly, having regard to the provisions and areas zoned in county development plans for the location of wind farms. Those of us who were councillors previously understand the meaning of the term "having regard to"; it means nothing. It means one can read it and then turn over the page. The guidelines must state that it has to be consistent with the locations zoned in the county development plans; in other words, if a wind farm is to be located in any county, be it Cork, Laois, Offaly or wherever, when the planning application is made, An Bord Pleanála, the developers and the county council executive must only consider areas consistent with those areas zoned in the county development plan. That is the key issue. There is no point talking about reform of local government or electing the 940 people and not giving them any powers. There will be 940 capable people elected to do this job, and we should give them the power to do it on behalf of their communities.

**Deputy Jan O'Sullivan:** To answer the Deputy's point directly, as I have stated already, the matter is addressed in the existing wind energy guidelines, which include a recommendation that development plan maps would identify key areas.

**Deputy Brian Stanley:** And requirements.

**Deputy Jan O'Sullivan:** The larger ones will be going directly to An Bord Pleanála. An Bord Pleanála does have regard to the various planning laws and guidelines in terms of making decisions.

With regard to the Deputy's point on the Green Paper, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, will be publishing that shortly. On the guidelines, there is a large number of submissions and it will be quarter three of this year when we expect to finalise the guidelines.

**Deputy Brian Stanley:** Today is 1 May and we still do not have the cost-benefit analysis on the export projects, the new guidelines on planning, and the Government Green Paper. The Minister of State has just told me that the Minister, Deputy Rabbitte, will publish the Green

Paper shortly. I have heard that here a number of times. We have put the cart before the horse in that regard.

On the issue of planning, and this is an important point, the Minister of State said that An Bord Pleanála “does have regard to” but that is the key point. An Bord Pleanála should be bound to only make decisions that are consistent with local county development plans. I emphasise that point to the Minister because it is important. It is not to veto projects but to make sure we get this right.

Regarding the commitment on setbacks of 500 m, some of the wind turbines planned in the midlands are so tall they might fall on a house. Five hundred metres is a short distance if there are turbines 185 m in height. That setback must be broadened, and I ask the Minister to examine that. She cannot simply set a distance of 500 m because it depends on the height of the turbine. *A pro rata* element must be put in the guidelines. Will the Minister confirm that for me?

I welcome the Minister’s commitment on shadow flicker. We want the noise levels to be below those set out in the World Health Organization’s 1999 guidelines. The Minister might confirm that.

**Deputy Jan O’Sullivan:** First, we are proposing an improvement with regard to noise levels. Second, I will take note of the various submissions. Third, with regard to setback, they are now statutory guidelines, so we are strengthening the guidelines in that regard. We will take account of the submissions-----

**Deputy Brian Stanley:** *Pro rata.*

**Deputy Jan O’Sullivan:** -----and I do not wish to pre-empt what the decision will be. To clarify the matter of the Green Paper, that was approved by the Government yesterday and I presume it will be published in the near future. It is obviously a matter for the Minister, Deputy Rabbitte, and the Department of Communications, Energy and Natural Resources.

### **Litter Pollution**

3. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will introduce more dog waste bags in public places in view of the fact that dog litter is a major problem. [19724/14]

**Deputy Finian McGrath:** Will the Minister provide more dog waste bags in public places, in view of the fact that dog litter is now a major problem? In recent weeks candidates have been canvassing in the local elections. Incidentally, there is an excellent candidate, Councillor Damian O’Farrell, running in the Clontarf ward.

**Deputy Barry Cowen:** Pooper scooper extraordinaire.

**Deputy Finian McGrath:** We hear about water charges and household charges, but dog litter is another issue that is under the radar. Many parents with young families are very concerned about the amount of dog litter in our parks and on our footpaths. They are afraid to let their children out to play on the greens or to walk along the paths. This is a very serious issue so will the Minister do something about it?

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**Deputy Phil Hogan:** The Litter Pollution Acts 1997 to 2009 provide the statutory framework to combat littering and include provisions relating to dog fouling. Under the Acts, the primary management and enforcement response to littering, including the provision of dog waste bags in public places, is a matter for local authorities. It is a matter for each local authority, including the Deputy's councillor friend, to determine the most appropriate course of action to tackle litter pollution locally, within the legislative framework, including the most appropriate public awareness, enforcement and clean-up actions relating to litter and dog fouling, taking account of its local circumstances and priorities.

To support them in delivering this important statutory function, my Department provides a substantial amount of money each year under the anti-litter-anti-graffiti awareness grant scheme to each local authority to support suitable projects, schemes and initiatives tailored to create awareness, educate and combat the issue of litter within their functional areas. Projects eligible for funding under the scheme include the provision of "pooper scooper" materials to assist in the disposal of faeces, when a dog litters while in a public place. Awareness campaigns educating people about the dangers associated with dog fouling and the proper disposal of same are also supported. Sufficient resources are given by the Department to the local authorities to do what the Deputy has asked.

**Deputy Finian McGrath:** I thank the Minister for his response but the message I am getting in the area is that there are insufficient resources, an issue that is often brushed under the carpet. There are probably very well behaved dogs in Kilkenny and Tullaroan-----

**Deputy Phil Hogan:** And cats.

**Deputy Finian McGrath:** -----and perhaps some of them are very posh dogs, but does the Minister accept that this is a major health issue, particularly for families with young children? I accept that it is up to the dog owners to be responsible. I have seen three types of dog owners. There are the responsible ones, the irresponsible ones and the ones who pretend to be responsible. The responsible owners pick up the litter, the irresponsible owners do not care about their neighbours or young children and the ones who pretend to be responsible pretend that they care and then let their dogs out at night, when everybody is gone to bed, to run around the green and destroy the greens in housing estates. When the young children come out in the morning, the place is littered with dog dirt.

It is a very important environmental issue, and I realise the Minister and the Department take it seriously. There is also a serious related health issue. It is important that we examine this issue and act on it by implementing the rules. The Minister must also ensure that resources are provided to Dublin City Council to let people such as the excellent independent Councillor Damian O'Farrell to get on with his job and do his best for his city.

**Deputy Phil Hogan:** I hope the excellent councillor the Deputy mentions will do his job and prioritise the resources that are already in place in Dublin City Council to do the job the Deputy referred to in his question regarding dog fouling. It is a very important issue and it is a nuisance for people. There is a responsibility on certain individuals. There are already many enforcement measures in the Litter Pollution Acts. Penalties for littering offences, including dog fouling, range from on-the-spot fines of €150 to a maximum fine of €3,000 on summary conviction. Such measures are already in place, but the issue is enforcement and prioritisation. Obviously the councillor in the Deputy's area has not prioritised this matter to the extent he should-----

**Deputy Finian McGrath:** He is working very hard.

**Deputy Phil Hogan:** The money is available to do this. It is given to the local authorities each year. It is a question of ensuring that the councillor's voice is a little louder with his colleagues on Dublin City Council to ensure that this issue is dealt with.

**An Leas-Cheann Comhairle:** Is Deputy Finian McGrath happy with that?

**Deputy Finian McGrath:** It is a dog's life.

### **Local and Community Development Programme Planning**

4. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the arrangements in place to tender out, by the newly formed LCDCs of the local authorities, the operation of the successor to the current social inclusion programmes; and if he will make a statement on the matter. [19640/14]

**Deputy Éamon Ó Cuív:** There has been great concern about the tender process that will apply for the new social inclusion programme. The concern is that it would allow non-locally based both private and not-for-profit companies to apply for the programme. Perhaps the Minister would reassure us on the process that will be followed.

**Deputy Phil Hogan:** My Department's local and community development programme, LCDP, is the largest social inclusion intervention of its kind in the State. The current programme officially ended at the end of 2013, having operated for four years with funding of €281 million over that period. It is being implemented by the local development companies on a transitional basis for 2014 with a budget of €47 million pending the roll-out of a new social inclusion activation programme in January 2015. All 50 local development companies are contracted by my Department to deliver the LCDP to the end of 2014. As an integral part of the alignment of community development and local government, the management and oversight of the LCDP will transfer to the local community development committees, LCDCs, within each local authority from 1 July this year.

The new programme is one of my key priorities and its budget for next year will be decided in the 2015 Estimates process. In accordance with the public spending code, best practice internationally, legal advice and to ensure the optimum delivery of the services to clients, the LCDP successor programme will be subject to a public procurement process. The new LCDCs will procure the programme locally. All proposals received will be assessed in accordance with the assessment criteria notified with the tender documentation, and the contract or contracts will be awarded on the basis of that assessment. Pobal is assisting my Department and the LCDCs in the preparation of the tender documentation and the assessment criteria. I expect that the local development companies with their experience and expertise will be well placed to tender for the delivery of the new programme in their areas.

**Deputy Éamon Ó Cuív:** Will it be a condition that the successful tenderer will be required to have its headquarters in the area in which it will provide the service? There is a major concern that big, professional companies from outside, with headquarters far removed from the communities, would win the tenders. Therefore, will it be one of the assessment criteria that the headquarters of the companies delivering the service must be within the area in which the

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service will be provided? Second, as part of the assessment criteria, will requirements be set down relating to the structure of the board of the delivery company to ensure that local community and voluntary bodies are represented on the board that will deliver the programme within each area?

**Deputy Phil Hogan:** As the Deputy knows, the alignment process between local authorities, my Department and the local community development groups has been ongoing for 18 months. It is not making as much progress as it should, because of the procrastination of certain people who do not want change. The local development companies decided two weeks ago to withdraw from the process. They changed their minds yesterday and now wish to engage again with regard to the type of role the community structures will play in the delivery of these programmes. There will be a partnership between the local authority and the community structures under the LCDC, the committee that will have an oversight and monitoring role in the delivery of these programmes. I expect that community structures within the community area will be delivering and implementing the programmes.

**Deputy Éamon Ó Cuív:** Expectations can go wrong, as the Minister knows. Will he take steps to ensure, first, that the delivery companies, not the LCDCs, will be required to have their headquarters within the area in which the programme is to be provided? Second, will the boards of the delivery companies be required to be reflective of the community and voluntary organisations within the area in question? Third, does the transfer of undertakings regulation apply in respect of the positions currently held by staff in the local development companies? In other words, if somebody new wins the tender will the staff be covered under the transfer of undertakings regulation?

**Deputy Phil Hogan:** The whole purpose of delivering these programmes is to reduce the level of administration as well as delivering the programmes. In 2013, the average administrative cost of delivering programmes through the LCDP has been 29%. Of €47 million allocated, some €14 million went in administration which is far too high. The structures of delivery will be assessed by the LCDC arising from the tender. It will depend on who wins the tender but I would expect that the experience of the local development companies already there will be favourites in order to win those particular programmes because of that experience. Experience will be an important criterion laid down by Pobal in the necessary criteria associated with the tender arrangements.

The transfer of undertakings does not arise. Recent legal advice given to me indicates there is no question of a transfer of undertakings obligation on behalf of the companies.

## **Illegal Waste Dumping**

5. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the amount of extra revenue that is being spent collecting litter from those who avoid bin charges by dumping their litter at locations around Dublin city. [19725/14]

**Deputy Finian McGrath:** How much extra revenue has been spent collecting litter from those who avoid bin charges by dumping their litter at locations around Dublin city? There is an horrific amount of litter in some areas and it is a major issue. Irresponsible people are destroying our environment and communities, as well as damaging small businesses. Does the Minister accept that the privatisation of this bin collection service has been a disaster, leading

to increased illegal dumping and littering throughout the city?

**Deputy Phil Hogan:** Enforcement action against illegal waste activity is a matter for the local authorities and the Office of Environmental Enforcement, OEE, of the Environmental Protection Agency, EPA. The Minister's role is to provide the legislative and policy framework under which both local authority and EPA enforcement action against illegal dumping is initiated.

My Department provides financial support to a network of local authority waste enforcement officers, as well as to the OEE, for waste enforcement activities generally. In 2014, a provision of €6.9 million has been made to support the work of the enforcement network, while €2 million has been allocated to support the work of the OEE. Each local authority is required to set out an annual programme of action, detailing the enforcement activities towards which this funding will be utilised. Typically, such programmes also include actions to tackle illegal dumping.

Penalties for littering offences are substantial, ranging from an on-the-spot fine of €150 to a maximum fine of €3,000 on summary conviction, and a maximum fine of €130,000 on conviction on indictment. The maximum fines for continuing offences are €600 per day for summary offences and €10,000 per day for indictable offences. A person convicted of a litter offence may also be required by the court to pay the local authority's costs and expenses in investigating the offence and bringing the prosecution.

Penalties for serious dumping offences provided for under the Waste Management Acts are also substantial. Persons who are found to be responsible for, or involved in, the unauthorised disposal of waste are liable to a maximum fine of €3,000 on summary conviction and/or imprisonment for up to 12 months, and to a maximum fine of €15 million on conviction on indictment and-or imprisonment for up to ten years. In addition, my Department is currently preparing legislative proposals to provide for the introduction of a specific on-the-spot fine for incidences of fly-tipping or small-scale illegal dumping, to which the Deputy's question referred.

Consideration is also being given to additional measures arising from the work of a group led by my Department, to examine current approaches to enforcement, including in relation to the provision in the Government's waste policy launched in 2012, under which all householders are obliged to demonstrate that they are availing of an authorised waste collection service, or are otherwise managing their waste in an environmentally acceptable manner.

Raising awareness of the litter problem and educating people are key to effecting a long-term change in society's attitudes towards litter disposal. Ultimately, however, it is the responsibility of each individual to ensure that they play their part in preserving the environment for others through the responsible disposal of their waste.

**Deputy Finian McGrath:** I accept the point that responsible waste disposal is up to everybody and it must be their own responsibility, but the reality is that a certain section of society is not accepting any responsibility. I was in a part of my constituency yesterday where black bags are being dumped on the road beside shops and other small businesses. A lot of this rubbish is coming from rented accommodation in the area.

The legislation is in place concerning the role of local authorities but those who pay taxes and commercial rates are asking why the law is not being implemented. Why are those illegally dumping waste not being targeted? The Minister said he is looking at new proposals to tackle

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fly-tipping and it is important to resolve such activity. The vast majority of law-abiding people are sick and tired of those who are destroying their city.

Other parts of the city are not affected and Dublin City Council's waste management services are doing an excellent job. The Minister mentioned a figure for enforcement of litter laws. Was it €9 million or €29 million?

**An Leas-Cheann Comhairle:** We will come back to the Deputy later.

**Deputy Phil Hogan:** I agree with Deputy McGrath that many people act irresponsibly by dumping waste. All the Department can do is provide money to local authorities which must then provide additional resources if they wish to prioritise the issue in order to ensure that places are clean. I agree with the Deputy that illegal dumping is unacceptable. Small shopkeepers, in particular, are paying commercial rates yet they do not see their communities being tidied up. They can see irresponsible citizens littering places, particularly late at night.

We are seeking to strengthen proposals under the Environment (Miscellaneous Provisions) Bill to give local authorities more powers, including on-the-spot fines by litter wardens and perhaps gardaí as well. Such strengthened powers for local authorities will ensure a change in attitudes and an enforcement of the personal responsibility one would expect in any community.

**Deputy Finian McGrath:** In the first part of his reply, the Minister mentioned a figure for extra funding to ensure that enforcement is carried out.

**Deputy Phil Hogan:** I am changing the legislation.

**Deputy Finian McGrath:** Yes but the Minister mentioned a figure.

**Deputy Phil Hogan:** There are currently on-the-spot fines of €150 for various offences, but I will extend that to fly-tipping. There is a maximum fine of €3,000 on summary conviction and a maximum fine of €130,000 on conviction and indictment.

**Deputy Finian McGrath:** I must have picked it up wrongly. I am sorry.

## Other Questions

### Housing Policy

6. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will provide an update on promised reforms to regulations governing the voluntary housing sectors in view of the rapidly deteriorating housing and homelessness situation around the country if he has undertaken steps to expedite this process in order that housing associations may apply for external funding to construct more accommodation; and if he will make a statement on the matter. [19563/14]

**Deputy Catherine Murphy:** Housing associations will increasingly play a part in deliver-

ing social housing or at least increasing the number of houses in the rental sector. I acknowledge that voluntary regulation has been developed to deal with the Government's management and financial principles. However, charities have told us that while they are not there to make a profit, neither are they allowed to make a loss. Therefore, there will have to be an element of co-responsibility in drawing down funds. Given the importance of this sector, I would like to hear what is being done to address that aspect of this housing solution.

**Deputy Jan O'Sullivan:** The Government's housing policy statement of June 2011 acknowledged the capacity and track record of the voluntary and co-operative housing sector, and placed approved housing bodies, AHBs, at the heart of its vision for social housing provision. My Department is currently in consultation with the AHB sector regarding the development of a regulatory framework to support the expanded role for the sector as envisaged in the 2011 statement. This framework will provide support and assurance to tenants, the boards of AHBs and their external partners that the sector is well regulated. It will also safeguard the investment that has been made in the sector and encourage future investment.

A significant first step in this regard was taken with the publication on 15 July 2013 of "Building for the Future", a voluntary regulation code for the sector that is available on my Department's website at [www.environ.ie](http://www.environ.ie). The code sets out key governance, management and financial principles that AHBs commit to meeting on signing a charter of commitments. To date, just over 130 AHBs have signed up to the code.

My Department, together with the Housing and Sustainable Communities Agency and the Housing Finance Agency, is currently working with the sector to define more detailed financial benchmarks to which AHBs seeking private financial investment could also sign up. In the meantime, it remains open to AHBs to apply for external funding whether that be from the Housing Finance Agency or from private lenders. Seven bodies have been certified by the HFA as eligible for loan finance with approximately €40 million in loans approved. I understand that the committee of which Deputy Murphy is a member also met with the HFA.

In February this year I announced the establishment of an interim regulatory committee for the sector to oversee the implementation of the code and to advise on the development of statutory regulation. The committee includes experts in regulation, housing, law and finance and has been constituted as an independent committee operating for the time being within the Housing and Sustainable Communities Agency.

Implementation of the voluntary code will be a valuable source of information about the scope and final content of the proposed statutory regulatory framework to be developed by 2016. In addition, there will be widespread consultation, in the normal way, during the development of the new legal framework.

**Deputy Catherine Murphy:** The Minister of State would agree that there is a limited capacity for the Government to deliver direct builds, which would be the ideal solution. Her answer to me is the fallback position. Is there an impediment to local authorities drawing down this money, even at arm's length? If not, can that process be examined and developed quickly? We already have a significant housing deficit to the point that families are becoming homeless. Some 90,000 individuals or families are on the housing waiting lists, and the number is growing.

Not all of the €40 million that has been approved has been drawn down. When Dr. Michelle

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Norris appeared before our committee, she told us that up to €500 million was available and that funding was not an impediment. If so, drawing down the funding is the impediment. The housing associations claim to have the capacity to do the work if only they could overcome the obstacle presented by staying within the terms of charities legislation, under which they cannot make a loss. How will the Minister of State deal with this aspect of the matter?

**Deputy Jan O’Sullivan:** My understanding is that there is no legal obstacle to local authorities establishing housing associations if they wish to do so. I agree with the Deputy’s comments on the difficulties in accessing funding. I share her frustration. As Dr. Norris stated, the Housing Finance Agency has significant funding. We would all like to see that money being drawn down and used to construct houses for people as soon as possible. For this reason, we established a voluntary code and are working on a statutory one.

I attended the first meeting of the interim regulatory committee in the Housing Agency’s offices. It is working hard to engage with voluntary bodies, financial institutions and so on to determine the obstacles. The committee is considering detailed financial benchmarks to which it could sign up. I accept that we want progress to be made as quickly as possible and that some of the voluntary bodies are anxious to be able to borrow money, be it on the private markets or through credit unions, pension funds, etc. We are working to remove obstacles.

**Deputy Catherine Murphy:** This situation must almost be put on a war footing, given the tsunami of difficulties coming down the track with the shortage of accommodation. It is a good news story for the construction industry and unemployed construction workers. They can deliver something tangible and necessary to the community instead of being on schemes, etc. Will the Minister of State take a proactive approach and bring local authorities together in order to assist them in setting up housing associations so that we might widen the scope of those that can draw down this funding and deliver additional social housing, which is critically needed?

**Deputy Jan O’Sullivan:** I have arranged to meet the directors of services for housing in the near future. One of the issues that I want to discuss with them is the provision of housing, but also the issue of voids, which was raised in last night’s debate, and how to ensure that local authorities reallocate empty houses more quickly. Some of what I heard about a particular local authority closing houses for more than two years was shocking. I want to put a stop to that process so as to ensure provision.

I also want to meet the approved housing bodies, AHBs, on a regular basis to help them however we can in accessing funding. The capital advance leasing facility, CALF, provides for 25% of the cost, but AHBs must raise the remainder. In the next week or two, I will announce 100% funding under the capital assistance scheme, CAS, for voluntary organisations’ provision of housing for older people, homeless persons and people with disabilities.

## **Departmental Investigations**

7. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if he will provide an update on the re-instated inquiries into planning irregularities in seven local authorities; and if he will make a statement on the matter. [19555/14]

**Deputy Barry Cowen:** On assuming office, the Minister put a stop to the proposed planning inquiry into the irregularities in many local authorities and stated that an internal inquiry

carried out by his office would be sufficient. In light of recent comments on extending the inquiry again, is it the case that the findings of the internal inquiry warrant the broadening, as originally envisaged by the previous Minister?

**Deputy Jan O’Sullivan:** In accordance with section 255 of the Planning and Development Act 2000, as amended, I appointed MacCabe Durney Barnes to carry out an independent review of planning issues in respect of six of the seven planning authorities that were previously the subject of review by my Department. The planning authorities concerned are Carlow, Cork, Galway and Meath county councils and Cork and Dublin city councils. Planning issues were raised in respect of Donegal County Council and were also previously the subject of review by my Department. However, the High Court made an order in June 2013 quashing the part of my Department’s planning review report relating to Donegal following a settlement between my Department and another party who had brought judicial review proceedings in respect of that part of the report. In light of those proceedings, I subsequently sought the advice of the Attorney General on how best to proceed in the case of Donegal. I am currently giving consideration to that advice, which I have received.

The terms of reference require the consultants to undertake a review of planning issues raised in respect of the six planning authorities concerned, particularly regarding the organisation and the systems and procedures used by them in respect of their functions under the Act, having regard to the following key aspects: the extent of consistency of policy translation and implementation within development and local area plans, with particular regard to specific cases, including examining the decision-making process in assessing planning applications and the degree of adherence to the relevant policies in development plan and local area plan policies and statutory planning guidelines, for example, certain EU directives, in informing decisions, and assessing whether the number of cases appealed to An Bord Pleanála and the number of authority decisions reversed indicate poor application of policy contexts for assessing and deciding on planning applications; the processes and procedures followed in the recording and disclosure of information and adjudicating on specific planning applications; recommendations on engagement and co-operation within planning authorities in the context of consistency in decisions and actions taken by planning authorities; and recommendations on the application of development planning policies and national policy and guidance in terms of future planning practices.

The consultants may consult with those persons, with their agreement, who raised the planning issues concerned in order to identify, clarify and understand the planning matters arising that may need to be addressed. The indicative date for the completion of the final report from the consultants is the end of July this year.

**Deputy Barry Cowen:** I thank the Minister of State for her response, in which she stated that she had initiated an independent inquiry and hired consultants to conduct it on her behalf, but I will repeat my question. When the Minister assumed office he stated that there was no need for such an inquiry and that an internal inquiry would be carried out by his Department. It now appears that, in light of the result of the internal inquiry, the Minister of State believes it is necessary to hold an independent inquiry. This seems to confirm that the previous Minister was right many years ago to initiate an inquiry that the Minister of State now feels is necessary. Have we lost much time because of the difference in opinion between her and the Minister? Will she confirm whether this caused the delay? If not, will she publish the internal inquiry carried out by the Department, as it might enlighten us?

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**Deputy Jan O’Sullivan:** It was my predecessor as Minister of State who decided to carry out an internal review, which made useful recommendations. Some have been implemented and others will be implemented in the forthcoming planning Bill, which will also implement the recommendations of the Mahon tribunal report.

The reason we decided to have a further external review was essentially because of the court decision. I took the view following the court decision in respect of Donegal that it was necessary to be clear that the proper procedures were carried out. That is why I have decided, in consultation with my senior Minister, to have a external review carried out on the six other local authorities. We need to take the advice of the Attorney General in respect of Donegal because there are specific legal matters and there have been court cases in the case of Donegal.

**Deputy Barry Cowen:** The Minister of State has confirmed that it was because of the court case in respect of Donegal that she decided to have an external inquiry. Is that the position?

**Deputy Jan O’Sullivan:** That was one factor.

**Deputy Barry Cowen:** It had no correlation with the internal inquiry that the Minister initiated on assuming office. Is that so? Has that been concluded? Is there any way that could be published or that the House might be made aware of its findings? The Minister of State is now saying it had no regard to that and that there was nothing emanating from it, if there was such an inquiry at all, when it came to initiating a certain inquiry, which the Minister of State has now confirmed.

**Deputy Jan O’Sullivan:** To clarify the matter, I did not say it had no result. In fact, I said it made recommendations, some of which we have already implemented and some of which we will implement in future. Therefore, it was a useful internal review. It was around practices rather than any suggestion of corruption.

**Deputy Barry Cowen:** Could we publish the full findings?

**Deputy Jan O’Sullivan:** It was around inconsistencies in practice by planning authorities and it was initiated by the then Minister, Mr. Gormley, on that basis. The review we carried out had exactly the same terms of reference as the review Mr. Gormley initiated. It was not an inquiry, it was a review, which is what Mr. Gormley initiated as well.

One of the factors that arose in carrying out the external review was the court case. There was a suggestion from the people who had originally made the complaints. They were picked more or less at random from a variety of complaints that had been made about planning in previous years. There was a suggestion in respect of the Donegal case that the person who made the complaint should be consulted and that is one of the factors that can now be considered by the person carrying out the review.

**Deputy Brian Stanley:** In respect of the order of the question, on a point of order-----

**An Leas-Cheann Comhairle:** Please, Deputy, other Deputies wish to get in.

**Deputy Brian Stanley:** I will be brief. On a point of order, the questions are being ordered in such a way that the Sinn Féin questions are being pushed down to Nos. 17 and 20.

**An Leas-Cheann Comhairle:** It is a lottery.

**Deputy Brian Stanley:** I want you to take this up with the questions office. I have had one priority question but nothing since that question was answered. It is not Fianna Fáil's fault but Fianna Fáil has had five questions taken. Our oral questions are not getting taken. I want you to take up this. You could say that our ticket is stuck in the bottom of the drum for one month but you cannot say that happens every month. Will you take this up with the questions office and come back to me with an answer? Why have our questions been down at the bottom every month for several months? Why are we are only getting one priority question? It is very unfair.

**An Leas-Cheann Comhairle:** It is an electronic lottery, it is not a drum.

**Deputy Brian Stanley:** I wonder who programmes it. There is something wrong. I have heard that answer before. There is something wrong with the system. The Sinn Féin questions are down at the bottom every month. We are not getting our questions in and I am objecting to that.

**An Leas-Cheann Comhairle:** I will take it up but I want to make some progress now.

**Deputy Brian Stanley:** I want a clear answer. I do not want to be fobbed off again.

**An Leas-Cheann Comhairle:** Deputy Ciara Conway's question is next but she is not present.

*Question No. 8 replied to with Written Answers.*

### **Water Charges Introduction**

9. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government to detail the number of households which will not have a water meter by the time charges are introduced; and if he will make a statement on the matter. [19553/14]

15. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government when the full details of his Department's submission to the Commission for Energy Regulation's water charges policy will be released; and if he will make a statement on the matter. [19554/14]

25. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if he will indicate the level of water charges proposed per household; if he will endeavour to ensure that the level of charge does not become punitive or likely to cause hardship in the ongoing economic climate; if he will try to ensure a fair and equitable system that falls within the capacity of the householder to meet with the minimum of administrative intervention and cost; and if he will make a statement on the matter. [19550/14]

29. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government if he will outline any decision that has been made regarding water charges and the details of a water tariff; and if he will make a statement on the matter. [19564/14]

**Deputy Barry Cowen:** I received a response from the Minister this week in respect of an estimation on the part of the Department and Irish Water on how many households would be metered. The answer suggested that over 400,000 households out of approximately 1.1 million would be done by the end of this year. I was hoping for a more up-to-date response, to be hon-

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est. It might determine a quicker resolution to the Minister's difficulties with his partners in government in respect of resolving the issues that are outstanding. This is something we have been saying for some time. Obviously, there should be an indication of an estimation of the bill to be charged to those who will not have a meter installed, irrespective of the reason or whether it is because of protesters or the poor results rate, as indicated originally by those contracted.

**Deputy Phil Hogan:** I propose to take Questions Nos. 9, 15, 25 and 29 together.

As the Deputy knows, the programme for Government sets out a commitment to introduce water charges based on usage above a free allowance. The Government considers that charging based on usage is the fairest way to charge for water and it has, therefore, decided that water meters should be installed in households connected to public water supplies. Some 200,000 meters have been installed to date under the national domestic water metering programme, which is one of the most ambitious metering programmes currently under way internationally.

Irish Water has indicated that it will have installed at least 400,000 meters by the end of this year, with 1.058 million properties to be metered by the end of 2016. Of the estimated 1.35 million domestic properties connected to public water supplies, approximately 300,000 will not be metered as part of the current phase due to the cost or technical difficulty in doing so. These properties will include apartment blocks, other multi-occupancy buildings and houses with shared service connections. My Department has funded a study commissioned by Irish Water on possible approaches to metering these properties not as part of the current metering programme but as part of a programme in 2015. The findings of this report are currently being assessed.

Domestic water charges will commence from 1 October 2014 and Irish Water will issue the first bills in January 2015. The approach to charging will be outlined by Irish Water in a water charges plan to be submitted by the company to the Commission for Energy Regulation. The regulator will be responsible for approving the water charges plan and the Water Services (No. 2) Act 2013 provides that Irish Water can collect charges from its customers in respect of water services provided.

As everyone knows, the Government is currently considering proposals on the funding model. The proposals include measures to support the affordability of water charges, including the provision of a free allowance in accordance with the commitment in the programme for Government.

In respect of metering generally, I have been engaged in recent weeks with Irish Water to advance the metering programme as strongly as we possibly can to have 75% of all houses or domestic dwellings metered by the end of 2015.

**Deputy Barry Cowen:** I thank the Minister for his response. The Minister said that he has funded a study and asked more consultants to carry out work. He is paying them to analyse and recommend to him and to Irish Water a means or mechanism by which pricing may be levied on those who have no meter installed. When was this study initiated? When was it recommended? When was it tendered? When did it commence? When did it conclude? Is this part of the process or jigsaw that is not yet in place and which has forced an undue, unforeseen and unnecessary delay since last January? This follows commitments made by all sides of the current Government on openness, transparency, accountability and information flow to us and others in this process. We understood that we would have been given an indication at least of what the

cost might be to consumers, irrespective of their ability or allowances and so on. This information would allow us to engage more directly, formally and openly with those from whom we are seeking support at the doors, as are many others throughout the House.

**Deputy Phil Hogan:** An in-house study is being carried out by the engineering staff in my Department and Irish Water to see what can be done about particular categories of apartments and shared service connections and about how we can actually meter those properties more quickly than we anticipated. We are expecting to be able to meter some of those properties in 2015. Arising from the survey carried out by local authorities, Irish Water and ourselves we now expect approximately 48,000 of the properties to be metered. It has nothing to do with the ambitious metering programme for straightforward domestic dwellings. It is to examine how we can bring more meters into play in apartments as well as to examine the problems associated with shared connections. We have identified that there are approximately 300,000 of these properties and we believe in 2015 between 48,000 and 50,000 of these can be metered.

If a dwelling is not metered the occupant will be on an assessed charge in the meantime. Then, when the dwelling becomes metered the occupant will be in a position to pay according to the meter. As the Deputy is aware, we will be considering the issue of a rebate for people who believe their assessed charge was far higher than the subsequent metered charge.

**Deputy Barry Cowen:** Some moments ago I detailed many questions in response to the Minister's answer. I hope the record of the House will show, list and detail those questions. The Minister has said that the problem has become apparent to him to such an extent that he has had to initiate a new study to address the prospect of many houses not being metered. The Minister has only now or recently acknowledged that number is far more than had been envisaged. Despite the huge expense and great cost to the taxpayer of establishing the quango that is Irish Water, the bonus-driven culture that exists within it and the amount given to many consultants for expertise which we were led to believe was already within Bord Gáis but which actually was not, here we are again today being informed of more expenditure-----

**Deputy Phil Hogan:** It is not more expenditure.

**Deputy Barry Cowen:** -----in a similar fashion to that which caused the debacle in January. Have we learned nothing during this sorry process over the past three years? We have learned doubly nothing since January. I am very disappointed and perturbed to hear today, four months after the debacle in January, that more funds are being expended on consultants in an effort to establish how they might set a charge on those properties which cannot be metered. It is truly amazing.

**Deputy Phil Hogan:** If the Deputy wants to tell lies about what I said, he can do so.

**Deputy Barry Cowen:** I asked direct questions so the Minister might respond to them in writing.

**Deputy Phil Hogan:** There is no need for further consultants to do this work. It is an in-house job involving Irish Water and the Department. This is what we will do. For the Deputy's information, we spent €12 million on consultants and not €85 million. One needs hardware and software to establish a new business.

**Deputy Barry Cowen:** It most definitely was €85 million.

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**Deputy Brian Stanley:** Outsourcing.

**Deputy Phil Hogan:** If the Deputy wants to believe his own rhetoric, that is fine. We have already made savings of €120 million with regard to setting up the new entity compared to the traditional model of delivering water. We will have one entity rather than 34 local authorities. In time, people will see that the savings we make will be put into the provision of essential water supplies in a better capital programme. The Deputy can tell this to the people of Greystones in north Wicklow who are suffering today because of another inferior system failing in the Roundwood plant, which is in urgent need of investment. We will get on with borrowing money from the markets to double the level of investment and spend an enormous amount of money in the coming years on building up and sorting out a system in which Fianna Fáil under-invested. The Deputy is on record as being in favour of the proposal to establish a semi-State company-----

**Deputy Barry Cowen:** Not the quango that is Irish Water.

**Deputy Phil Hogan:** -----and he is on record as being in favour of water charges, which I welcome.

**Deputy Barry Cowen:** I have no problem with the concept but the pipes have not been fixed yet.

**Deputy Brian Stanley:** In Esker Hills and Oakleaf Place in Portlaoise and in parts of Portarlington, meters that were fitted in recent years are being ripped out. This includes the meter boxes, which turned out to be the wrong size to take the new meters being fitted now by Uisce Éireann. Is Minister aware of this?

Who will check the meter afterwards to see whether there are leaks and who will pay the cost of the leaks? In the Dublin area and other counties this cost will be picked up by the local authority.

Building control officers have done a good job to ensure the infrastructure in local authority estates being taken in charge is up to scratch. In the case of a new estate being taken in charge, will Uisce Éireann sign off on it? Will it be done through the local authority under the service level agreement or must it go through big bureaucracy in Dublin again? Will the Minister explain this?

**Deputy Clare Daly:** The Minister made the point that in his opinion a charge on the basis of usage is the fairest way. Does he not think the fairest way is to treat water as a public service which should be funded by our central taxation system on a progressive basis, with people consuming it based on their needs? Is he aware of international studies which reveal that the impact of the installation of water meters on consumption is a reduction of approximately 10% and that an equivalent reduction could be achieved through an education programme? The only purpose of installing a meter is to isolate the individual household supply to tee it up for privatisation in future.

**Deputy Mick Wallace:** The Minister keeps talking about the inferior system and blames the previous Government for doing nothing about it. Would it not have been better business for the Government to fix the leaks in the pipes before it put in meters? Surely it would have been a better business plan. When I put this to the Minister for Public Expenditure and Reform, Deputy Howlin, in 2012 he stated that the pipes would be fixed before meters were installed, but this is not what has happened.

A company is installing Irish Water meters. Does the Minister have any concerns that the subcontractors working for the main company pay their workers below the rate? Is it a concern for the State if it is employing a company which is in turn employing subcontractors whose workers are paid below the rate? Does the Minister have direct input to this?

**Deputy Phil Hogan:** To answer the last question first, if Deputy Wallace can bring to my attention any specific examples in which subcontractors are not paying the proper rate I will be glad to investigate them.

It will require €10 billion over the next 12 years to repair the leaking system we have. There has been under-investment over the years. A total of €120 million will be spent between last year, this year and next year as part of the pipe rehabilitation network in places such as Roundwood and Ballymore Eustace, and we need to spend more to deal with the Victorian pipe network which has not been touched in the past 110 years.

To answer Deputy Daly, the minute meters have been installed in the group water sector and businesses there has been a 15% reduction in consumption. There is a demand-led solution and a supply-side solution. We have evidence of this. We do not have the evidence the Deputy mentioned.

**Deputy Clare Daly:** You do, actually.

**Deputy Phil Hogan:** If Deputy Clare Daly wants to propose cutting budgets for housing, health, education or social protection to provide more capital funding for water, let her make this proposal. We have finite resources.

**Deputy Clare Daly:** Tax a few multinationals.

**Deputy Phil Hogan:** Otherwise we will have to increase income tax on workers. Is this what the Deputy advocates?

**Deputy Clare Daly:** Maybe a few multinationals might pay a few bob.

**Deputy Phil Hogan:** Perhaps she advocates more taxes on the so-called working person whose side she is on, as she has clearly indicated over the years.

**Deputy Clare Daly:** Those on six-figure salaries, yes.

**Deputy Phil Hogan:** The matters raised by Deputy Stanley are operational matters.

**Deputy Brian Stanley:** That is a poor answer. Do not give me that.

**Deputy Phil Hogan:** How does the Deputy expect me to know what is going on in Esker Hills? Ask Deputy Cowen - he lives nearer.

**Deputy Brian Stanley:** They are ripping out new meters. I asked three questions.

**Deputy Phil Hogan:** I will not get involved in answering questions on operational matters in the House-----

**Deputy Brian Stanley:** Who checks the meters?

**Deputy Phil Hogan:** -----and the Deputy should not insult the intelligence of people by expecting me to know the answer. A first fix policy will be implemented by the Government-----

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**Deputy Brian Stanley:** Who checks the meters for leaks?

**Deputy Phil Hogan:** The Deputy asked a question about this. Let me answer it. Under the capital programme we will examine introducing a first fix free policy with regard to the area between the boundary of the property and the house, because people should not have to pay for legacy issues such as leaks for which they had no direct responsibility. Protocols have been worked out between Irish Water and local authorities with regard to unfinished estates to ensure matters are not held up. There are a number of issues with unfinished estates, as my colleague will point out, with regard to receiverships, liquidations and legal issues, but with regard to water-----

**Deputy Brian Stanley:** Who signs off on the water network in an estate? Is it Uisce Éireann or the local authority?

**Deputy Phil Hogan:** Irish Water and local authorities are working out a protocol, which will be resolved in the near future.

### **National Spatial Strategy**

10. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government if a review of the national spatial strategy will be undertaken to reflect the different circumstances and challenges facing different regions; the timescale of such a review if one is planned; and if he will make a statement on the matter. [19568/14]

**Deputy Seán Kyne:** Is it intended to review the national spatial strategy and, if so, what is the timescale?

**Deputy Jan O'Sullivan:** The 2002 national spatial strategy, NSS, was Ireland's first national strategic spatial planning framework. It aimed to provide the spatial vision and principles to achieve a better balance of social, economic and physical development and population growth between regions through the co-ordinated development of nine gateway cities and towns and nine hub towns, together with complementary policies to activate the potential for lasting economic development in their hinterlands and wider regions.

While the existing NSS remains in place, I and my colleague the Minister, Deputy Hogan, established in August 2013 a successor national spatial strategy scoping group, comprising three experts with extensive experience of spatial planning and economic and social development, to prepare a short scoping report on the development of a new national planning framework to replace the current NSS.

I received the experts' scoping report earlier this year and I intend to bring proposals to Government shortly on the road map to develop a new national planning framework that will take account, *inter alia*, of the significantly changed economic circumstances the country now faces with a view to contributing to sustainable national recovery. The new national planning framework is expected to be finalised by the end of 2015.

**Deputy Seán Kyne:** I thank the Minister of State for her reply. Did the old national spatial strategy work? Did it deliver what was planned? Galway is a gateway city and we have seen the importance of major cities as economic drivers for regions. The Galway hinterland includes Connemara and people who have traditionally worked in Galway city but live in a rural area.

The importance of the gateway as an economic driver needs to be further developed. Foreign direct investors see Galway city as important with regard to a critical mass of population for employment of trained individuals. The past week has seen contracts signed in respect of the M17-M18 motorway, which will be a great help to the regions and to the west, as well as developments regarding the Government's policy on broadband in that area. While these measures all are important, the importance of the gateways as economic drivers for the regions must be supported fully.

**Deputy Jan O'Sullivan:** It is early days as the Government only has to hand the scoping document at present. However, anyone who agrees with and seeks good and proper planning would accept the concept of gateways and the idea of having regions with centres as important economic drivers of those regions as being important principles that work in all countries and which would be a basis of good planning. I do not anticipate any change in direction in respect of having such gateway entrances or centres of economic activity for regions that will work with the economic hinterland surrounding them. However, the Government intends to have wide consultation with all interested parties, including both the public and significant organisations that have an interest in this area. The Government intends to have a conversation on how the country has changed and on whether there are lessons to be learned from the previous strategy, as well as from actions that were taken subsequent to the previous strategy such as the decentralisation policy, which did not appear to relate greatly to what actually was contained in the national spatial strategy. It is important to have a good national spatial plan that works for the country, that identifies the strengths of different regions, that develops those strengths and has a plan and a policy that is clear and which links into all the other agencies of the State, Departments and so on in order that there is a coherent policy and planning basis on which the country will be developed into the future.

**Deputy Seán Kyne:** I thank the Minister of State for her statement and welcome her views. At present, 50% of the country's population resides in the Leinster area. The challenge ahead will be to prevent that area from growing further at the expense of the regions and, consequently, the future spatial strategy will be of great importance to the future of the west. I welcome the consultation and again welcome the Minister of State's understanding of the importance of the gateways.

**Deputy Jan O'Sullivan:** Briefly, I agree with the Deputy that there always is a danger in any country that the capital city becomes the centre and the regions are not supported adequately. I certainly share the Deputy's view that one must ensure the strategy contains strong recognition that strong regions are needed throughout the country, west, north, south and east-----

**Deputy Brian Stanley:** And the midlands.

**Deputy Jan O'Sullivan:** -----and that policies are put in place to ensure those strengths are developed.

**An Leas-Cheann Comhairle:** As Question No. 11 is in the name of Deputy Patrick O'Donovan, who is not present, it cannot be taken.

*Question No. 11 replied to with Written Answers.*

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## **Semi-State Bodies Privatisation**

12. **Deputy Mick Wallace** asked the Minister for the Environment, Community and Local Government if he has received correspondence from the European Commission regarding the privatisation of water services here; if he will publish any such correspondence; and if he will make a statement on the matter. [19460/14]

**Deputy Mick Wallace:** Given that the Government is due to finalise water charges soon, will the Minister confirm whether he or any other member of the Cabinet has received correspondence from the European Commission regarding the privatisation of water services? The Minister may recall that in late 2012, the office of Commissioner Olli Rehn acknowledged in a letter to civil society groups that the Commission is promoting water privatisation as a condition of bailout programmes.

**Deputy Phil Hogan:** The programme of financial support with the EU, IMF and ECB provided for the establishment of a national water utility and the introduction of domestic charges. In this regard, the programme partners were kept informed of progress towards the achievement of these objectives. My Department has not received any correspondence from the European Commission on the privatisation of water services.

In a communication issued by the European Commission earlier this year on the European citizens' initiative, the Commission confirmed that the decision on how best to operate water services is firmly in the hands of the public authorities in the member states, and treaty rules require the European Union to remain neutral regarding national decisions governing the ownership regime for water undertakings.

Section 5 of the Water Services Act 2013 provides that one share in Irish Water is held by Bord Gáis, with the remaining shares held by the Ministers for the Environment, Community and Local Government and Finance. An amendment to this section, introduced by section 46 of the Water Services (No. 2) Act 2013, provides that the three shareholders in Irish Water are prohibited from alienating the shares issued to them. Accordingly, the privatisation of Irish Water is barred by statute.

**Deputy Mick Wallace:** I was referring to a letter to which the Corporate Europe Observatory body gained access. It was from Olli Rehn's office to the Greek Minister for the Environment, Energy and Climate Change.

**Deputy Phil Hogan:** To whom is the Deputy referring?

**Deputy Mick Wallace:** Olli Rehn's office in the European Commission wrote to the Greek Minister. He stated:

As you know, privatisation of public companies contributes to the reduction of public debt, as well as to the reduction of subsidies, other transfers or state guarantees to state-owned enterprises. It also has the potential of increasing the efficiency of companies and, by extension, the competitiveness of the economy as a whole, while attracting foreign direct investment.

The Minister states that neither he nor his Department has received any letter from the Commission encouraging the privatisation of water. Has there been verbal communication from the European officials who have visited here to encourage the Government to privatise Irish Water?

**Deputy Barry Cowen:** He needs no encouragement.

**Deputy Mick Wallace:** What is the Minister's personal position regarding the idea of privatising Irish Water? Does he believe it would be a good or a bad idea?

**Deputy Phil Hogan:** Deputy Wallace can go to Kilmore Quay and fish for that red herring which he has tried to introduce today. I brought in the Irish Water legislation, which was approved on the basis that the Government will not privatise Irish Water. The Government is trying to keep track of its own correspondence and, in the Republic of Ireland, we do not follow or track correspondence between Olli Rehn and other member states.

**Deputy Mick Wallace:** In his initial reply, the Minister stated it is illegal for the European Commission to take a position on this matter but it has done so. In addition, it has put pressure on both the Italians and the Portuguese to do this. While the Minister has stated it would be illegal to privatise Irish Water at present, he is aware that the rules introduced under the Lisbon and Nice treaties dictate that no state in Europe can stop privatisation if it chooses to get involved in it.

**Deputy Jan O'Sullivan:** We are a sovereign nation.

**Deputy Mick Wallace:** Part of the treaty was designed to facilitate the privatisation of public services. The Minister probably can tell me that it will not be privatised during his time-----

**Deputy Phil Hogan:** Correct.

**Deputy Mick Wallace:** -----because he probably will be going to sunnier climates soon-----

**Deputy Phil Hogan:** Is the Deputy asking my opinion? I do not know where he will be.

**Deputy Mick Wallace:** -----but I find it hard to credit. I refer to the entire idea behind not giving the local authorities the money to improve the water infrastructure but instead parcelling it all up into a nice little bundle that can be saleable at a later date.

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

**Deputy Mick Wallace:** The dogs in the street suspect that the next Government will privatise Irish Water.

**Deputy Phil Hogan:** While Deputy Wallace may kick any dog he wishes in respect of this issue, he is not getting anywhere with it. The position of the Government is that there will be no privatisation of Irish Water. Perhaps the Deputy may support a Government in the future that may wish to do so or do certain things, but as far as I am concerned and as far as the Government is concerned, correspondence of the European Commission is a complete red herring and I wish the Deputy well with it.

*Written Answers follow Adjournment.*

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## **Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013: Order for Report Stage**

**Minister for Justice and Equality (Deputy Alan Shatter):** I move: “That Report Stage be taken now.”

Question put and agreed to.

## **Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013: Report Stage**

**Minister for Justice and Equality (Deputy Alan Shatter):** I move amendment No. 1:

In page 12, line 6, after “persons;” to insert the following:

“to amend the Criminal Justice Act 1984 and other enactments to provide for the destruction of fingerprints, palm prints and photographs taken from or of certain persons in certain circumstances;”.

This amendment is to amend the Long Title of the Bill. I thank Deputies for their continued support for this very important piece of legislation which will provide invaluable support to the Garda Síochána in the investigation of crime. I mentioned on Committee Stage that I would be bringing forward some further amendments on Report Stage to deal mainly with historic samples and profiles and to ease the burden on the Forensic Science Laboratory in proving continuity of the chain of evidence for forensic exhibits in criminal trials. I am bringing forward these amendments along with some mainly technical drafting amendments.

The first amendment is one such drafting amendment to amend the Long Title of the Bill to take account of amendments made on Committee Stage to Part 11 relating to destruction arrangements for fingerprints, palm prints and photographs.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 2, 5, 7 to 11, inclusive, 16, 18 and 19, are related and may be discussed together.

**Deputy Alan Shatter:** I move amendment No. 2:

In page 12, between lines 20 and 21, to insert the following:

“ “Act of 1990” means Criminal Justice (Forensic Evidence) Act 1990;”.

The purpose of this group of amendments is to set out the arrangements for dealing with historic samples and DNA profiles that were taken prior to the commencement of this legislation. Biological samples can currently be taken in either of two ways. The Criminal Justice (Forensic Evidence) Act 1990, provided for the taking of samples and the creation of DNA profiles but did not provide for the establishment of a statutory DNA database system, as does this Bill. Samples can currently also be taken by consent under common law powers. This Bill replaces the legal framework for the collection of forensic evidence and puts it on a statute-only footing. It is necessary, however, to set out the transitional arrangements between the existing

regime and this legislation in order to protect, for example, proceedings under way based on bodily samples taken under the 1990 Act or under common law powers. The main amendment in this regard is to section 7 of the Bill, which is replaced and expanded by amendment No. 5. Subsections (1) and (2) remain largely the same and subsections (3) to (5) are being added.

Subsection (3) provides that a DNA profile that was generated from a sample taken under the Act of 1990 may be entered in the reference index of the DNA database system, irrespective of whether it was generated before or after commencement of this legislation. Subsection (4) qualifies this, however, by providing that profiles generated from samples taken under the 1990 Act shall not be entered on the DNA database system if the sample is required to be destroyed under that Act. Samples are required to be destroyed in cases where, for instance, the person whose sample was taken is acquitted or not proceeded against. Subsection (4) also provides that if the DNA profile has already been entered on the DNA database system when the sample from which it was generated is required to be destroyed, then it shall be removed from the database within a period of three months.

Subsection (5) deals with the manner in which historic samples taken with consent, and DNA profiles generated from them, will be required to be treated. These samples and profiles can be retained for use in respect of the offence in respect of which they were taken or generated, subject to the persons concerned having been detained under a statutory provision referred to in section 9(1), which generally relate to offences attracting a maximum prison sentence of five years or more. As at present, those who had their samples taken by consent can apply to have them, or profiles generated from them, destroyed. Subsection (5) provides that, if a sample taken with consent, or a DNA profile generated from it, is required for any purpose other than that for which it was taken, the Garda Commissioner must inform the person concerned in writing and obtain his or her consent to its use for that purpose. Otherwise the sample or profile may not be used for that purpose. This is considered a proportionate approach and an appropriate safeguard in order to protect the rights of individuals who voluntarily gave samples in the context of a particular investigation but not for any other purpose. Furthermore, DNA profiles generated from samples taken by consent cannot be put on the DNA database system.

The remaining amendments in this group of amendments are consequential or related to the main amendments in section 7 which provides for the manner in which historic samples and profiles are to be treated on a transitional basis.

Amendment No. 2 inserts a definition of the “Act of 1990” into section 2, clarifying that such reference in the Bill is to the Criminal Justice (Forensic Evidence) Act of that year. Amendment No. 11 amends section 62 to provide that the reference index of the DNA database system can also contain DNA profiles generated from samples taken under the 1990 Act, as provided in section 7(3), to which I referred earlier. Amendment No. 18 amends the Criminal Justice (Mutual Assistance) Act 2008 so as to cover, where appropriate, destruction arrangements for samples and DNA profiles taken or generated under the 1990 Act. Amendment No. 19 likewise amends the International Criminal Court Act 2006 in this regard.

Amendments are also being made to the Bill in relation to the use of historic samples for identification purposes. Deputies will be aware that the Bill not only provides for the establishment of a DNA database to assist the Garda Síochána in the investigation of serious crime but also to assist in finding and identifying missing or unknown persons. It is important that historic samples, and DNA profiles generated from them can be used for these purposes.

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Amendments Nos. 7 and 8 to section 48 of the Bill ensure that DNA profiles generated from samples taken from missing persons or blood relatives of missing persons before commencement of this legislation may be put on the DNA database system. The other provisions of this section will apply to these samples and profiles, as appropriate. Likewise, amendments Nos. 9 and 10 to section 50 have the effect of providing that samples relating to unknown deceased persons that are in the possession of the Garda Síochána, the Forensic Science Laboratory or the State Pathologist's office before commencement may be entered on the DNA database system. If no provision was to be made for such historic samples it would not be possible to use the DNA database system to assist in the identification of the person without exhuming the remains and taking another sample. I presume Deputies would agree it is important to retain such samples for the purposes mentioned.

Amendment No. 16 revises section 92 so as to provide that the destruction arrangements that apply in relation to samples and DNA profiles of missing persons or their blood relatives, or unknown deceased persons, taken or generated following commencement of this legislation will also apply, as appropriate, to historic samples or profiles of such persons. That completes the description of the intention of the amendments which are fine-tuning aspects of the Bill because these aspects are very important. The amendments are proportionate and balanced to ensure that people's rights are adequately and properly protected.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 3:

In page 13, line 3, to delete "section 155(2)" and substitute "section 155".

Amendment No. 3 is a minor, technical drafting amendment to the reference to the appropriate provision in the Children Act 2001. It has no impact on the definition concerned. In view of anticipated changes to section 155 of that Act to be made in the children (amendment) Bill, it is considered preferable to refer to the appropriate section only, rather than to a subsection of it.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 4 is consequential on amendments Nos. 21 and 22. Amendments Nos. 21 to 23, inclusive, are related. Amendment No. 4 and amendments Nos. 21 to 23, inclusive, may be discussed together.

**Deputy Alan Shatter:** I move amendment No. 4:

In page 13, line 15, after "sample" to insert ", other than in *sections 168 and 169*".

The aim of these amendments is to provide a more efficient means of proving the continuity of the chain of forensic exhibits in criminal trials. A review of the resource needs of the Forensic Science Laboratory carried out in 2008 identified that a significant proportion of administrative and scientific time is taken up meeting documentary requirements relating to the chain of evidence and, in particular, attending court to certify as to the chain of evidence.

*11 o'clock*

The purpose of these amendments is to avoid the need for oral evidence to prove continuity to be given in criminal proceedings routinely. They provide for evidence to be given by way of certificate and are intended to be tailored to the work of the laboratory by availing of the in-

herent benefits of tamper-evident containers in which samples taken from persons or recovered from crime scenes are inserted for the purpose of transmission for forensic testing. Inserting the sample in a tamper-evident container and storing it in that container until such time as it is opened for the purpose of forensic testing should, in view of its security features, effectively render redundant the question of who handled it in the intervening period.

The new sections 168 and 169 that are being inserted into the Bill by amendments Nos. 21 and 22 are concerned with the two critical points in the chain, namely, the point at which the sample is placed in a tamper-evident container and the point at which that container is opened for the purpose of conducting forensic tests on the sample that has been obtained.

Section 168 sets out the procedures that may be used for the transmission of samples for forensic testing. These are self-explanatory and describe the process to be followed where samples are being placed and transmitted for testing in tamper-evident containers. These containers, which are defined, usually take the form of specially manufactured bags which come in different sizes and, most important, all have a unique identifying number. It will be noted that this is an enabling rather than a mandatory provision. This means that while this process may be used for the storage and transmission of samples, it does not have to be used for such purposes. It is possible, for instance, that crime scene samples may be too large to fit in tamper-evident containers and, as such, verifying the chain of evidence in this manner may not be possible in every case.

Section 168(2) does not specify who should place a sample in a tamper-evident container. This is because a variety of persons can take samples, as detailed under Part 2, for example, a garda, doctor, dentist or nurse. A variety of persons may also be involved in finding or recovering crime scene samples, such as a garda, State pathologist or doctor. Section 168(4), however, specifically refers to a member of the Garda Síochána as, irrespective of who takes the sample, it will be for a member to ensure that it is sent for forensic testing.

Section 168(6) provides key definitions relating to the operation of this overall section and section 169. The definition of the term “crime scene sample” in this section is, by necessity, broader than that given under section 2, as it is proposed that this system of proving continuity of the chain of evidence will cover all forms of samples found at crime scenes, not just biological material with which the Bill is primarily concerned. Amendment No. 4 makes a small revision to the definition of the term “crime scene sample” in section 2 to take account of this distinction.

The approach adopted to crime scene samples follows from the fact that the Bill is not seeking to specify all of the functions of the Forensic Science Laboratory in statute. The only functions of the laboratory that the Bill is concerned with are those relating to the DNA database system. However, the laboratory provides analysis of a wide range of substances found at or recovered from crime scenes, for example, paint and glass. As the burden of proving continuity equally applies to these samples as to samples of biological material, it is proposed that sections 168 and 169 will apply to all crime scene samples other than controlled drugs, which are to be dealt with separately. I will address that issue shortly.

The definition of the term “forensic testing” in section 168(6) is also broader than that given under section 2, which does not include a crime scene sample. Such samples are specifically required to be covered under sections 168 and 169 for the purpose of proving continuity of the chain of evidence but not elsewhere in the Bill where the focus is on biological samples only

and on the generation of DNA profiles from them for the database.

A related but separate amendment is also being made to section 10 of the Misuse of Drugs Act 1984 relating to certification evidence for controlled drugs. Amendment No. 23 inserts a new section 170 to revise section 10 of the 1984 Act. This amendment is being made to allow the chain of evidence for exhibits received, handled, transmitted or stored by the Forensic Science Laboratory to be proved by certificate in evidence in court and to obviate the need for laboratory staff to give oral evidence. Section 10 of the 1984 Act already provides for certificate evidence relating to the examination, inspection, test or analysis, as the case may be, of a controlled drug. The Forensic Science Laboratory and the Director of Public Prosecutions are both in favour of this amendment, which aims to enhance and streamline the use of certification evidence in high volume cases involving controlled drugs.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 5:

In page 21, to delete lines 1 to 11 and substitute the following:

**“Transitional provisions**

7. (1) Subject to this section, nothing in this Act shall affect the operation after the commencement of this section of—

(a) the Act of 1990 in relation to bodily samples that were taken from persons under that Act, or

(b) any other arrangement under which bodily samples were taken from persons by, or on behalf of, the Garda Síochána, before such commencement.

(2) Subject to *subsections (3) and (4)* and notwithstanding the repeal by *section 6* of the Act of 1990, that Act shall continue to apply to bodily samples that were taken under it before its repeal as if it had not been so repealed.

(3) A DNA profile of a person generated from a bodily sample taken from the person before the commencement of this section under the Act of 1990 may, subject to *subsection (4)*, be entered in the reference index of the DNA Database System, irrespective of whether the DNA profile of the person is generated from that sample before or after such commencement.

(4) The DNA profile of a person generated from a bodily sample taken from the person under the Act of 1990 shall, if that sample is required to be destroyed under section 4 of that Act—

(a) not be entered in the reference index of the DNA Database System, or

(b) if so entered, be removed from that System not later than the expiration of a period of 3 months from the date of that requirement.

(5) If—

(a) a bodily sample (other than one taken under the Act of 1990) that was taken from a person under any arrangement under which bodily samples were, before the

commencement of this section, taken by, or on behalf of, the Garda Síochána from persons who were detained under any of the provisions referred to in *section 9(1)*, or (b) the DNA profile of the person (if any) generated from the sample, is required for any purpose other than the purpose for which that sample was taken from the person, the Commissioner shall, before using that sample or DNA profile for that other purpose—

- (i) inform the person by notice in writing of that other purpose, and
- (ii) obtain the consent in writing of the person to the use of that sample or DNA profile, as the case may be, for that purpose.”.

Amendment agreed to.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 6:

In page 52, between lines 21 and 22, to insert the following:

“(2) Excluding for consideration under this section any conviction covered by the terms of the Good Friday Agreement 1998,”.

As I indicated, Sinn Féin welcomes the thrust of the Bill, albeit with some concerns. The purpose of the amendment is to obtain clarity on the provision on the retention of samples of those who are innocent or not under suspicion and not wanted by the State. The amendment provides that samples taken from those who were released from prison under the terms of the Good Friday Agreement will not be retained. For this reason, I seek to have the text inserted in the section.

**Deputy Alan Shatter:** When this amendment was tabled by the Deputy on Committee Stage, I explained the reasons I could not accept it. I pointed out that the former offenders’ regime in sections 33 and 34 of the Bill is not a blanket provision covering all persons who fall within the ambit of the definition of former offenders in section 33. The Garda Síochána will have to identify individuals who are covered by section 33 and in respect of whom a garda not below the rank of superintendent is satisfied that “it is in the interests of the protection of society, and it is desirable for the purpose of assisting the Garda Síochána in the investigation of offences, to have a sample under section 34 taken from the person” for the purpose of generating and uploading the person’s DNA profile to the DNA database. This is the first consideration before a request is made to a person to provide a sample.

There are then a number of further safeguards. In the event that the person fails to comply with the request, the Garda Síochána may apply to the District Court for authorisation to send a notice to the person requiring him or her to attend for the taking of a sample. Even if the person still fails to co-operate, he or she cannot be forced to provide a sample, although the Bill provides that such persons may be prosecuted.

The former offender provisions are also subject to the ten year rule contained in section 33(3). Broadly speaking, under this rule, a former offender may only be requested to provide a sample up to ten years after the sentence for the relevant offence concerned expired. The likelihood is that most former offenders covered by the Good Friday Agreement will be covered by the ten year rule given the passage of time since their release.

That is the manner in which I have previously outlined the position from a practical stand-

point. From a strictly legal standpoint, it would not be possible to make the amendment the Deputy proposes as it would result in the unequal treatment of two similarly situated individuals. As a result, the amendment may be unconstitutional. This contention is supported by the manner in which prisoners were released in this jurisdiction under the Good Friday Agreement. While the Criminal Justice (Release of Prisoners) Act 1998 established a commission to advise the Minister regarding the release of prisoners by reference to that Agreement, no new power of release was provided in the Act. Rather, it enabled the Minister and Government to treat the release of qualifying prisoners in the same way as the generality of the prison population. I do not, therefore, see any particular reason for treating persons released under the Good Friday Agreement differently from other former prisoners in the context of the Bill.

I am, in any event, satisfied that few, if any, of the cohort of former offenders with which the Deputy is concerned are covered by the provisions of sections 33 and 34. Even if they are so covered, they cannot be compelled to provide a DNA sample. I do not propose to accept the amendment.

Amendment put and declared lost.

**Deputy Alan Shatter:** I move amendment No. 7:

In page 73, line 36, after “person” to insert “taken before the commencement of this section”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 8:

In page 73, after line 41, to insert the following:

“(12) A sample taken before the commencement of this section from a person who is a relative by blood of a missing person that is in the possession or control of the Garda Síochána or the Director of FSI arising from the investigation of the disappearance of the missing person (whether or not taken by a member of the Garda Síochána or an authorised person) may, subject to the following, be regarded as a sample taken from the person under this section:

(a) where the person from whom the sample was taken is deceased, *subsections (1) to (4)* shall, with any necessary modifications, apply to the sample;

(b) in any other case, this section, other than *subsection (8)*, shall, with any necessary modifications, apply to the sample.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 9:

In page 75, between lines 33 and 34, to insert the following:

“(7) A sample taken before the commencement of this section from the body of an unknown deceased person that is in the possession of the Garda Síochána, the Director of FSI or the State Pathologist, or the person acting as such, in the State Pathologist’s Office of the Department of Justice and Equality may be regarded as a sample taken from the body of that unknown deceased person under this section and this section shall, with

any necessary modifications, apply to the sample.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 10:

In page 75, line 34, after “taken” to insert “, or regarded as having been taken,”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 11:

In page 82, lines 29 and 30, to delete all words from and including “and” in line 29 down to and including line 30 and substitute the following:

- “(c) generated from samples taken from persons referred to in *section 7(3)*, and
- (d) received and entered in that index under *Chapter 7 of Part 12*.”.

Amendment agreed to.

**Acting Chairman (Deputy Frank Feighan):** Amendments Nos. 12 to 15, inclusive, are cognate and may be discussed together.

**Deputy Alan Shatter:** I move amendment No. 12:

In page 96, line 29 before “and” to insert the following:

“whichever is the later,”.

Amendments Nos. 12 to 15, inclusive, are minor technical amendments to section 81 which are being made for the purposes of clarification. Their inclusion eliminates any doubt that the longer period of retention is to apply in each instance.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 13:

In page 96, line 33 to delete “her.” and insert the following:

“her,  
whichever is the later.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 14:

In page 97, line 4, before “and” to insert the following:

“whichever is the later,”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 15:

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In page 97, lines 8 to delete “her.” and to insert the following:

“her,  
whichever is the later.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 16:

In page 109, between lines 15 and 16, to insert the following:

“(11) This section shall, with any necessary modifications, apply to a sample that is regarded under *subsection (11) or (12) of section 48* as having been taken under that section.

(12) This section shall, with any necessary modifications, apply to a sample that is regarded under *subsection (6) or (7) of section 50* as having been taken under that section.”.

Amendment agreed to.

**Deputy Pádraig Mac Lochlainn:** I move amendment No. 17:

In page 127, between lines 31 and 32, to insert the following:

**“Transfer of DNA samples or profiles to other jurisdictions**

**110.** (1) A DNA sample or profile may not be transferred to another jurisdiction for the purposes of it being used against an individual who has already stood trial and been acquitted in this jurisdiction.

(2) The transfer of DNA samples or profiles to other jurisdictions must be limited to jurisdictions with which the Irish State has extradition treaties in place.

(3) Once a DNA sample or profile has been transferred to another jurisdiction there must be a guarantee in place that the sample must be destroyed no later than 6 months after it has first been received.”.

The Minister will be aware that several human rights non-governmental organisations had concerns about the transfer of DNA samples or profiles to other jurisdictions. This amendment is to ensure the jurisdictions to which data or profiles might be transferred would be compatible with our standards and that there would be extradition agreements in place with them. There is a logic in protecting the civil rights of citizens in the State. This is important legislation in assisting the authorities to have the full armoury available to them to investigate crimes. There is also a need, however, to get the balance right in protecting the civil rights of citizens. That is the intention of the amendment which we hope the Minister will accept.

**Deputy Alan Shatter:** I do not propose to accept the amendment which addresses the issue of the transfer of DNA samples or profiles to other states. The Deputy is seeking to ensure there would be appropriate safeguards with such transfers. I am happy, therefore, to assure him that, in so far as the amendment purports to address the issue of mutual assistance, there are such safeguards which, in fact, go further than what he has proposed.

On the proposed subsection (1), I understand the amendment would apply to a person acquitted of an offence in the State in terms of a sample or profile being sought by another state for the purposes of investigating or prosecuting the person for the offence for which he or she has already been acquitted. The wording of the amendment does not make this clear and that of itself would prevent my accepting it.

Aside from that, however, I draw the Deputy's attention to section 132 which amends section 79 of the Criminal Justice (Mutual Assistance) Act 2008. Section 79 of the Act sets out the action to be taken when a request for identification evidence is received by the State. Among other matters, a request can only be complied with where the evidence sought could be obtained if the investigation or proceedings in question were being conducted here. In the circumstances put forward by the Deputy relating to a person who has been acquitted, the prohibition against double jeopardy ensures a person cannot be prosecuted in the State for an offence for which they have been previously acquitted. Consequently, it would not be in accordance with section 79(1) of the Criminal Justice (Mutual Assistance) Act 2008 to transfer the evidence for similar purposes. Simply put, if evidence cannot be sought for a particular purpose in the State, it will not be provided for a similar purpose in another state.

Subsection (2) of the amendment proposes to limit the transfer of DNA samples or profiles to other jurisdictions with which the State has extradition treaties in place. The basis on which the State engages with other states for the purposes of mutual assistance is the mutual assistance Act 2008, prior to that the Criminal Justice Act 1994. As it stands, assistance in the provision of identification evidence which will include DNA profiles is only available if the evidence is in the possession of the Garda. If the evidence is not in its possession, the person from whom the evidence is sought must consent to it being taken and transferred. However, on foot of the Council's Prüm Decision, to which the Bill is giving effect, the mutual assistance Act is also being amended to provide assistance for another EU state where the request relates to a DNA profile which is not in the possession of the Garda. Under Article 7 of that decision, we will be required to obtain from a person a sample with a view to generating a DNA profile and transmitting that profile to the requesting state. To provide for this requirement, section 133 inserts new sections 79A to 79C, inclusive, into the mutual assistance Act. These sections set out in detail the steps which must be taken in the State in obtaining a DNA sample from a person who does not consent to the taking of that sample, including, importantly, obtaining a court order. However, as these provisions arise from an EU instrument, they apply only to EU member states.

Subsection (3) of the amendment concerns the obtaining of a guarantee that samples or profiles will be destroyed within six months of being transferred. Again, the Bill amends the mutual assistance Act to ensure the necessary safeguards and destruction provisions are in place. Section 132(g) amends section 79(10) of the mutual assistance Act. This subsection requires the Minister to receive an assurance from the requesting state that the evidence and records relating to it will be destroyed when no longer required. Evidence must also be destroyed within three months of the date on which 12 months have passed since the taking of the sample and proceedings have not commenced. Evidence must also be destroyed within three months of an acquittal, dismissal or discontinuation of the proceedings. Destruction of evidence is also required within three months following proceedings which concluded with an order corresponding to a probation order or where subsequently a conviction is quashed or declared a miscarriage of justice.

I am entirely satisfied with these and the many other safeguards contained in the Bill. For these reasons, I will not be accepting the amendment.

Amendment put and declared lost.

**Deputy Alan Shatter:** I move amendment No. 18:

In page 147, line 7, after “with” to insert “section 4 of the Criminal Justice (Forensic Evidence) Act 1990,”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 19:

In page 165, line 8, after “with” to insert “section 4 of the Criminal Justice (Forensic Evidence) Act 1990,”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 20:

In page 180, between lines 8 and 9, to insert the following:

“(k) the purposes of compliance with section 8 or 9 of the Europol Act 2012;”.

This amendment corrects an omission made when the Bill was published. Section 4(3) provides that a DNA profile of a person generated from a sample taken under Part 2 may be provided for Europol under section 8 or 9 of the Europol Act 2012. Section 159 which deals with the disclosure of information requires to be amended to include this reference to the Europol Act to correct the earlier oversight.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 21:

In page 183, between lines 33 and 34, to insert the following:

**“Procedures that may be used for transmission of certain samples for forensic testing**

**168.** (1) A relevant sample may be placed in a tamper-evident container.

(2) Whenever a relevant sample is placed in a tamper-evident container under *subsection (1)*, the tamper-evident container shall be sealed immediately.

(3) The person who, under *subsection (2)*, seals a tamper-evident container containing a relevant sample shall—

(a) ensure that a unique number for the purpose of facilitating the identification of the sample is marked on the tamper-evident container,

(b) ensure that particulars regarding the type of sample concerned are recorded on the tamper-evident container or on the relevant sample or anything attached to or enclosing it, and

(c) record his or her name, and the date of sealing the tamper-evident container, thereon.

(4) Where the procedures referred to in *subsections (1) to (3)* have been completed, a member of the Garda Síochána shall forward, or cause to be forwarded, the sealed tamper-evident container containing the relevant sample concerned for forensic testing.

(5) In any criminal proceedings, it shall be presumed until the contrary is shown, that *subsections (1) to (4)* have been complied with in relation to a relevant sample.

(6) In this section and in *section 169*—

“crime scene sample” means any substance or material (or a sample thereof) found at, or recovered from, a crime scene with a view to having it forensically tested;

“forensic testing”, in relation to a relevant sample, means the examination and analysis of the sample and the carrying out of biochemical or other scientific tests and techniques used in connection with the detection and investigation of crime or the identification of persons or bodies, as may be appropriate, on the sample and, if appropriate, includes the generation of a DNA profile from the sample in respect of a person;

“relevant sample” means—

- (a) an intimate sample,
- (b) a non-intimate sample, or
- (c) a crime scene sample;

“tamper-evident container”, in relation to a relevant sample, means a container, whether comprising a tube, envelope, bag or other receptacle, into which the sample is placed and which—

(a) is marked with a unique number for the purpose of facilitating the identification of the sample,

(b) is sealable after the sample is placed in it without interfering with the integrity of the sample, and

(c) once sealed cannot be opened, whether by cutting, tearing or other means, without leaving visible evidence of having been opened or of an attempt having been made to do so.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 22:

In page 183, between lines 33 and 34, to insert the following:

**“Provisions relating to evidence in proceedings regarding certain samples**

**169.** (1) In any criminal proceedings, a certificate purporting to be signed by a member of the staff of FSI and stating, in relation to a relevant sample—

- (a) that the sample was contained in a tamper-evident container marked with a

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unique number that is specified in the certificate,

(b) that he or she conducted a thorough examination of the tamper-evident container immediately before opening it and that the container displayed no sign of anyone having opened or attempted to open it,

(c) that he or she opened the tamper-evident container in which the sample was contained and removed the sample from it for forensic testing,

(d) the date of opening the tamper-evident container and removing the sample from it,

shall, until the contrary is shown, be evidence of the matters stated in the certificate without proof of any signature thereon or that any such signature is that of such member of staff of FSI.

(2) In any criminal proceedings, the court may—

(a) if it considers that the interests of justice so require, direct that oral evidence be given of the matters stated in a certificate under this section, and

(b) adjourn the proceedings to a later date for the purpose of receiving the oral evidence.

(3) The Minister may prescribe the form of a certificate under this section.”.

Amendment agreed to.

**Deputy Alan Shatter:** I move amendment No. 23:

In page 183, between lines 33 and 34, to insert the following:

**“Amendment of Misuse of Drugs Act 1984**

**170.** The Misuse of Drugs Act 1984 is amended by the substitution of the following section

for section 10:

“10. In any proceedings for an offence under the Principal Act or section 5 of this Act, notwithstanding *section 169 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014* the production of a certificate purporting to be signed by an officer of Forensic Science Ireland of the Department of Justice and Equality and relating to—

(a) the receipt, handling, transmission or storage, or

(b) an examination, inspection, test or analysis,

as the case may be, specified in the certificate of a controlled drug or other substance, product or preparation so specified shall, until the

contrary is proved, be evidence of any fact thereby certified without proof of any signature thereon or that any such signature is that of such

officer.””.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister for Justice and Equality (Deputy Alan Shatter):** The completion of this Bill is a landmark moment in the area of criminal justice. It is of the utmost importance that An Garda Síochána has available to it all of the most up-to-date technical resources in the investigation of crime. This legislation is in the public interest, the interest of the victims of crime and the interests of the Garda force. The Bill will now progress to the Seanad and will, I hope, be enacted prior to the summer recess. It is my intention to bring it rapidly into force.

This is an important measure that will facilitate the Garda Síochána for many years to come in identifying the perpetrators of serious crime and bringing to justice those who commit homicides, serious and aggravated assaults and rapes and other sexual offences and a broad range of other individuals engaged in serious criminality, including subversion. This is an important step in our criminal justice system. A substantial amount of legislation has been passed in the past three years to modernise our criminal law and to assist and facilitate the Garda Síochána in its work, including enabling gardaí to bring before the courts individuals who have been found guilty of a myriad of different serious crimes. The Garda Síochána has in recent years been very successful in this regard.

In the context of the investigation of crime and bringing people to justice, this Bill will, at the end of the lifetime of this Dáil, prove to be the most important of all criminal justice measures introduced by it. While not wishing to diminish the importance of some of the other Bills enacted or those currently in the pipeline, this is a crucial measure. I have for many years been of the view that we should have a DNA database. Many countries across the world, including most EU countries, have such databases. The putting in place of a database here will facilitate our engaging domestically in the investigation of crime and, also, greater co-operation with other states, particularly EU states, in the exchange of information about those engaged in international crime and those who use the free movement that is part and parcel of the European Union to engage in cross-national criminality. In that context, I am thinking in particular of those engaged in substantial fraud, drug gangs and others who have committed appalling homicides and who do not confine their activities to this State but are engaged in organised crime on a European-wide basis, some on a broader global basis.

As I said, this is an important measure, one that I hope will be welcomed by victims of crime and the Garda organisations. When appointed Minister I set as my goal not simply to enact this legislation during the lifetime of this Government but to ensure that the forensic science laboratory had all the facilities it required to make the DNA database a reality. On taking up office I was presented with a Bill in this area which had been published by my predecessor. However, that Bill required substantial amendment and made no provision for the needs and requirements of the forensic science laboratory. During the development of this Bill and debate on it in this House, we liaised closely with the forensic science laboratory. I am informed that following enactment of the Bill and our being in a position to make commencement orders, the laboratory should be fully resourced to establish the DNA database. There will be no question of a substantial time having to pass while further works are undertaken within the laboratory. I thank

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all of those who work in the forensic science laboratory for the incredibly good work they do, in respect of which they receive little public notice. Their work is crucial in the investigation of crime and the assistance they provide to the Garda Síochána is essential. The laboratory will now play an additional vital role with regard to the DNA database.

It is important also - I am sure Deputies will recognise this - that I refer to another aspect of the Bill which, as the Bill progressed through the House, received little public notice - namely, the important role of the DNA database in, as I mentioned earlier, assisting in the discovery of the whereabouts of missing persons. That is an important issue. There are many families in this State affected by the tragedy of loved ones who have been missing for many years. There are concerns as to whether their whereabouts will ever be discovered. Some individuals go missing for a variety of reasons and many years later reappear. There are other individuals who tragically lose their lives and in respect of whom many years may pass before their remains are discovered. The DNA database will make an important contribution to assisting the Garda in this particular area. Some of the amendments we dealt with earlier were relevant to this area.

All told, in the context of our criminal jurisprudence this is a historic and landmark day in this Chamber. I thank members of the Opposition for their constructive engagement on the Bill. I also thank the various individuals and organisations who made submissions to us on the Bill. We received a variety of submissions on the Bill during the course of the legislative process. We have taken seriously all of the submissions received. I hope those who went to the trouble of making submissions to us recognise that we have done this. My objective is to have the best possible legislation. We have in recent times received further submissions. It appears there are always additional insights in this area. It is helpful and constructive that we get those. Without upsetting anybody, I wish to mention in particular the contributions from the Irish Human Rights Commission and the Law Society, which also made a further submission recently. I note that the Irish Human Rights Commission also made a submission on the Bill introduced by my predecessor. I reference these organisations because we have received some new submissions from them. Any further issues identified can be addressed during the passage of the Bill through the Seanad. I wish to assure those bodies that made further submissions relatively recently that the submissions are being constructively examined. While some of the issues raised therein have already been adequately addressed, one or two require further consideration, which may result in further amendments to the Bill during its passage through the Seanad. The Bill, if amended by the Seanad, will then make a brief return to this House.

The main body of the Bill is now in place. It is substantial legislation. It is one of the longest Bills I have been engaged in since becoming Minister. It is 217 pages long and has just under 170 sections and is one of the most important pieces of legislation on the investigation of criminality we will enact during the lifetime of this Dáil. I thank all Members on all sides who contributed to the debate during Second Stage. I thank the Chairman of the Joint Oireachtas Committee on Justice, Defence and Equality, Deputy David Stanton, for the manner in which he conducted Committee Stage, which we dealt with a while ago.

Question put and agreed to.

*Sitting suspended at 11.30 and resumed at 12 noon.*

*12 o'clock*

### **Leaders' Questions**

**Deputy Michael Moynihan:** Every Deputy in the House would agree that the Leader programme has been one of the most successful rural development initiatives since its introduction many years ago. It has played a major part in sustaining rural communities. There are 36 local development companies contracted on behalf of the Department of the Environment, Community and Local Government to deliver the rural development programme. These groups are the principal decision makers in allocating Leader funding, and they are made up of community members who do an excellent job right across the country. This is an example of the bottom-up approach and those involved can rightly take pride in what they have achieved over the years.

Countries across Europe look at Ireland and the model we have implemented as the best example of how Leader funding can be distributed, but unfortunately the Minister and his Government are determined to change this and not for the better. In the Minister's words, he wants to improve "alignment" but this translates into simply taking decision-making powers away from Leader companies. This is not putting people first and is rather causing much disharmony and distrust across communities. The Irish Local Development Network, ILDN, has already left the alignment working group because of a breakdown in trust and the opinion that the Minister, Deputy Hogan, is not addressing the group's concerns. The Minister seems to be determined to fix something that in my opinion, and that of people in many communities the length and breadth of the country, is not broken. It is nothing short of a money grab for cash-strapped local authorities. Is the Tánaiste aware of the reservations about the realignment and does he agree it will have a detrimental impact on the Leader companies and how funding is allocated?

**The Tánaiste:** I agree that the Leader companies and local development bodies have been doing an outstanding job. This is a good example of a bottom-up approach to local development, bringing together the resources of statutory bodies, local groups and the voluntary and community efforts. I pay tribute to the work of local development companies and those who work with them.

I am aware of the concerns in local development companies and the Irish Local Development Network about changes under discussion. It is important that the role of the local development companies and networks is maintained. There are areas where better value for money for the taxpayer can be obtained by ensuring there is no duplication between what local development companies and local authorities are doing. There is some scope in that area. I have every confidence that the Minister for the Environment, Community and Local Government will take on board the concerns that local development companies have. I share the Deputy's concern that the local development companies should have their role continued, as the work they do should not in any way be put at risk. The effort should be continued, developed and enhanced.

**Deputy Michael Moynihan:** The best tribute that could be paid to local development companies, members of the boards and the people they serve is to maintain them in their current form. They are doing an excellent job, and the Leader companies directly and indirectly employ thousands of people across the country. By ploughing ahead with the proposed changes, the Minister, Deputy Hogan, is facilitating a grab on local democracy, centralising power rather than leaving it to local communities. I could go on for hours about the amount of excellent

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work being done by local development companies around the country but we must seriously consider the current position. Representatives of the network have left the discussions because they do not believe their points of view are being represented. This is a serious juncture for these companies so I ask the Tánaiste to ensure the local development and Leader companies will continue as they are currently constituted. They have done a fantastic job and Europe has noted what a great job we have done with the Leader programme. Nevertheless, it seems we are to dismantle it.

Will the Tánaiste confirm if the Leader companies as currently constituted will be facilitated in every way by the Departments of the Environment, Community and Local Government and Agriculture, Food and the Marine in order to be allowed tender for the next round of Leader funding?

**The Tánaiste:** It is important that the talks under way should continue. I understand from the Minister of State at the Department of the Environment, Community and Local Government that the ILDN has resumed its participation in the talks and I very much welcome that. It is in the context of those talks that a resolution should be found to the issues in dispute between the local development companies and the Department.

I will paraphrase what the Deputy said, so forgive me if it is not exactly what he meant, but he seemed to argue that everything should be left as it is. We live in a world where leaving everything like that is no longer an option, and change is a reality now. However, change must be reasonable and should be discussed with all relevant parties. More importantly, change must focus on delivery of service, and these companies deliver an important service. In the process of change, the very important role of the local development companies should be recognised, developed and enhanced.

**Deputy Pearse Doherty:** Yesterday we saw from the Government's dithering in explaining to householders how much it intends to force them to pay for water how the Government is oblivious to the hardships being inflicted on families across the State. It is not lost on those families that Labour had a famous advertisement released for the general election in 2011, when the party promised to protect the same families from the worst excesses of a right-wing Fine Gael single party Government. If I need to remind the Tánaiste, the advertisement warned that a one-party Labour Government would hike car tax, increase VAT-----

**Deputy Michael McCarthy:** The Deputy means a one-party Fine Gael Government.

**Deputy Pearse Doherty:** Yes, although there is not much difference these days, in fairness. I know our Labour Party colleagues struggle to differentiate. A one-party Fine Gael Government would hike car tax, increase VAT, cut child benefit, increase DIRT, hike the tax on wine by €1 and introduce a property tax of €238 per year. Three years on, every one of those commitments from Fine Gael has been introduced or is about to be introduced. There is little wonder as we travel the roads, highways and byways across the State that people ask us what is the point of the Labour Party being in Government. The latest tax hike, introduced today with the full support of the Labour Party, is a hike in the carbon tax from €10 to €20 per tonne of solid fuel. As the Tánaiste knows, or should know, this will hit vulnerable people hardest, many living in rural communities, elderly citizens and the poorest and most marginalised in society. He should also know that people are already struggling to get by, just to make ends meet, without this extra €1.20 on a bag of coal. An increase of this nature will result in additional fuel poverty.

The fiasco surrounding the handling of the water tax shows that the Government is in crisis as it tries to contemplate how to save the blushes of the Labour Party from the anger of the electorate.

**Deputy Eric Byrne:** It is nothing to the crisis the Deputy's lot is in.

**Deputy Pearse Doherty:** It would suit the Tánaiste better-----

**An Ceann Comhairle:** It would suit me better if the Deputy would put his question. He is over time.

**Deputy Eric Byrne:** Where is the Deputy's Leader?

**Deputy Anthony Lawlor:** The Deputy is doing a Gerry Adams.

**Deputy Pearse Doherty:** Recognising the disastrous impacts of these cuts and tax hikes that the Government has introduced, will the Tánaiste now show some genuine commitment to, and understanding of, the hard-pressed families by scrapping the doubling of the carbon tax introduced today?

**An Ceann Comhairle:** I remind Deputies that when I ask them to finish I mean finish.

**Deputy Pearse Doherty:** I could not hear the Ceann Comhairle with the heckling.

**An Ceann Comhairle:** The Deputy could hear perfectly well. He need not try to cod me.

**The Tánaiste:** The Sinn Féin representative today chooses to raise as the Leader's question hardship on a family. I am quite prepared to address that. The hardship that families have endured in this country over the past few years would be a hell of a lot worse if this Government had pursued the daft economic policies that the Deputy's party had recommended to us. Instead of now being out of the bailout and instead of jobs being created and of at least being able to say to hard-pressed families, as we do, that we are in a position to improve things, the Deputy's party would have plunged those families into a second bailout with possible reductions in payments, through social welfare or wages, of up to 30%. That is what the Deputy's party would have done.

The Sinn Féin memory is very short and very selective.

**Deputy Dessie Ellis:** The Tánaiste could do with a bit of memory.

**The Tánaiste:** On the issue of carbon tax, which the Deputy has raised, it is my recollection that Sinn Féin supported a carbon tax.

**Deputy Peter Mathews:** What question is the Tánaiste answering?

**The Tánaiste:** The carbon tax was not introduced today. It was introduced in 2010. This Government delayed the implementation of the carbon tax on solid fuels in the first instance until after the 2012-13 season and then we decided to introduce it in two phases, last year, 2013, with the implementation of the first €10 per tonne of carbon. The second phase is being introduced today, the second €10 on the tonne of carbon. That brings the tax on a tonne of carbon to €20. Fianna Fáil, in its programme for Government, the recovery document it produced in 2010, told us that it would increase the tax to €30 per tonne. The carbon tax being brought in now is 50% less than that which we inherited at the start of this Government.

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We are very conscious of the impact of any rise in the price of fuel on any family. That is why we are maintaining, even in difficult financial circumstances, a fuel allowance regime to which €208 million a year is being committed. It is also why we have focused on providing permanent solutions to the problem of fuel poverty by investing in retrofitting houses to make them more energy efficient. More than €57 million has been allocated to fund efficiency grant programmes in 2014. This will lead to another 12,000 low income homes being made efficient. Maybe in the second part of my answer I can inform Deputy Doherty of the other measures being taken to reduce the burden of fuel costs on hard-pressed families.

**Deputy Pearse Doherty:** Sinn Féin does not support, and the Tánaiste should not suggest that we do, the increase in the carbon tax taking effect from today, which the Government introduced in the Finance Bill last year.

**Deputy Pat Rabbitte:** Why did Sinn Féin vote for it?

**Deputy Pearse Doherty:** We have provided a series of alternatives to this Government, comprising the Labour Party and Fine Gael, that it has rejected.

**Deputy Anthony Lawlor:** Name them.

**Deputy Pearse Doherty:** The Tánaiste feels it is fit and proper to ask those many thousands of households across the State to pay additional tax on their bale of briquettes, or their bag of coal. The Tánaiste feels it is proper to ask families, whom I have met the length and breadth of this State, struggling to make ends meet, to pay an extra €1.20 on a bag of coal. Over the course of a year, if they burnt only one bag a week that would be approximately an extra €60. The Tánaiste may be oblivious to the fact that people are struggling because the commitments his party made before entering Government have not materialised. It has introduced every single one of the cuts it said Fine Gael would implement, and every tax hike it promised to protect against.

**An Ceann Comhairle:** Would the Deputy please put his question?

**Deputy Pearse Doherty:** It is currently at the later stages of signing, sealing and delivering the water tax.

**An Ceann Comhairle:** This is not a time for making speeches. Would the Deputy put his question?

**Deputy Pearse Doherty:** Will the Tánaiste stand up for ordinary people and stop the doubling of carbon tax, which is taking effect under his Government, his leadership, with the full support of the Labour Party today?

**The Tánaiste:** Families are suffering because of the recession we had, the collapse of the banking system, what happened in the property bubble and the bad decisions made by the previous Government, which Sinn Féin supported. Deputy Doherty is in no position to come in here and rant and rave about what hard-pressed families are suffering. He is the Deputy who, as a Member of the Seanad, told the then Government what a great idea he thought the bank guarantee was.

**Deputy Arthur Spring:** Facts.

**Deputy Barry Cowen:** The Labour Party and Fine Gael supported it and extended it.

**The Tánaiste:** Does he still think the bank guarantee is such a good idea, as he did in September 2008?

**Deputy Peter Mathews:** That was the end of the problem, not the beginning.

**The Tánaiste:** Anybody who got it so dramatically wrong on that occasion is in no position to lecture us on how to deal with the problem now.

*(Interruptions).*

**Deputy Barry Cowen:** Why did this Government extend it?

**Deputy Finian McGrath:** Fine Gael supported it.

**The Tánaiste:** One day Sinn Féin will say it is for a carbon tax and when it is implemented, it will say it is against it.

**Deputy Barry Cowen:** The Tánaiste should stand up for something for once in his life.

**The Tánaiste:** Another day Sinn Féin will say it is for a wealth tax and when that is implemented, it will say it is against it.

**Deputy Billy Kelleher:** This reminds me of the water charges.

**Deputy Pearse Doherty:** Every bit hurts. That was the advertisement that the Labour Party liked. It delivered it all, every single bit of it.

**The Tánaiste:** Who is hurting now? We accept and acknowledge that fuel poverty is an issue in this country.

**Deputy Brian Stanley:** The Tánaiste should check the Official Report.

**The Tánaiste:** That is why we have sought to-----

**Deputy Pearse Doherty:** -----increase the cost of fuel.

**The Tánaiste:** -----address the issue of fuel poverty by introducing retrofitting in houses-----

**Deputy Billy Kelleher:** -----by increasing the cost of fuel.

**The Tánaiste:** -----for example, the €30 million the Minister of State at the Department of the Environment, Community and Local Government, Deputy O'Sullivan, has provided to provide energy efficiency in local authority houses in 2014.

**Deputy Pearse Doherty:** It is a fantasy to think the Government can do that by increasing the cost of fuel.

**Deputy Sandra McLellan:** That really is a good one.

**Deputy Finian McGrath:** Daft economics.

**An Ceann Comhairle:** I remind Members that this is Leaders' Questions.

**Deputy Barry Cowen:** It is Leaders' answers.

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**An Ceann Comhairle:** It is designed for the Opposition to put a question to the Government of the day, not to make speeches on various issues. Deputies should please adhere to the rules of the House. If they want to change them, they can do so but I am here to implement them.

**Deputy Catherine Murphy:** Like everyone else in this House, I have been out canvassing, knocking on doors, in my case in North Kildare. The issue on everybody's lips is water charges. It is a lightning rod for this election and invariably other taxes and charges come up in the conversation as well.

Members of this House call for certainty on the household bills people will receive but I hear the last thing people want is the certainty that another bill will fall through their letter boxes, yet another bill heaped on top of the taxes and charges already imposed, property tax, carbon taxes, and the universal social charge, which features large. They are asking what they will get for the taxes they have already paid. When the idea of water charges was first mooted, we were told it was all about conservation and, to cite the Taoiseach, fixing the inadequate and inferior water supply. Many accept that water meters have a function in conservation. People do not want to see waste, but there is a big difference between paying to wash one's car a couple of times a month and paying to wash one's children or flush the toilet. That is where the free allowance is vital. Irish Water is stating that if people are prudent and use less water, it will be forced to increase its prices because it wants to maintain its income at a certain level. It is clear that the sole purpose of this initiative is to create a tax that will provide more income for the Government which can be pumped into the black hole of the national debt and, effectively, turn citizens into consumers. The conservation issue has largely been lost. A figure of €537 million has been suggested for the Government subvention. This subvention is from the people's taxes. The Government did not pluck the figure out of thin air. Will the subvention be at or above this level in 2015 and 2016? If it is not, we will face a situation where decreasing subventions mean ever increasing bills. Will the funding for the standing charge be additional to the subvention of €537 million or will it be included in the total? If it is included, it will simply transfer into the cost per litre of water.

**The Tánaiste:** It is welcome that Deputy Catherine Murphy agrees that metering water is the way to proceed. It is a way of ensuring water is conserved and it provides a means by which people can reduce their water bills. Many of the issues the Deputy raised are being considered by the Government. In regard to families, I agree that there is a difference between using water to wash the car and using it to wash the children. This should be reflected in the regime which is put in place. We need certainty, in so far as we can have it, about the years ahead. I have heard suggestions the water charges will be a certain amount this year and that they will be double or triple that amount next year or the following year. Families should not be put in such a position.

**Deputy Joe Higgins:** That is the policy - full cost recovery.

**The Tánaiste:** No, that was Fianna Fáil's policy.

**Deputy Barry Cowen:** The Government has not guaranteed a subvention for more than two years.

**The Tánaiste:** Fianna Fáil in its programme for Government committed to full cost recovery.

**Deputy Billy Kelleher:** Your policy was no water charges.

**The Tánaiste:** That is not what we are pursuing.

**Deputy Billy Kelleher:** We need to pursue consistency around here.

**The Tánaiste:** The proposal for a standing charge is one we have to address. The discussions we are having - this is well known - pertain to the free allowance, the question of a standing charge, the arrangements for metering and the arrangements that would give rise to differences for people who use water to wash their cars, as distinct from those who require water for their children or to meet medical needs. I am confident that we will be able to arrive at a formula which is fair, reasonable, clear to the public and in respect of which the public can have certainty.

**Deputy Catherine Murphy:** The Tánaiste's thinking appears to have shifted fundamentally. Six months after the last local elections, he approached the matter from the citizen's perspective, but he is now approaching it from that of the utilities. In October 2009 he stated the following about water charges: "One concern with this proposal is that we could be informed in six or 12 months time that the cost of metering is very high, that there are practical difficulties associated with the allowance and that the Government would go ahead with the introduction of a flat water charge." It is now estimated that 75% will be subject to a flat charge. Where has the concern the Tánaiste so clearly expressed in 2009 gone? In 2010 the Taoiseach - I am quoting-----

**An Ceann Comhairle:** Please do not quote; this is Question Time.

**Deputy Catherine Murphy:** He stated: "The system of flat rate water charges is unfair, inequitable and not environmentally sound because one ends up with a situation whereby the poor pay the same as the rich. Fine Gael will oppose a flat rate water charge." I fail to see the reason for the delay in reaching a decision. The Taoiseach and the Tánaiste are not fighting each other, if that is the perspective from which they come.

**An Ceann Comhairle:** I ask the Deputy to put her question.

**Deputy Catherine Murphy:** My question stems from something the Tánaiste said in 2009 and I am quoting again-----

**An Ceann Comhairle:** The Deputy will not be quoting because she is over her time.

**Deputy Catherine Murphy:** He asked the then Taoiseach: "Will the Taoiseach give the House an assurance that there will not be a flat water charge and that this will not be progressed until the metering is done, the allowances are set and a waiver system is put in place?"

**An Ceann Comhairle:** Will the Deputy, please, put her question?

**Deputy Catherine Murphy:** Why did the Tánaiste seek that assurance when he now appears to be doing exactly what he feared? What has changed?

**Deputy Dara Calleary:** It is the kind of thing one does during an election.

**The Tánaiste:** I have not changed. I do not agree with having a flat charge.

**Deputy Finian McGrath:** The Tánaiste did a U-turn.

**Deputy Pat Rabbitte:** The Deputy is worried about consistency.

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**Deputy Billy Kelleher:** At one time the Tánaiste did not agree with water charges.

**The Tánaiste:** I did not agree with having flat charges then and I do not agree with having them now. I clearly stated we needed a system based on the availability of a free allowance. Such a free allowance needs to be constructed in a way that takes account of the circumstances of different families. Clearly, families have particular needs where there are children or medical issues and the allowance needs to reflect this. Charging should be on a metered basis in order that it encourages the conservation of water and enables families and households to reduce water bills by conserving water. Let us be clear: both then and now I did not and do not support having a flat charge.

### Order of Business

**The Tánaiste:** It is proposed to take No. *a9*, motion re by-election for Dublin West; No. *b9*, motion re by-election for Longford-Westmeath; and No. 4, Children First Bill 2014 - Second Stage (resumed).

It is proposed, notwithstanding anything in Standing Orders, that: the proceedings on Nos. *a9* and *b9* which shall be debated together shall, if not previously concluded, be brought to a conclusion after 25 minutes, whereupon separate questions thereon shall be put from the Chair, and the following arrangements shall apply: the speech of the Tánaiste, a Minister or a Minister of State and the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group who shall be called upon in that order shall not exceed five minutes in each case and such Members may share their time; and Private Members' business, which shall be No. 144, motion re housing (resumed), shall take place at the conclusion of Nos. *a9* and *b9*.

**An Ceann Comhairle:** There are two proposals to be put to the House. Is the proposal for dealing with No. *a9*, motion re by-election for Dublin West, and No. *b9*, motion re by-election for Longford-Westmeath, agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed.

**Deputy Michael Moynihan:** In view of the major concerns in every community affected by EirGrid's proposals, when will the EirGrid Bill be brought before the House?

**The Tánaiste:** The EirGrid Bill is due to be brought forward next year.

**Deputy Pearse Doherty:** Permanent TSB recently announced that it is to raise its standard variable rate for mortgage holders. As the Tánaiste is aware, this bank is 100% State owned. It is introducing an additional charge so that the variable rate will move up to 4.5% from 9 June. No. 89 on the Order Paper is the Interest Rate Approval Bill, a Bill I drafted on behalf of Sinn Féin. This would require any bailed-out bank to seek approval of the Financial Regulator before changing a variable interest rate. Given that this will place a major burden on Permanent TSB mortgage holders, will the Government revisit the issue and look at the commitment the Taoiseach previously gave to give these powers to the Central Bank? On average it will cost a family approximately €480 for a €300,000 mortgage, which is a major imposition given that 17,000 mortgage holders with this bank are in arrears of 90 days or more. The Government has clearly stated it will do nothing about carbon tax, but hopefully it will stand in when a State-

owned bank is again fleecing approximately 70,000 customers by hiking up its rate.

**An Ceann Comhairle:** Sorry, Deputy, this is-----

**Deputy Pearse Doherty:** Will the Government support the moving of the Interest Rate Approval Bill? Will the Government introduce a similar Bill or allow this Bill to pass?

**An Ceann Comhairle:** There is a procedure for dealing with Private Members' Bills. We cannot have this on the Order of Business. It is a Private Members' Bill; is that correct?

**Deputy Pearse Doherty:** The Taoiseach publicly gave a commitment regarding banks increasing variable interest rates. He said he would consider introducing legislation to prevent this happening.

**An Ceann Comhairle:** Is there promised legislation?

**The Tánaiste:** There is the Central Bank consolidation Bill. Deputy Doherty is talking about a Private Members' Bill and he knows very well the procedure for advancing-----

**Deputy Pearse Doherty:** I am asking if the Government will consider-----

**The Tánaiste:** -----a Private Members' Bill.

**An Ceann Comhairle:** We are dealing with promised legislation here.

**Deputy Dara Calleary:** I ask the Tánaiste to confirm the status of the workplace relations Bill. Will it include a commitment to mandatory collective bargaining within firms?

**The Tánaiste:** The workplace relations Bill is due this session. The Deputy asked a second-----

**Deputy Dara Calleary:** I asked about collective bargaining.

**The Tánaiste:** On the issue of collective bargaining, the Minister for Jobs, Enterprise and Innovation is due to circulate proposals on that legislation shortly.

**Deputy Dara Calleary:** Is there a commitment to mandatory collective bargaining within the Bill?

**An Ceann Comhairle:** No. We are not dealing with the content.

**Deputy Billy Kelleher:** I wish to ask about two Bills. When will the Health (General Practitioner Service) Bill to provide GP services to persons aged five years and under be debated in the House? We now find that 30,000 discretionary medical cards have been withdrawn in the past year or thereabouts.

**An Ceann Comhairle:** No-----

**Deputy Billy Kelleher:** How will the funding mechanism be put in place to ensure we do not have further attacks on very sick and vulnerable people?

**An Ceann Comhairle:** What Bill is the Deputy talking about?

**Deputy Billy Kelleher:** The Health (General Practitioner Service) Bill because-----

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**An Ceann Comhairle:** We can find out for the Deputy.

**Deputy Billy Kelleher:** I also have a second Bill.

**An Ceann Comhairle:** I will come back to the Deputy.

**The Tánaiste:** The health Bill to provide medical cards to children under six, which I understand Fianna Fáil opposes, has already been published.

**An Ceann Comhairle:** What is the Deputy's second Bill?

**Deputy Billy Kelleher:** While it is giving GP-visit cards to those aged under six-----

**An Ceann Comhairle:** The Deputy is not listening to me. What is his second piece of legislation?

**Deputy Billy Kelleher:** -----it is taking medical cards from the sickest people, which I will oppose.

**Deputy Barry Cowen:** Michael O'Leary's child will get one.

**An Ceann Comhairle:** Please-----

**Deputy Billy Kelleher:** In the context of the announcement by the Minister for Health about lifetime community rating, will that require primary legislation or will it be done through statutory instrument or regulation?

**An Ceann Comhairle:** Is there promised legislation here?

**Deputy Billy Kelleher:** A commitment has been made that lifetime community rating will be introduced immediately for private health insurance. When will that be-----

**The Tánaiste:** What Bill is the Deputy referring to?

**Deputy Billy Kelleher:** I do not know the Bill because he mentioned he would bring forward legislation to introduce lifetime community rating.

**The Tánaiste:** The Deputy should probably put the question to the Minister for Health directly. If he can tell me the Bill, I can tell him where it is in the-----

**An Ceann Comhairle:** This is about promised legislation.

**Deputy Billy Kelleher:** There has been a policy decision.

**The Tánaiste:** No. I will answer any question the Deputy has on a Bill that is on the legislative list.

**Deputy Billy Kelleher:** We are entitled to raise policy issues as well, are we not?

**The Tánaiste:** If it is a policy issue, the Deputy should address it to the Minister.

**An Ceann Comhairle:** There are other ways to raise it. I call Deputy Kitt.

**Deputy Barry Cowen:** The Tánaiste just does not know.

**Deputy Billy Kelleher:** A Cheann Comhairle, we are entitled to raise policy.

**An Ceann Comhairle:** No. The Deputy knows as well as I do. He is long enough here. He should not be playing games with me. I appreciate he wants to make a point. He has made his point and I now ask him to resume his seat. If he wants to table a parliamentary question, he may by all means do so.

**Deputy Barry Cowen:** The Tánaiste will be home in a few weeks and he will know all these things.

**Deputy Michael P. Kitt:** The programme for Government makes a commitment to give effect to a waste policy - it was actually mentioned by the Minister this morning - the environment miscellaneous provisions Bill. I understand that has implications for the merger of the Environmental Protection Agency and the Radiological Protection Institute of Ireland. I also wish to ask about the radiological protection miscellaneous provisions Bill. Given the problems with the illegal dumping of waste, when will we see that legislation?

**The Tánaiste:** I have good news for the Deputy on both Bills he mentioned. The environment miscellaneous provisions Bill is due this session. The radiological protection miscellaneous provisions Bill is also due this session.

**Deputy Seán Ó Fearghail:** The Government deservedly won many plaudits on the publication of the McAleese report on the plight of those people who had been incarcerated in the Magdalen laundries. What progress has been achieved in implementing the recommendations of that report? Specifically a restorative justice Bill was promised arising from that process. Where stands that restorative justice Bill? Where is the Government in terms of implementing the other recommendations of the report?

**The Tánaiste:** The restorative justice Bill is due this session. From responses to parliamentary questions, I know the Minister for Justice and Equality, the Minister of State, Deputy Kathleen Lynch, and the Minister for Children and Youth Affairs have responded to the progress on the implementation of various elements of the report.

**Deputy Stephen S. Donnelly:** A few weeks ago Deputy Finian McGrath introduced a very worthy Bill, the Down's Syndrome (Equality of Access) Bill, which the Government accepted on Second Stage. This morning some constituents asked me the current situation with that Bill. When will it come before the committee?

**An Ceann Comhairle:** This is a Private Members' Bill that was agreed on Second Stage.

**The Tánaiste:** Again that is a Private Members' Bill. I believe it passed Second Stage and it is now a matter for the relevant committee.

**An Ceann Comhairle:** I call Deputy Mathews.

**Deputy Stephen S. Donnelly:** Is there a planned timetable for it to go to the committee?

**An Ceann Comhairle:** That is not a matter for now. It is a matter for the committee; it goes to the committee.

**Deputy Peter Mathews:** I refer to Nos. 150a and 150b on the Order Paper. I appreciate the Tánaiste's remarks that the banking inquiry is a Dáil banking inquiry. It is not a Government

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proposal, but a Dáil, a parliamentary, exercise. With that in mind the committee that is being established to carry out the banking inquiry will have nine members.

**An Ceann Comhairle:** Sorry, we cannot discuss that now.

**Deputy Peter Mathews:** It is in light of the Tánaiste saying that it is a Dáil inquiry. The recent court case had a jury of up to 15 people.

**An Ceann Comhairle:** Hold on a second. We cannot debate this now.

**Deputy Peter Mathews:** I understand, a Cheann Comhairle.

**An Ceann Comhairle:** You have to understand. I understand you have a point but not on the Order of Business.

**Deputy Peter Mathews:** It is on the Order of Business.

**An Ceann Comhairle:** Put down a Topical Issue or a parliamentary question.

**Deputy Peter Mathews:** Sorry, a Cheann Comhairle, it is on 150*b*.

**An Ceann Comhairle:** We cannot debate the number of people on a committee on the Order of Business. It is as simple as that.

**Deputy Peter Mathews:** It is on the Order of Business, in print.

**An Ceann Comhairle:** It is not on the Order of Business that we debate the number of people who serve on a committee. I am sorry.

**Deputy Peter Mathews:** The second point relates to 150*a* which is terribly important for the scope of this inquiry. Under the terms of reference, all the directors of all the deposit taking institutions-----

**An Ceann Comhairle:** Deputy, please-----

**Deputy Peter Mathews:** -----in the period 2001 to 2008-----

**An Ceann Comhairle:** Deputy, I have to ask you to resume your seat. You know you are out of order.

**Deputy Peter Mathews:** -----should be available and compelled to be here, otherwise-----

**An Ceann Comhairle:** Thank you, Deputy. Please resume your seat. It is not in order on the Order of Business.

**Deputy Peter Mathews:** Sorry, a Cheann Comhairle. I was removed from committees as a punishment for-----

**An Ceann Comhairle:** Hold on a minute. Please resume your seat.

**Deputy Peter Mathews:** That exists to this day and that is wrong in a democracy.

**An Ceann Comhairle:** Would you switch off the microphones, please?

**Deputy Paul Kehoe:** Deputy Brian Walsh is back.

*(Interruptions).*

**An Ceann Comhairle:** Would you please resume your seat, Deputy Mathews? I will not ask you again.

**Deputy Peter Mathews:** I apologise.

**An Ceann Comhairle:** Every time you stand up, you are out of order. You will not adhere to the Chair. I call Deputy Pringle.

**Deputy Peter Mathews:** A Cheann Comhairle-----

**An Ceann Comhairle:** You know what can and cannot be raised on the Order of Business. Deputy, will you sit down?

**Deputy Peter Mathews:** This is why the country is in the state it is in.

**An Ceann Comhairle:** Raise this some other way.

**Deputy Peter Mathews:** This is why Ireland is in the state it is in and it is wrong.

**Deputy Thomas Pringle:** The Taoiseach gave a commitment that the inquiry by Justice Cooke into the Garda Síochána Ombudsman Commission bugging allegations would be delivered before Easter. Does the Tánaiste have any information as to when the report will be made available to the House?

**The Tánaiste:** As I understand it, that report has not yet been received. Clearly when it is, arrangements will be made to have it discussed in the House.

**Deputy Ray Butler:** When is publication of the family law Bill to make provision for pension adjustments in the context of separation agreements and certain other reforms in family law expected?

**The Tánaiste:** It is expected next year.

**Deputy Thomas P. Broughan:** I refer to the housing (miscellaneous provisions) Bill. We will discuss the Children First Bill 2014 today. Probably like the Ceann Comhairle and almost every Deputy, I have come across situations where children in families are being evicted because of the situation in the rental housing market and with rent supplement. The Tánaiste was a housing spokesperson for approximately ten years when we served together as spokespersons. Is it time to declare a housing emergency-----

**An Ceann Comhairle:** Not on the Order of Business.

**Deputy Thomas P. Broughan:** -----to cap rents and take some urgent action? I know we will debate a motion on homelessness later, and I did not get the chance to speak yesterday, but I think the Tánaiste knows this subject as well as, if not better, than any Member of this House.

**An Ceann Comhairle:** Thank you very much.

**Deputy Thomas P. Broughan:** In the time this Government has left, is it not time to declare a housing emergency and to stop putting children and their parents on the streets as a result of what is going on in the housing market at this time? For anybody representing a worker's movement party, it is outrageous.

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**An Ceann Comhairle:** Deputy Broughan, please.

**Deputy Thomas P. Broughan:** Thank you, a Cheann Comhairle.

**An Ceann Comhairle:** Do not thank me. You are totally out of order.

**Deputy Thomas P. Broughan:** I am not actually.

**An Ceann Comhairle:** You are totally out of order.

**The Tánaiste:** A Cheann Comhairle-----

**An Ceann Comhairle:** I do not know what legislation the Deputy is talking about. What legislation are you talking about, Deputy Broughan?

**Deputy Thomas P. Broughan:** The housing (miscellaneous provisions) Bill.

**The Tánaiste:** The housing (miscellaneous provisions) Bill will be taken in this session. We address the housing crisis not by making declarations but by taking action on it.

**Deputy Thomas P. Broughan:** The Government is not doing that.

**The Tánaiste:** The Deputy may be absolutely assured that this Government is taking action on the housing crisis.

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Sub-committee on Health has completed its consideration of the Health Identifiers Bill 2013 and has made amendments thereto.

### **Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Timmy Dooley - to ask the Minister for Education and Skills, Deputy Ruairí Quinn, to clarify the current status of the provision of additional accommodation in the ASD unit at St. Joseph's secondary school, Spanish Point, County Clare, roll number 62010C; (2) Deputy Joan Collins - the need to find new host agency for the 42 job initiative workers and two supervisors currently employed by the D12 congress Centre; (3) Deputy Dessie Ellis - the need to find new host agency for the 42 jobs initiative workers and two supervisors currently employed by the D12 Congress centre; (4) Deputy Eamonn Maloney - the proposed closure of the VTOS centre in Tallaght by the education and training board; (5) Deputy Brian Stanley - the lack of notification to householders prior to installation of water meters; (6) Deputy Stephen S. Donnelly - nightly water restrictions due to the seasonal growth of algae in the Vartry reservoir in Roundwood in north county Wicklow, affecting the areas of Greystones, Kilmolin, Kilgaron, Parknasilogue, Eagle Valley, Enniskerry, Knocksink, Ballyman road, Monastery area, the

R117 road and Millfield; (7) Deputy Clare Daly - the need for the State to cast the vote of its shareholding against the bonus of the chief executive at Aer Lingus; (8) Deputies Mick Wallace and Colm Keaveney - the recent circular in relation to the allocation of special needs assistants and the provision of teaching hours for children with special needs; (9) Deputy Brendan Smith - the urgent need to provide new facilities for the emergency department in Cavan General Hospital; and (10) Deputy Maureen O'Sullivan - concerns regarding recent death sentences imposed on 680 people in Egypt.

The matters raised by Deputies Eamonn Maloney; Mick Wallace and Colm Keaveney; Brian Stanley; and Maureen O'Sullivan have been selected for discussion.

I ask Deputies to be conscious that Deputies have put in requests, which have been granted, but they have come back at a late stage to say they are not in a position to take their Topical Issue. That is causing problems in Departments. If Deputies are not going to be here to take their Topical Issue, they should not put it in for the particular day.

### **Issue of Writ: Dublin West By-election**

**The Tánaiste:** I move:

That, pursuant to section 39 of the Electoral Act 1992 and owing to the vacancy in the office of the Clerk of the Dáil, the Ceann Comhairle direct the Clerk-Assistant of the Dáil to issue his Writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation of Deputy Patrick Nulty, a Member for the constituency of Dublin West.

There are two motions. I will propose one and the Minister of State, Deputy Kehoe, will propose the other. I move the motion in regard to the Dublin West by-election. I am very conscious of the circumstances in which these two by-elections have arisen. In the case of Longford-Westmeath, it was the sad death of our colleague, Deputy Nicky McFadden, who gave very fine service to the people of her constituency. I again express my sympathy to her family. I would also like to take the opportunity to extend my sympathy to former Deputy Patrick Nulty on the recent death of his father. It serves to remind all of us that politics is a very human business and we should never lose sight of the human dimension of the work we do, notwithstanding the fact that very often we have to engage in sometimes very rancorous debate.

This Government reformed the Electoral Act 2011 by providing that a by-election must take place within six months of a vacancy arising. In the circumstances, it is appropriate that these by-elections should take place on the same date as the European Parliament and the local elections on 23 May and that we provide the earliest possible opportunity for the people of both constituencies to have their full representation in the Dáil. I am also very conscious of the fact that the debate in the local elections will essentially be about the people who will represent communities on their local councils, doing the important work of making decisions in regard to planning, the delivery of local services and the development of local communities. That is a very important decision which people will have to make.

Similarly, the decision in regard to the European Parliament elections will be about the rep-

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representatives this country will have in the European Parliament for the next five years and the future direction of Europe. Indeed, on this occasion, because of the changes in the Lisbon treaty, the European Parliament will have a role in the election of the President of the European Commission, for which all of the major European political groupings have nominated candidates.

Inevitably in the course of the by-elections, debate will centre on the performance of Government and where the country is. As far as the Labour Party is concerned, we intend to approach these elections in a very vigorous way by pointing out that no matter which way one looks at it, this country is in a better place today than it was three years ago when we took on the responsibility of Government. Three years ago, this country was bankrupt, the banks were broke, nobody would lend money to the country, our reputation was in tatters, unemployment was heading towards 0.5 million, many people were worried about whether the State could continue to afford to pay pensions and deliver services and, in many cases, those who had savings were taking them across the Border to put them in banks in Northern Ireland because they were afraid of what would happen to them.

Three years later, we are out of the bailout and jobs are being created. There are 70,000 more people at work today than when this Government took office three years ago. There are 2,700 more classrooms today than there were three years ago when the Government took office. We are beginning to see the economy and our fortunes recover again. It is not all done because the scale, depth and nature of the crisis we inherited three years ago were so bad that it takes time to work our way through it, but at least today we are in a position where people can, for the first time since the start of the recession, see that there is an end, a prospect of improvement and a future in this country for their children. There is a future here too for the many who had to emigrate during the recession and will now see a prospect of returning again.

Essentially, the choice people have to face is whether they should hand the keys of the car back to the party that crashed it in the first place or whether they should hand the keys of the car to parties and political forces that do not know how to drive in the first place.

**Deputy Peter Mathews:** That is like Solomon's choice.

**Deputy Eamon Gilmore:** The Labour Party will make its case vigorously during the course of the two by-elections.

**An Ceann Comhairle:** I now call on the Government Chief Whip who should not move the motion for the second by-election because we must formally deal with the first one.

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I use the opportunity to speak about our late friend and colleague, Nicky McFadden. Nicky was a friend and valued colleague not only of mine but also of many Members of the House across the political divide. I know that many in my party, including the Taoiseach, were devastated by her death in March. To all of us in Fine Gael who knew her, she was a wonderful woman, devoted to her children and her wider family and dedicated to working on behalf of the people of Longford-Westmeath whom she represented as a councillor, Senator and Deputy. She was a committed member of the Fine Gael Party. She brought a joy to life that lit up all around her, even in the last difficult months of her illness. She was not a person to allow political differences to prevent her from making new friends. She saw the person first and his or her politics second, which is not always an easy thing for some of us to do. She was popular among the people of Longford and Westmeath who knew her. They held her in very high regard as a public representative.

She left her politics aside and fought vigorously for the interests of people in her constituency.

The Government has decided to move the writs to allow the people of Dublin West and Longford-Westmeath to be fully represented again in the Dáil. With local and European elections planned for 23 May, it would be unacceptable to delay the by-elections and deny the people of these constituencies the opportunity to vote and give them full Dáil representation. Governments in the recent past may have feared the people for whom they worked and attempted to avoid by-elections, but we do not. It is far better to hold by-elections as soon as possible. The campaign by my party and no doubt every other party in both constituencies will be headed by excellent candidates. I wish candidates the best of luck and look forward to successful campaigns and meeting the winners in both constituencies in the House soon after 23 May.

**Deputy Seán Ó Fearghail:** I recognise that the writs are being moved in very difficult circumstances and my party does not oppose their being moved. We are very conscious that it is only a number of weeks since the death of Deputy Nicky McFadden who, as the Tánaiste and Chief Whip have indicated, was a highly regarded Member of the House. Members on all sides extend their sympathy to her family who are feeling her loss at this time.

It is also appropriate that we would extend our sympathy to the family of former Deputy Patrick Nulty on the loss of his father and recognise that his family, too, has gone through a particular trauma in recent times.

The by-elections will be held on the same day as the local and European elections. The campaigns have already started and will intensify in the weeks ahead. The by-elections will give people a chance to focus on the policies that are necessary to reinvigorate and help to develop the two constituencies involved. Fianna Fáil hopes there will be a positive and constructive approach to the debate in the course of the election campaigns. We will come forward with concrete and constructive proposals on what we can do to tackle the big issues facing people in Longford-Westmeath and Dublin West. We are aware that people in constituencies such as these face similar problems. Our candidates - Aengus O'Rourke in Longford-Westmeath and David McGuinness in Dublin West - will put proper alternatives before the people that they can take seriously. On the issues of mortgage arrears, personal debt, access to services and crime we will set out what we believe are credible alternatives to the direction taken by the Government.

Fine Gael and the Labour Party enjoy the largest majority in the history of the State. I do not believe they need more backbenchers to add to their dominance, but that is up to the people of both constituencies to decide. They must decide whether they want the parties in government which have the greatest majority in the history of the State to have an even greater majority than is the case. Fianna Fáil has selected Aengus O'Rourke and David McGuinness as its candidates as we believe they will provide a strong, challenging and constructive voice in Dáil Éireann.

We will use the by-election and local election campaigns to highlight the broken promises of the Government parties which are now three years in office. While unemployment has been stabilising nationwide in recent months, there is still a significant problem as the national rate is at 11.8%. There is no room for complacency. The unemployment rate is higher in towns such as Mullingar, Athlone and Longford. One of the biggest challenges across both constituencies is presented by youth unemployment and, unfortunately, the continuing problem of long-term unemployment. It was recently revealed that 178,000 people were registered as being unemployed for more than one year. Promises have been broken by the Government and, unfortu-

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nately, even the promises have been dismissed as election gimmicks. The comments of the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, on “The Week in Politics” are indelibly marked on people’s minds that what one does during elections is make promises. Unfortunately, having made them, they were subsequently broken on university fees, child benefit and water charges.

At this difficult time for the country we need people in the Dáil who can make a real contribution to overcoming the crisis that continues to confront us. Aengus O’Rourke is a businessman who has hands-on experience of the challenges facing the SME sector. He works constantly as a community activist to address the needs of his community. He also understands the challenges young families face. David McGuinness, a teacher in Dublin West, has a young family. He is a sitting councillor and has distinguished himself in that respect. He performed creditably in the previous election in the constituency. Both candidates believe the property tax should not be doubled and that the income from it should be reinvested in the communities they represent, as the Government originally promised.

The Tánaiste referred to the State of the country when the Government took office. It proceeded to implement the four year plan that was in place when it took office. It is largely because of the implementation of the plan that we are seeing a recovery. However, we are seeing a two-tier recovery which derives from the fact that there is skewed implementation of the plan by the Government.

**Deputy Peadar Tóibín:** I too pay tribute to the late Nicky McFadden. She was a hugely popular Deputy, both in Leinster House and her constituency. She battled tirelessly for her local community. When she faced adversity, she inspired many, both in the House and her home. On behalf of my party, I offer sympathy to her family.

*1 o’clock*

The Tánaiste referenced the state of the economy but he got his figures wrong yet again. The number of jobs in the State increased by 70,000 over the past year but the net increase in jobs since the Government took office has been 30,000, given 250,000 people have emigrated. This demonstrates a minuscule response to a colossal problem. The Library and Research Service conducted an interesting investigation. It examined the plethora of activation schemes, many of which are hokey, that have been devised by the Government. According to the service, 3% of the working age population is on activation schemes, which is higher than the net increase in jobs. The real unemployment rate after three years of the Fine Gael and Labour Party Government is 22.7% when the number of emigrants, the number unemployed and the number of people on activation schemes without jobs are added together.

The long-term unemployment figures are stubbornly high while the number of young people in the State has shrunk because of the emigration rate. There has also been an onslaught of family taxes. I am canvassing door-to-door like many Members and I have met people who have to make a decision on whether to send one child to a doctor or one child to a dentist or whether they should go without a meal in order that their child can have a meal or whether they should go the local petrol station with a five gallon drum because they cannot fill the tank of the car. The people who face these purchasing choices have been landed with more than €500 in taxes annually. This includes the property tax, water charges and cuts in child benefit. The provision of a universal health insurance tax in the future will only add to that.

The ESRI analysed the Government's budgets. The institute said they were regressive and have affected low and middle income earners much more than higher earners. The three-year scorecard for the Government is simple to write. We are still in a state of jobs inertia and the burden of adjustment has been put on the shoulders of those who can least afford it.

The provision of services is a key component of government activity. The Government almost pays as much in interest on the national debt as it does on the education system. Budgets in a number of areas in the education system have been slashed. The Government then talks about a smart economy when it is not providing appropriate funding for education. A total of €4 billion and 12,500 staff have been taken out of health services, which resulted in 57 people lying on trolleys on one day in the hospital in Drogheda, ongoing increased pressure on Dublin hospitals and the closure of accident and emergency departments in Nenagh and Navan hospitals. This is the result of the actions and votes of a Fine Gael-Labour Party Government.

The alternative to this is an economy based on progressive policies such as those in Sweden and Denmark where taxes are paid but services are also provided. Such an economy is wealthy but it is also competitive. That is the type of economy we in Sinn Féin want to see. That is why we ask people when considering the candidates in the by-elections to vote for Paul Donnelly in Dublin West, a neighbouring constituency of mine. He has been to the fore in the hospital campaign in the constituency. He has also been to the fore on the Blanchardstown local drugs task force and Blakestown-Mountview Neighbourhood Youth Project and he has been to the fore in fighting austerity.

Paul Hogan will stand for our party in Longford-Westmeath, another constituency abutting mine. I have known him for years. He is one of the most experienced candidates in that by-election. He has been mayor and deputy mayor of Athlone a number of times and he has worked with determination to give a progressive voice to an area that was traditionally a Fine Gael and Fianna Fáil stronghold. People have a clear option. They can vote for the people who brought them to the disaster or those who have kept them in the disaster or they can vote for an alternative that has a basis in Nordic countries, which works significantly well. They will help our team to progress the economic policies that we have been developing over the past number of years, which have gained enormous traction with the electorate, as we can see in the opinion polls.

**Deputy Joe Higgins:** I support the moving of the writ for the Dublin West by-election and while regretting the unacceptable events that led to it, with a sense of humanity and compassion we should extend deep sympathy to the Nulty family who have suffered enormous loss due to the recent sudden and shocking death of Mr. Paddy Nulty.

The people of Dublin West are in a position to deal a massive blow to the destructive austerity agenda of Fine Gael and the Labour Party. We will hear much Government spin about recovery. There is a recovery only for the very rich and big corporate profits. For ordinary people, there is a cost of living crisis with unsustainable mortgages, mortgage arrears and exorbitant rack rents, which increase inexorably and are plunging unprecedented numbers of families into homelessness. Working people, pensioners and the unemployed are on a treadmill while austerity taxes devastate their incomes and their wages are under attack. The water tax on top of the property tax and the rest is a tipping point. People can take no more.

The people of Dublin West can strike a powerful blow to all this, especially to the water tax, by savaging Fine Gael and annihilating the Labour Party vote because that party has particu-

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larly disappointed with its betrayals. Councillor Ruth Coppinger is the candidate for the Stop the Water Tax - Socialist Party with the enthusiastic endorsement of the Anti-Austerity Alliance, a new force of men and women running 40 candidates in the local elections. The people of Dublin West and Ireland should make all the elections on 23 May a crushing referendum against the water tax and against the cost of living squeeze by voting for outstanding fighters, including Councillor Ruth Coppinger in Dublin West, Paul Murphy MEP in the Dublin European Parliament election, the Anti-Austerity Alliance candidates around the country and other genuine organisations and individuals.

Councillor Coppinger has been fighting for the interests of the people of Dublin West for the past 20 years while Fianna Fáil and other candidates now posturing as an members of the Opposition were stoking the property bubble and the philosophy that led to the speculation and profiteering that resulted in a huge cost to society and enormous suffering for so many families. We will go forward from these elections to build a powerful campaign of people power against the water tax and other austerity taxes and in favour of a democratic and socialist alternative for our people.

**Deputy Stephen S. Donnelly:** I add to my voice to those who praised the late Deputy, Nicky McFadden. It was my great honour to get to know her, however briefly. She was an extraordinary person and I would like to extend my sympathy to her family and to the family of Patrick Nulty on the passing of his father.

It is regrettable that the Government has taken until the last possible day to announce these by-elections. It is no coincidence that it has left as little time as possible for opposition candidates to mount election campaigns. The Government is beginning this campaign with cynical, old school, negative politics reminiscent of governments past. Despite this, I am delighted that Mr. David Hall will run as an independent candidate in the upcoming by-election. He has a proven track record in fighting for the people. He co-founded the Irish Mortgage Holders Organisation and he helps families every day to find solutions to unsustainable debt. He and his colleagues have more than 1,000 cases ready to go to the Insolvency Service of Ireland.

We hear much of the need for entrepreneurs. David is one such entrepreneur. The company he founded employs 72 people full time. He knows what is required to create jobs and he was involved in setting up the first ever children's ambulance service in Europe. When the previous Government created an IOU for Anglo Irish Bank amounting to €31 billion, David Hall took a case to the High Court to try to stop those payments. He is involved with several worthy charities and he set up the Make-A-Wish Foundation many years ago. David grew up in Blanchardstown and lives in Castleknock with his wife and two children. As an independent Deputy, David Hall would have the freedom to continue to fight for the people of Ireland and Dublin West. He has fought very well from outside the system and has effected much important change. I, he and many others believe he could achieve much more good and benefit for the Irish people and the people of Dublin West as a Deputy. David Hall would be a superb representative for the people of Dublin West. He would make a superb Deputy. I hope the people of Dublin West recognise everything he has done and what he is capable of doing for them and give him their vote on 23 May.

Question put and agreed to.

**Issue of Writ: Longford-Westmeath By-election**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, pursuant to section 39 of the Electoral Act 1992 and owing to the vacancy in the office of the Clerk of the Dáil, the Ceann Comhairle direct the Clerk-Assistant of the Dáil to issue his Writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the death of Deputy Nicky McFadden, a Member for the constituency of Longford-Westmeath.

Question put and agreed to.

**Housing Provision: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Catherine Murphy on Wednesday, 30 April 2014:

That Dáil Éireann:

acknowledges:

— there exists a current housing and homelessness emergency in the country that must be addressed as a matter of urgency;

— current housing resources and supports are at breaking point;

— the current situation is forcing many people on rent assistance, which is set below the market rent level, to engage in illegal top-up practices in order to sustain their housing situation;

— that there is a shortage of private rented accommodation across the country and where accommodation does exist it is increasingly unaffordable; and

— the lack of alternative housing options available; and

calls on the Government to:

— accept and recognise the current housing issue as a crisis;

— develop a national housing strategy to address the identified need for in excess of 80,000 new housing units within the next five years, as detailed in the recent Housing Agency Report entitled, *Housing Supply Requirements in Ireland's Urban Settlements 2014 - 2018*;

— recommence construction, via local authorities and housing associations, to reduce the amount of time that people are forced to spend on social housing waiting lists by providing a minimum of 10,000 units per annum;

— address the large number of voids that have been sitting unoccupied, sometimes for years, and to provide for those voids to be renovated and occupied;

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- take urgent action regarding spiralling rents and the unaffordability of private rented accommodation;
- introduce a new, broad, rental option to make renting a more attractive option;
- alter the remit of the Private Residential Tenancies Board to protect tenants from eviction during an appeals process;
- immediately move to disallow the practice of landlords refusing tenancy to rent allowance recipients;
- address the impediments experienced by housing associations in leveraging European funding;
- introduce a change to legislation to make it easier for mortgagees to access mortgage to rent under the personal insolvency arrangement;
- introduce measures that will ensure that those identified as at risk of homelessness are sufficiently provided for in order to prevent homelessness occurring;
- provide the necessary resources to local authorities to ensure that no family or individual who presents as homeless will be denied appropriate emergency accommodation within that council area;
- ensure that any emergency accommodation offered in a situation involving children will be within a reasonable distance from the children’s school; and
- accept that permanent, secure and affordable housing is a right for all citizens.

Debate resumed on amendment No. *a1*:

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

“acknowledges that the economic downturn and contraction in construction activity since 2008 has created significant difficulties for many communities and individuals across Ireland;

recognises the high priority which the Government has assigned to housing and homelessness issues, particularly in the housing policy statement published in 2011 and the homelessness policy statement published in 2013;

recalls that the Government, in its housing policy statement, recognised that a radically different approach to the provision of social housing was necessary as the prevailing financial parameters would not facilitate a return to large-scale capital funded local authority housing construction programmes in the short to medium term;

recognises that, with the more limited resources available, the main focus in terms of housing supports provided by Government must be on meeting the most acute needs of those unable to provide for their accommodation from their own resources;

in terms of overall funding and delivery of housing supports, welcomes:

- the fact that some €575 million is being provided by the Government in respect of the housing programme in 2014, effectively maintaining funding for housing at 2013 levels;

— the announcement by the Minister of State with special responsibility for housing and planning of the intention to return to mainstream local authority housing construction in 2014 and, in particular, the announcement of a €100 million construction programme over 2014-2015 that will enable local authorities to construct approximately 600 new social homes;

— the provision of a €15 million funding stream to bring vacant and boarded up local authority units back into use, which will provide some 950 homes for families on housing lists;

— the Government's intention to publish shortly the Housing (Miscellaneous Provisions) Bill 2014, which, when enacted, will provide a legislative basis for the new housing assistance payment, which will be of significant benefit to long-term recipients of rent supplement; and

— the fact that through the social housing leasing initiative, the rental accommodation scheme, acquisitions and construction programmes, mortgage to rent arrangements and the continued transfer of National Asset Management Agency units, Government supports will result in the delivery of some 5,000 social housing units in 2014;

in terms of addressing homelessness:

— welcomes the Government's commitment to end long-term homelessness by 2016;

— supports the adoption of a housing-led approach to tackling homelessness, which involves access to permanent housing combined with appropriate ongoing support, as a core aspect of the Government's homelessness policy statement;

— welcomes the ring-fencing of Government funding for homeless services in budgets 2013 and 2014, in support of the discharge by local authorities of their statutory role in the provision of accommodation for homeless persons; and

— notes the intention to bring forward to Government, in the coming weeks, a structured, practical implementation plan for the homelessness oversight group's first report;

in terms of the private rented sector:

— recognises that the sector is an increasingly important element of the housing market, with approximately one in five households now renting their home in the private sector;

— recognises that resolution of the housing supply situation is a key element in restoring stability to the rental market;

— acknowledges that the growing evidence of increasing rents, particularly in Dublin, is a cause for concern but notes that, on average, rents in Dublin are still 15.5 % lower than they were at their peak in the fourth quarter of 2007;

— welcomes the Minister of State with special responsibility for housing and planning's request to the Private Residential Tenancies Board, PRTB, to carry out research that will explore options to address the difficulties being experienced in segments of the private rented sector and report back with policy recommendations in that regard before the end of June;

— notes that the Government will be introducing legislative provisions for a deposit

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protection scheme on Seanad Committee Stage of the Residential Tenancies (Amendment) (No. 2) Bill 2012 which will eliminate the practice of landlords illegally withholding deposits and contribute to the ongoing regulation and development of the rental market; and

— notes that deposit protection and rent arrears cases taken together represent almost 70 % of all disputes referred to the PRTB and that the Residential Tenancies (Amendment) (No. 2) Bill 2012 will provide an effective and efficient solution to these two significant issues;

in relation to the approved housing body, AHB, sector:

— welcomes the publication in July 2013 of Building for the Future, a voluntary regulation code for the AHB sector, which sets out key governance, management and financial principles that AHBs commit to meeting on signing a charter of commitments;

— notes that the Government is currently in consultation with the AHB sector regarding the development of a regulatory framework to support the expanded role for the sector as envisaged in the Government's housing policy statement; and

— welcomes the proposal in the Residential Tenancies (Amendment) (No. 2) Bill 2012 to extend the remit of the Residential Tenancies Act 2004 to AHB dwellings, thereby extending the same rights and obligations that are afforded to landlords and tenants in the private rented sector to those in the AHB sector;

acknowledges that, while the Department of Social Protection is aware of reports of the problem of illegal top-ups to rent supplement, no evidence showing widespread incidence has been presented;

agrees that the most appropriate way of addressing the rights issue in relation to housing is to:

— continue the various programmes and fiscal incentives currently in place;

— secure the necessary level of funding to support them;

— review their operation on an ongoing basis to ensure that they are meeting their objectives; and

— put in place new programmes or measures as required;

supports the Government's commitment to continue to develop innovative and sustainable approaches to the provision of social housing in the future including through the development of a social housing strategy during 2014; and

welcomes Government steps to address the challenges in the property and construction sectors, including:

— developing an overall strategic approach to housing supply;

— identifying and implementing relevant improvements in the planning process, including Part V;

— seeking to improve financing options for development and mortgage provision; and

— the development of a national construction sector strategy to be finalised shortly.”

- (Minister of State at the Department of the Environment, Community and Local Government, Deputy Jan O’Sullivan).

**Deputy Sandra McLellan:** We all agree the country is facing a housing and homelessness crisis. The number of people sleeping on the streets is growing, the housing lists in all the local authorities are lengthening and the bills for emergency accommodation are spiralling. Our solution is that local authorities need to be adequately funded to become, once again, the primary supplier of social housing. This housing must meet the needs of those languishing on the lists. In my town of Youghal, more than 160 families are on the housing list. In Cobh there are more than 500, and people can wait up to six years in Midleton for a housing offer. I have had cases in which people have waited for up to ten years before any offer of housing was made. Three generations of one family live in overcrowded conditions and this in itself brings added problems of stress and strain to a difficult situation.

The Government’s recent announcement of €15 million for housing is little more than a drop in the ocean. It was more an insult than a solution. I take this opportunity to raise the particular issue of family break-up. When one partner must leave the family home in line with a court order he or she is homeless. Unfortunately, local authorities refuse to allow these people onto their housing lists. After a break-up, a partner has nowhere to live but still will not be accepted onto a housing list as there is a financial stake in the family home. Is it possible to reach an arrangement whereby once the family home is sold a financial contribution can be made to the local authority, similar to the financial contribution scheme for senior citizen accommodation? Will the Minister of State address this issue directly?

Sinn Féin proposes to tackle the housing crisis head-on. We have identified €1 billion of unused money in Ireland’s strategic investment fund. Current cost projections from the Department of the Environment, Community and Local Government state that the average cost of building a new social housing unit is €151,477 and the cost of renovating an unused social housing unit is approximately €15,756. Using the money we have identified, the Government could provide an additional 7,450 homes on top of current targets. If initiated now we could be on track to deliver a minimum of 12,450 new social housing units before next summer. Using €985 million from the strategic investment fund, 6,500 homes could be built, each costing approximately €151,477.

Sinn Féin is dedicated to offering realistic and achievable solutions to the housing crisis. We are not interested in plucking numbers out of our imagination or accepting the *status quo* whereby more than 100,000 people are not adequately housed and more and more are homeless or at risk of homelessness.

**Deputy Dessie Ellis:** Táim an-bhuíoch deis a bheith agam labhairt ar an mholadh seo agus tacaíocht a thabhairt dó. I thank the Technical Group for raising the issue of housing through its Private Members’ time this week. It is an issue close to my heart and that of Sinn Féin. I have raised the issue of housing in the Dáil almost every week since my election. Sinn Féin believes in the right to housing. It underpins our approach on the issue. People have a right to a secure and comfortable home. It is a right recognised by a UN convention and was recently recognised by the Constitutional Convention, which recommended its inclusion in Bunreacht na hÉireann. A date needs to be set for this referendum.

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We have on our hands a housing crisis. Today the media recognises that this crisis exists. They fill column inches with human interest stories but are unwilling to cover any real proposed solutions. Sinn Féin has proposed solutions and initiatives all the while and we will continue to do so. We want to see people housed. I take no pleasure in the suffering and hardship people tell me about when they call into my office or drop in to meet me. I want to see the Government or any Government deal with the issue and I would welcome any initiative which seeks to deal with this problem.

I welcome recent moves by the Minister of State to renovate vacant houses and build new social housing units, but we need more and we need it sooner rather than later. Rents are out of control, particularly in Dublin, putting more and more people at risk of homelessness. Sinn Féin supports fair rent controls. We have included this in an amendment to the motion tabled by the Technical Group. I appreciate the Minister of State has commissioned a report into rent control options, but the people struggling to scrape together the money to keep their homes cannot wait. We have been waiting a very long time for a deposit retention scheme, despite positive soundings from the Minister of State. These must be dealt with as a matter of urgency, with rent control top of the agenda. Protection of tenants against eviction must also be strengthened in line with international law. We have seen no progress on this. Rent control, deposit schemes and eviction protections would make things better, but we still have a major problem because we simply do not have enough social housing. This is why rents are so high, why homelessness has increased and why emergency accommodation is bursting at the seams. It is why mothers sleep in their cars with their children and thousands of euro are spent putting families in hotels every week. At present in Dublin 174 families are in hotels, which costs more than €14,000 a day.

**Deputy Sandra McLellan:** Shocking.

**Deputy Dessie Ellis:** Now there is no hotel accommodation and people are being turned away from homelessness services. Given all of this, how will it be possible to end long-term homelessness by 2016? Voluntary housing bodies can play a role in the solution, but they do not have the capacity to be the solution by themselves. The State has a responsibility to provide housing through local authorities, and it is by prioritising public provision that we will begin to turn the tide on this crisis.

Sinn Féin has submitted an amendment to the motion and I ask that it be supported by those who want to deal with the problems in housing system. It gives flesh to the points of the original motion, adds clarity on what is needed and provides a way for real investment in social housing to happen. Will the Minister of State listen to these proposals and meet Sinn Féin to discuss them further? The National Pensions Reserve Fund has been renamed the strategic investment fund and its website claims it has a focus on productive investment in the Irish economy to support economic activity and employment. Sinn Féin has identified €1 billion in this investment fund which could be used for social housing investment. Based on statistics from the Department of the Environment, Community and Local Government, it would be possible to build approximately 6,502 homes using €985 million of this fund and to renovate the remaining 948 long-term vacant homes with a further €15 million investment. This would total approximately 7,500 newly available homes under local authority control, which could be commenced in the next 12 months. This would be in addition to the existing plans to deliver approximately 5,000 homes by 2015. Were rent supplement recipients, of whom there are 78,000, prioritised for housing, approximately €32 million could be saved on that bill and local authority revenue also would increase. In addition, it would create thousands of jobs for people who

formerly had been employed in the construction industry. The provision of 7,500 new rental homes would curtail significantly the demand on the private market. This would drive down rents, which have soared in recent years, thereby putting many into emergency accommodation or into being at risk of homelessness. Such a decrease in rents would reduce further the cost of rent assistance payments. This would be a bold move but it would have an immediate positive effect on the lives of many thousands of people. It would give hope to the many desperate people who fear for the roof over their family's heads due to the effects of six years of austerity levelled at the most vulnerable. Were the Government to seek to dismiss my figures, it would merely be dismissing the figures of its own Departments. It is the stuff of fairy tales to think this problem will go away. These are realistic proposals and I ask the Minister of State to consider them as seriously as this situation demands.

The housing budget has been cut year on year and last year it was cut by €60 million. A total of €1 billion has been cut from the housing budget between 2008 and the present. I accept this did not all take place on the Minister of State's watch but also happened during the tenure of the previous Government. More than 90,000 people are on the housing waiting list and more than 5,000 people are in accommodation for the homeless. In addition, approximately 30 additional families or individuals regularly report as being homeless. People are being evicted from their homes. Banks and lending institutions are becoming more aggressive, and with the mortgage crisis, there is more to follow. If this is not a crisis, what is? Action is needed.

**An Ceann Comhairle:** I call Deputy Eric Byrne, who is sharing time with Deputies Dara Murphy and Lyons. The Deputies have ten minutes each.

**Deputy Eric Byrne:** I thank the Ceann Comhairle. No Member can come into this Chamber and not recognise there is a terrible human tragedy in society, whereby people find it difficult to put a roof over their heads. It is almost sickening to remember the cause of this problem, that is, the obscene relationship between Fianna Fáil and the construction industry. This obscene relationship gave *carte blanche* to those developers to build wherever and whenever they wished, notwithstanding the inevitability of the bubble that was to burst. It placed this country in the hands of the troika and left Members' constituents to suffer in respect of one of the basics of human life, which is to have a secure roof over one's head.

That said, I applaud the excellent commitment shown regarding some projects within my constituency. For example, I refer to the regeneration of St. Teresa's Gardens and with regard to Dolphin House, which now is the largest social housing scheme in the country, a position formerly occupied by Ballymun. The elaborate and exciting plans to redevelop Dolphin House currently are on track and are being participated in by the residents there. In addition, the St. Michael's Estate scheme, which was the bane of everyone's life, has been completely flattened and new, magnificent alternative units have been provided. These are all positive developments. I compliment the Minister of State on one particular aspect. She will understand, as will the Ceann Comhairle and most Members, that there is nothing as sad or as tragic as the sight of constituents approaching one's advice centre and bringing with them a list of all the vacant houses they see, seek and need, only to see the steel shutters remaining on them for another three, six or nine months or even a year. It is horrendously difficult for those poor unfortunates who seek accommodation to see those units vacant. However, I applaud the allocation of €15 million that will bring back into circulation 950 of these boarded-up units, which have been an obscenity on the face of Dublin city in particular. This is the most welcome decision of the Government in the recent past.

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I wish to raise an issue to which previous speakers also have referred. Incidentally, the Ceann Comhairle might tell me when my five minutes has expired, because I do not wish to eat into my colleagues' time.

**An Ceann Comhairle:** The Deputy has ten minutes, of which seven minutes remain.

**Deputy Eric Byrne:** I had thought I had five minutes.

**An Ceann Comhairle:** This is a 30 minute slot.

**Deputy Eric Byrne:** Very well. I can elaborate better. This problem in respect of the rent subsidy to people in the private rented sector exists and must be addressed. In my 40 years in politics, I have never seen the logic of hard-earned taxpayers' money being diverted to the extent it is into the pockets of the private rented sector and the landlords therein. One can be honest and acknowledge they are providing a roof over people's heads, but I refer to the recent demands by these unfortunates who are trapped in such private rented units. They think and have the expectation that when the landlord increases his or her rent according to the market forces that are at play, somehow or other we, that is, the taxpayers, must meet every €100 increase out of the taxpayers' pocket. A multi-agency approach of some kind is required in respect of how to handle landlords' expectations to be free to demand what they wish, as well as the expectation of those living in the private rented sector, some of whom may have been so doing for quite a number of years, to be rent-subsidised. A balance must be reached in this incredible dichotomy between the rights of private landlords to whatever the market can bear and those who are renting and in receipt of a rent supplement. I do not appreciate fully the demand by certain tenants in the private rented sector to the effect that it is the Government's obligation to give increases to the landlords, pound for pound, €100 per €100, simply because the markets state they can get more for their properties in a given year. This is something about which the Government must be extremely careful as there are rights on both sides. These include the rights of those who are paying very heavy taxes and one must ask whether they are getting value for money if it is being diverted into the rental housing subsidy field.

Earlier, I mentioned and welcomed some of the schemes that are being redeveloped. However, one must also consider the changes that have occurred in society when it comes to housing and homelessness. As the Minister of State noted, there are victims who have rented privately, who can no longer afford to do so and who are very vulnerable. Tragically however, there are a large number of people who are victims of the culture of drugs and alcohol and who create mayhem in their own lives and, if they are married or have children, in the lives of their partners and children. Anyone who runs advice centres or who works at the coalface in society is aware that an ever-increasing number of such unfortunate victims of drugs and alcohol are ending up in chaotic lifestyles and ultimately are ending up on the streets. Consequently, when I refer to a multi-agency approach, while housing can do so much and the Department of Social Protection can do so much by providing rent subvention, there also may be a role for the Department of Health in how it is handling this mushrooming of drug addiction, in respect of both alcohol and other drug abuse, that is resulting in the homelessness of such persons.

At present, society is very tough. Thankfully, the moneys available to the Government are slowly filtering through and will create 5,000 new social housing units. I applaud the decision to bring back into proper use, for once and for all, the aforementioned 950 boarded-up houses, thereby benefiting the lives of those to whom they ultimately will be allocated. I hope to see the Minister of State at some of the opening ceremonies of the various schemes she is fund-

ing. I hope to see her one day at Dolphin House, when we can guarantee the regeneration programme's continuity of funding. I believe the Minister of State would be given a warm reception. In addition, an official opening ceremony should be conducted in respect of St. Michael's Estate, as well as other projects that are being opened.

I will conclude, as I do not wish to run over time. I wish to give over my remaining time to my colleague, Deputy Dara Murphy, who has been waiting patiently with copious notes.

**Deputy Dara Murphy:** I welcome the opportunity to speak on the Government amendment to the motion. The Minister of State is a very caring Minister. She has inherited her Department at a time of difficult economic circumstances. It must be frustrating for her to have to deal with the problems while she must work under economic restrictions. Her departmental brief requires significant resources. I compliment her for being able to maintain funding more or less at €600 million from 2013 levels. It is hoped that some significant building schemes will be progressed throughout the country.

Like the current debate about water charges we cannot forget that for far too long social housing did not get adequate investment and it will be necessary to play significant catch-up in building terms for a number of years. We should give significant time and thought to a housing policy. It is noteworthy that one in five households are in the private rented sector. We should encourage and continue to embrace ownership of our own homes which is part of the Irish psyche. This has not been possible for some people but for most it has always been an ambition. However, in other European countries this is not the case. In northern and central European countries people live in rented accommodation all their lives.

We did not want to have it but Ireland now has NAMA which is one of the largest property-owning entities in the world. Some very large companies in Europe manage rented accommodation. It was always intended that NAMA would cease to exist as soon as possible but some element of a State-owned property company may continue. NAMA officials point out that much of its property is not suitable for social housing or any form of State-subsidised rental accommodation. I ask if it is possible for a legacy company to remain in State ownership which would take over some of those NAMA assets.

All Members of the Oireachtas have constituents who present with housing problems. I represent a large urban working-class area on the north side of Cork city. A very high number of representations to Oireachtas Members and to my office in particular relate to housing issues. In my view the humanity with which public representatives are able to deal with people has been restricted. I accept the bona fides and the independence of the local authority housing list system and that its processes and procedures must be robust. However, I refer to the extremely hard cases and the limited degree to which we can influence the local authority housing list system. When the Minister of State meets local authority directors of housing services I ask her to promote the notion that politicians from all parties should on occasion be permitted to interact more robustly with local authority housing directorates in order to advocate for people whom they believe are in particular distress. I do not know if the situation is similar in other parts of the country but the one sector where the response is poorest - I will be careful with my choice of words - is with respect to all matters to do with housing.

This is an opportune time to re-examine aggressively the area of tenant purchase. We need to continue to encourage, incentivise and facilitate as many people as possible. Unemployment levels are falling quite rapidly and more people are going back to work. There is a need

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to supply more social housing either by the building of new units or else by releasing existing units by means of tenant purchase. I agree with Deputy Eric Byrne that we all meet people in our offices who can point out houses which have been boarded up for a lengthy period which is very frustrating for those who are waiting on a housing list. On about three occasions people have come to us to say that they would be willing to fund the cost of renovation of a property. However, the local authority response has been that such an initiative would give a person on the list an unfair advantage because he or she may have the means to renovate a house to the disadvantage or someone else on the list. I accept that argument on one level but when it is the case that the local authority does not have the funding for the renovation work and a third party has the money, it seems to me to be a bit of a nonsense. In some cases these properties have remained boarded up for two years and unavailable to a new tenant. The other barrier is to do with insurance and the quality of the proposed work. When local authorities provide grants the work has to be inspected before any money is paid out. I do not understand why this system cannot be in place to supervise any renovation by a third party.

I am a member of the Joint Committee on Finance and the Public Service, as is Deputy Donnelly. The committee held a meeting attended by the Governor of the Central Bank, Professor Honohan. The issue of very lengthy mortgages was discussed. With some justification the regulators are completely opposed to very lengthy mortgages.

I am not fully convinced by that argument in respect of the provision of social housing. In central Europe, some families have inter-generational mortgages. Deputies often deal with cases involving people who have grown up in social housing which, although it happens to be owned by the State, is nevertheless the family home, and who subsequently face extreme difficulty, hardship and distress when the person in whose name the house is registered, as it were, passes away. All of us accept that providing for 50 year mortgages could result in an increase in house prices. The issue is different, however, when those involved are families who wish to purchase and own social housing. Such an approach would unburden local authorities and allow them to accommodate new applicants.

To be fair to the Minister of State, she is more than aware of the issues I raise. A focus on being creative to allow more churn in social housing stock would help achieve the objective all of us seek, namely, to reduce the housing waiting list by the greatest possible number. The housing list is a major problem for everyone.

**Deputy John Lyons:** I am pleased to have an opportunity to speak on this issue as it is one with which Deputies on all sides and some more than others have experience. Deputy Ellis, the Minister of State and I all represent areas of regeneration and are familiar with the problems that arise when social housing policies go wrong. As with other Deputies, we also face the many other housing anomalies and problems that our constituents experience every day.

While listening to previous speakers, I jotted down the phrase, “One can only play the cards one is dealt”. While people can bang drums and point fingers, the Minister of State is doing everything possible with the resources available to her. Some may say that is plámas on my part but it is the reality. I do not believe in giving out because it does not solve any problems. To achieve results, one must sit around a table and focus on solutions. In fairness to some of the previous speakers, notably my constituency colleague, Deputy Ellis, they engaged in the type of conversation the House needs to have on Private Members’ business. Rather than complain, Deputies should propose solutions and hope some of their suggestions are adopted. Some of Deputy Ellis’s interesting proposals could work and I hope they will be included in housing

policies at some point.

The Minister of State has managed to ensure the majority of her budget is allocated directly to housing related issues, for example, housing adaptation grants, of which there are not enough, direct building projects and some of the other areas to which previous speakers referred. She has essentially been asked to solve the many woes caused by the policies of previous Governments. No one should expect her to achieve this in one day. Irrespective of whether we like it, the issue is one of supply and how we address it. Even if the International Monetary Fund were to decide tomorrow to write off all of our debts and allowed us to spend what we liked, the number of people who are homeless or on transfer lists, medical priority lists or other housing lists would not decline the following day. That is the unfortunate and sad reality. It is also an indictment of the previous approach of allowing the problem to develop over a protracted period. I remember----

**Deputy Seamus Healy:** The Government has been in power for three years.

**Deputy John Lyons:** I ask Deputy Healy not to interrupt me and I will not interrupt any of the Deputies opposite when they contribute.

**Acting Chairman (Deputy Bernard J. Durkan):** We will have one speaker at a time.

**Deputy John Lyons:** The Deputy has caused me to lose my train of thought, which is unfortunate given that we are trying to work together on this issue.

**Deputy Seamus Healy:** What about the last three years?

**Deputy John Lyons:** If the Deputy would not mind, I would appreciate if he would shut up. I ask the Acting Chairman to excuse my tone.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputies are advised that they must not harangue the speaker.

**Deputy John Lyons:** I could stand up and make faces when Deputy Healy speaks but some of the Deputies present would not be happy. I thought the Deputy was a nice man but he has set me right.

To return to the serious issue under discussion, a mainstream housing programme is being introduced. While it is not sufficient, it is as much as can be delivered at this time. To echo the comments of Deputies Eric Byrne and Dara Murphy, I am delighted that €15 million in hard-fought funding has been allocated towards addressing the issue of voids, which are the bane of my life. People visit my clinic and Deputy Ellis's clinic asking why they cannot move into a boarded up house in Ballymun or Barnamore in Finglas. They do not understand the reason they cannot be allocated these houses. I am delighted, therefore, that half of the voids in the housing stock are to be brought back into use as it will mean the boards will come down and the houses will be put to use for good families.

The reason half of the voids will remain boarded up is that they do not meet planning guidelines as they are too small to accommodate people. I have no doubt that when more money becomes available, a creative approach will be taken on this issue. I am pleased that some of the €15 million in funding will be used to address 135 voids in the Dublin area. As a result, many of the boarded up homes one regularly sees in Dublin North West, including in Finglas and Ballymun, will soon accommodate families.

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While I accept it is not the Minister of State's fault, I wonder why houses become void so quickly. It costs a great deal of money to return these homes to the social housing stock. The local authorities must explain the position. The two housing managers in my locality do the best they can with the resources available to them. However, decisions are taken centrally in Dublin City Council, which uses a tendering process to address the issue of voids. The city-wide tendering scheme does not work as well as the previous scheme under which local managers had a greater say on how money was spent on dealing with voids. Under the previous scheme, some local authority housing managers were more creative than others and put money to good use to return voids to the housing stock and provide homes for people in the locality. The new tendering process being used by Dublin City Council does not do justice to the people who attend our clinics every week. While I accept this problem is one for local authorities rather than the Minister of State, it is one that must be solved.

On homelessness, I heard Cathal Morgan state on "Today with Sean O'Rourke" this morning that 181 new homeless families are being accommodated in hotels. These are families who have found themselves homeless because their rent was increased at the end of a lease and they could not afford it. The families in question would not have been in such circumstances previously. While the problem is multifaceted, the reality is that 181 families in the Dublin area are living in hotel accommodation, including the Travelodge Hotel in Ballymun and the Sunnybank Hotel in Glasnevin. Given that staying for only one or two days in a hotel room drives me demented, I can only imagine what it must be like to make a hotel one's home for more than a couple of days. Families living in hotel accommodation must be given priority. The Minister of State's new housing policy statement refers to housing people first and providing the support services afterwards. This is better approach than providing the services first.

The rent supplement scheme is the reason many people become homeless. As such, a collective Cabinet approach to homelessness is required. I hope other Ministers are listening to the debate. Unfortunately, some people cannot find accommodation under the rent supplement scheme. Again, this is not the Minister of State's fault as rent supplement is the responsibility of another Department. This issue needs to be addressed aggressively to find a solution which ensures that no one is forced to leave his or her home because the rent exceeds the rent cap. Exceptional needs payments must be made to any person who tries unsuccessfully to find alternative accommodation under the current rent cap. The pool of landlords providing accommodation under the rent cap threshold is diminishing and has virtually disappeared. I find myself as a public representative completely helpless when homeless people come to me these days. I feel like saying, "There is nothing I can do," because at this stage there is nothing I can do. The best I have done for anyone who has come to me in the past six months, a time in which it has become really tough, is stand up here for the past ten minutes to talk about some of the issues the people in question are facing. I hope this will become part of the holistic approach the Minister is taking.

Ballymun is exempt from rent supplement under the Social Welfare and Pensions Act 2007 which provided for urban regeneration areas to be exempt to create a better social mix. I have people attending my clinics, individuals who grew up in Ballymun, have lived there and whose kids go to school in the area, who have been forced to move out because they cannot find rented property at the right price. They cannot use rent supplement either while there are some vacant residential units in some of the regeneration buildings which are privately owned. The social mix-regeneration concept is great and I wished it worked. An estate should never be built that is all social housing as that is not the right way to support people in achieving a prospect of a

future positive life. However, the social mix concept in the Ballymun regeneration project just does not work. We have empty residential units in Ballymun. I do not know how many there are, but perhaps it might be checked by the local authority in conjunction with the Department of the Environment, Community and Local Government. To use another phrase, “If we mind the pennies, the pounds will mind themselves”. If there is a small number of housing units in Ballymun that are free but local people in receipt of rent allowance cannot rent them because of the regeneration exemption, we should look at removing the ban on accepting rent allowance in regeneration areas. We need every solution at this stage to give every person affected, particularly the 183 people living in hotel rooms, a roof over their heads, a place that they could at least call home until a more sustainable solution is found.

The policy in the 1960s was to put everyone from the same social background in the one big area, as happened in Ballymun where I grew up. Now, we spend millions of euro dealing with the issues created by the thinking of successive Governments not to have a social mix in housing developments. If we want long term to create better lives for people, we must ensure housing policy has the right social mix in housing developments supported by Government funding such that the rising tide raises all boats. It must be the case that no matter one’s background, where one lives one sees good role models to which one will aspire.

The Minister of State, Deputy Jan O’Sullivan, has done her best with the cards she has been dealt. Unfortunately, it is not a great set. All other Ministers with a role in this area must do the best they can to dig as deep into their departmental budgetary pockets as they can to ensure the Minister of State can continue to come up with creative ideas to address the housing issues we face.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputy Joan Collins who is sharing time with Deputies Thomas Pringle, Finian McGrath, Seamus Healy and Stephen S. Donnelly.

**Deputy Joan Collins:** I am not blaming anyone in particular, but we all know the housing problem has arisen from the dependence of successive Governments on the private rented sector and developers to provide housing. That policy was wrong before, is wrong now and will be wrong in the future. It has surprised many that the price of land is going up again. Irish housebuilder New Generation Homes, the first into the market to buy land on the outskirts of Dublin, has pulled out of it because it believes the price of land has gone too high. We will be facing a situation in the future where people will not be able to afford to buy homes. As banks will not lend to those who do not have a permanent income, many more will not be able to get a mortgage because they do not have permanent jobs anymore.

We have had three years of a Labour Party-Fine Gael Government and watched this crisis develop. I remember in 2010 putting forward a motion at a Dublin City Council meeting calling for NAMA properties to be brought under local authority control because of the looming housing crisis. The crisis has not happened in the last month. It has been developing for the past six years, even during the so-called “Celtic tiger” years. It is not good enough for the Minister of State to claim we have a serious problem. We are facing a disaster. Do she not realise this? When people come-----

**Deputy Jan O’Sullivan:** I am a public representative; I know all about it.

**Deputy Joan Collins:** Will you address the issue on that basis, rather than through these piecemeal proposals? While they are good, such as turning around 920 local authority houses

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from being voids, there are 90,000 people on the housing waiting lists. That measure will not even address the issue.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy should address her remarks through the Chair.

**Deputy Joan Collins:** What people want at this stage is hope. They want to see the Government planning to build 10,000 homes annually for the next few years. People will even put up with short-term solutions on the basis that there will be a long-term solution down the line. However, the Government's proposals do not even provide for this. A War Cabinet should be established to decide where we can build social housing and how to borrow money through a Government bond to fund it.

I have a case of a young lad from Crumlin who has been in a homeless hostel for the past three years. He fell between the cracks in the homeless services because they were inundated and could not deal with his case. We eventually got him back into the system and I hope he will have a home in the future. As his George Foreman grill has been taken off him, however, he is forced to eat microwave dinners all the time. His general health and mental well-being have diminished in the meantime.

Last week at my clinic I saw three families within an hour and a half who were facing eviction because their landlords were increasing the rent. Rent increases in Dublin 8 and Dublin 12 were of the order of 18% last year. There is a disgusting apartheid operated by some landlords in this city when they declare when advertising their properties "no rent allowance accepted" or, using more sleight of hand, "work references only". One measure that could be taken is preventing landlords from including these stipulations in their advertisements. If they do, they should be taken off the register of landlords immediately and not allowed to continue to rent property. This could be done overnight to stop this rack-renting by landlords.

I do not agree with increasing rent caps in the Department of Social Protection. There should be rent caps across the board and they should be introduced with immediate effect, linked with market increases and inflation. The fact remains that in the past people were able to make a deal with their landlord to pay an extra €100 a month on top of their rent allowance. However, the top-up payments have increased to €300 and €400 which are beyond many. Last night the Minister stated average rents in Dublin were 15.5% lower than they were at the peak in the fourth quarter of 2007. People's wages, however, are way down on what they were in 2007. Most have seen their wages cut by one third through pension levies, the universal social charge, property tax and other taxes. What we are seeing is a double whammy - rising rents and decreasing wages - for those who cannot possibly maintain paying rent through rent allowance.

This issue has to be addressed through a war footing exercise. The Government must give people hope that one year down the line they will see social housing being built, with families having access to local schools, etc.

*2 o'clock*

That there are 80,000 in receipt of rent allowance and 90,000 on housing waiting lists is a damning indictment of past and current policy adopted by the Government. I call on the Minister of State to address this critical issue.

**Deputy Thomas Pringle:** The motion was tabled by the Technical Group because of the

housing and homelessness crisis. It is disappointing that there is no recognition in the Government's amendment that countrywide there are families in crisis. These families have been let down by the Government and there is no point in it trying to deny this. It has made choices in the past three years, including to support the troika and cut the deficit, while starving the country of investment, when clearly everybody, including many eminent economists, was pointing out that investment would stimulate the economy and help to ease the burden. The Government in making these choices allowed the problem to mushroom out of control. This issue needs to be addressed urgently.

The Government could have opted in budget 2014 not to reduce the deficit and, with growth in the economy, it would still have met the deficit reduction targets. It could have initiated an investment programme in the last budget, but it decided not to do so. It chose instead to continue with deficit reduction, thereby taking money from the economy and vital services such as housing provision and capital developments. It did not have to do this, but it chose to do so. It is its choices that have led to the crisis.

Reference was made to the need for imaginative solutions to the housing crisis. These imaginative solutions, as per the 2014 programme, include 350 units to be provided through the mortgage-to-rent scheme, a scheme that in the past two years has provided only 38. We will be here next year lamenting the fact that 340 or 345 of these units remain to be provided, at which time the Government will probably hold up its hand and say there was nothing it could have done about it. Another imaginative solution is the construction of 200 new houses under the social housing investment programme. That it is proposed to construct only 200 new houses is a disgrace. The Government continually refers to housing construction, in terms of overall GDP, as being too low and the need for it to rise to 12%, yet it is doing nothing to stimulate that construction or provide homes for families.

During the past three years only three houses have been constructed in County Donegal. They only reason they were constructed was they had been already tendered for and contractors identified when the Government cut the house construction programme. It was only through hard lobbying that the families now residing in these houses were sorted out. There has been much talk about there being 16,000 families on the housing lists in Dublin. There is no doubt but that there is a crisis in urban areas, but there is also a crisis countrywide. Proportionately, when one compares the populations of counties Donegal and Dublin, the 2,600 families on the housing waiting list in Donegal equates to 24,000 to 25,000 families on the housing lists in Dublin. The Government is not doing enough to address the crisis. When one takes into account the number of people in County Donegal in receipt of rent allowance, there are 4,000 individuals-families in urgent need of housing.

**Deputy Jan O'Sullivan:** They are included in the initial figure given by the Deputy.

**Deputy Thomas Pringle:** They are not.

Another imaginative solution involves rent allowance. Last year the Department of Social Protection provided a briefing for members in the AV room on the great changes it was introducing to the rent allowance scheme. I acknowledge that this issue does not fall within the remit of the Minister of State, Deputy Jan O'Sullivan, but perhaps she might bring my comments to the attention of the Minister for Social Protection. Last year I checked the *Daft.ie* website for accommodation to rent in County Donegal for a single person whose rent allowance was €300 per month. There were only four properties available to the person concerned. When I

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checked again this morning, there were still only four properties available in County Donegal to persons within that rent limit. When I raised the issue with officials of the Department of Social Protection, the response was that if such persons were to make top-up payments, they would be committing fraud. Like every other Member of the House, I have advised individuals seeking accommodation and in receipt of rent allowance that to secure a house, they will need to make a top-up payment. The response of the Department, however, is that in so doing they are defrauding the system. The problem is not that individuals are defrauding the system but rather that the system introduced by the previous Government and continued by the current Government has resulted in the creation of a black market for landlords who are only recording on the rent allowance form rent equal to the limit for the area, with tenants having to top up these payments with cash to the landlords to ensure they have somewhere to live. This system needs to be changed urgently. I ask that the Minister of State bring this message to the attention of the Minister for Social Protection.

The only solution to the problem is to roll out a massive construction programme. The motion calls for the construction of 10,000 houses per annum in order to meet some of the demand. That is the only solution to the problem. The Government needs to come to terms with this and come up with more imaginative solutions. Looking to the private sector to address the issue is not the answer. It will not provide solutions for the 90,000 dependent on the Government to help them in providing a home for their families, which is a basic human right. The Government needs to recognise this and step up to the mark straightaway.

**Deputy Finian McGrath:** I welcome the opportunity to contribute to this important debate on the housing crisis. All Members of the House will be aware of the recent increase in the number of families in need of housing. The motion, tabled by the Technical Group, in highlighting the crisis also proposes sensible solutions to resolve the issue. It is important that this be acknowledged. There has been much talk about the issue and what we need are solutions. Yesterday we dealt with the Children First Bill 2014 which aims to put children first. There are 90,000 families on housing waiting lists. I would like to see the children of these families being put first in this debate. These children need a stable and warm home.

There is a housing and homelessness emergency that must be addressed as a matter of urgency. It is accepted by all parties that current housing resources and supports are at breaking point. The current arrangements are forcing many people on rent assistance which has been set below market rent level to engage in making illegal top-up payments to landlords in order to sustain their housing arrangements. There is also a shortage of private rented accommodation across the country and where accommodation is available, it is increasingly unaffordable. There is a lack of alternative housing options available.

There are 132,000 families in local authority housing. We need to build on this figure and Dublin City Council needs our support in addressing the issue. Another issue which is often neglected is that of low paid workers. I was visited yesterday at one of my clinics by a young couple whose joint income is in the region of €59,000 per annum and who wanted to purchase a two bedroom apartment or a small house but had been refused a mortgage by Bank of Ireland and the EBS. I am assisting them in this matter. It must be remembered that we are dealing not only with those on benefits but also people on low incomes.

As stated by Deputy John Lyons, coming into the House to complain is not enough. We need to work together to come up with solutions. As I stated, the motion not only highlights the sad realities but also puts forward sensible solutions to the problem. I support the calls for a

stimulus measure to promote private housing construction aimed at meeting identified housing needs. I welcome the return by the Government to construction of general need social housing. It should set a target of increasing social housing to 20% of total housing stock as outlined in Part V of the Planning and Development Act 2000. To achieve this would increase social housing output to 10,000 units per annum. I support this and it needs to be done. Mechanisms must be explored to improve access to finance for approved housing bodies, for example, the review and revision of the capital advance leasing facility to make it more financially viable; removal of barriers to access financing through the Housing Finance Agency; and the protection of capital assistance scheme for special needs groups, including people who are homeless. The 2011 housing policy statement recognised that the not-for-profit housing sector has a significant role to play in the social housing supply. This is another sensible proposal.

We must seriously examine NAMA, which must deliver on the number of properties it releases for social housing. The Government estimates that 4,500 social housing units announced in the 2014 budget will come from NAMA transfers. Since the establishment of NAMA the transfer of units to social housing has been extremely slow. As of 31 March, 518 NAMA properties had been transferred to social housing, with 166 units contracted for which completion work is ongoing.

Within any social housing developments, for general and special needs, there must be ring-fencing for people moving out of homelessness. Although I support the Government's tenure neutral policy on housing, it should be backed up by a number of actions to improve the rights of tenants and increase access to good quality private rented accommodation. We must encourage more institutional investors, such as pension funds, to invest in the private rented sector by means of real estate investment trusts provided for in the 2013 budget. Rent relief must be reintroduced as a means of countering non-declaration of rental income by landlords. We need rent controls linked to the consumer price index and rental index to protect tenants, especially those at risk of homelessness, from rapid price increases. If more use of the private rented sector is to be made to move people out of homelessness, measures must be put in place to ensure greater security of tenure in order that the tenant can see his or her rental property as a home and not be in fear that the landlord will sell on the property. These are some of my proposals. They have support across the Technical Group. I urge the Minister to examine them and get on with the job.

**Acting Chairman (Deputy Bernard J. Durkan):** I call Deputy Seamus Healy.

**Deputy John Lyons:** Without interruption.

**Deputy Finian McGrath:** Stand down now, Deputy Lyons.

**Deputy Seamus Healy:** Any honest, reasonable person would agree there is a crisis in the housing and homeless situation caused by the abandonment of the local authority house building programme by this and the previous Governments and the privatisation of the housing programme. As a result, 90,000 families are on local authority waiting lists throughout the country. In my constituency, Tipperary South, 1,225 families are on the list and have been waiting years for accommodation from local authorities. In Clonmel, 334 families are waiting, in Tipperary town 187, Cashel 164, Carrick-on-Suir 90, and it goes on.

The situation is even worse than the figures suggest because many families qualify for neither the local authority housing list nor a mortgage because the local authorities, under instruc-

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tion from the Department, are implementing outrageous and ridiculous income guidelines. For example, a family of two adults and two children cannot get on a local authority housing list if they have income in excess of €27,500 gross per annum. Thousands of people are in that situation, condemned to rent privately forever more. Those income limits must be increased. The previous Government slashed them by 50% and I ask the Minister to restore them.

The situation arises on an ongoing basis in my clinic. I recently met a couple who, unfortunately and sadly, lost their home through no fault of their own, through unemployment. One of them was working at a minimum wage job and, having lost their home, they have found they qualify for neither rent supplement nor a local authority housing list. This is a direct result of the outrageous income limits implemented by the local authorities and the Department.

The house building programme has been privatised and abandoned. The figures speak for themselves. In 2010, there was €367 million for local authority house building alone. By 2013, the Government had slashed that to approximately €65 million. In 2012, the Government cut the allocations of voluntary housing agencies by more than 20%, from €70 million to €55 million. Meanwhile, private landlords are being supported to the tune of €500 million through the rent supplement scheme and by a similar amount through the rental accommodation scheme. We are effectively paying mortgages for private landlords.

While there are solutions, the only real solution is a major house building programme. We have been asked where the money will come from. Ireland is not broke or bust but significantly wealthy. The Minister of State at the Department of Foreign Affairs and Trade, Deputy Costello, has told us here that Ireland is the seventh wealthiest country in the world. Assets are higher than they were at the peak of the boom. There are significantly wealthy people in this country who have assets of €239 billion. The top 10,000 earners in this country have an average annual income of €595,000 but are not paying their fair share and have not been asked by this or the previous Government to do so. We have no wealth tax, asset tax or higher rate of income tax for very high earners. If those taxes were increased, there would be adequate funds available to commence a major house building programme which would have a knock-on effect on employment and downstream employment, particularly in the retail sector. While that is a reasonable solution, unfortunately, neither this nor the previous Government has or had the political will required to implement it.

Will the Minister of State specifically consider the question of the disabled person's grant and housing aid for older people, which the Government cut from €55 million to €35 million? In my county, the grant was reduced from €3 million to €1 million. These are people who require such facilities as stair lifts, level access showers and additions on medical grounds. I ask the Minister of State to restore the budget for that.

**Deputy Stephen S. Donnelly:** I am delighted to be one of those proposing the motion. I very much welcome the opportunity to talk on the growing housing and homelessness crisis. The motion recognises that we are dealing with a crisis and provides real solutions. I was disappointed when I read the Government's amendment, because it was not really an amendment. It did not try to amend a very sensible proposal but began by deleting the Technical Group's entire proposal, which was very disappointing.

In particular, I note the Government's amendment did not recognise the scale of the problem. If one read the Government's motion, one might see much activity but there would be no indication that we are dealing with an escalating crisis and this is not business as usual. There

is a call for a report from the Private Residential Tenancies Board to consider difficulties faced by tenants but I suggest that in year four of this Government, the calling for reports to consider these matters is really disappointing. Most worryingly, the Government amendment indicates that the most appropriate way to deal with the crisis is “to continue the various programmes and fiscal incentives currently in place”. The Government is arguing that its response to an escalating and real crisis all over the country is to continue with the existing programmes, which is bonkers. It is absolute madness and very disappointing to see.

I will broaden the conversation, and there has been much worthwhile conversation around various people at risk. I will discuss four groups, including those with distressed mortgages, the negative equity generation, renters and those trying to rent, and the homeless or those at risk of homelessness. Many other Deputies and I spend much time on the issue of distressed mortgages, and it is clear at this point that the Government has failed to deal with that crisis. I have dealt with the matter every day for the past three years and I can categorically say the Government has failed in dealing with it. Comparing the number of distressed mortgages in Ireland with any other country, including Greece, Italy, Portugal and Spain - the countries which have dealt with the same issues we have - it is several times higher than what is evident in those countries. Ireland is completely on its own in its failure to deal with this.

Representatives of the banks came before the finance committee recently to tell us how they were getting on and the experience was quite shocking. There was extraordinary inconsistency between how banks treated people; if a person is in a bad situation with one bank, he or she could get out of it okay but if he or she is with another bank, there is no hope. The Governor of the Central Bank yesterday indicated he was okay with that approach, as it allowed banks the freedom they need, which is very disappointing. Of 57,000 offers made to date of so-called sustainable restructuring, at least 52,000 do not include any financial concession, and the majority of so-called sustainable restructures are either a letter threatening to repossess the house or an offer to restructure the mortgage in such a way that a family would end up paying the bank more over the life of the mortgage.

The banks have told us they expect thousands of evictions, with my calculation amounting to 7,500 just from the four banks whose representatives we met. We know the banks are vetoing the insolvency process in a way that is explicitly contrary to the Government’s intention. On top of this is the disgraceful handling by this Government of those thousands of men, women and children in houses mortgaged to Irish Nationwide. The manner in which that was dealt with is a dark stain on this Government.

This Government indicated it would help the negative equity generation. Instead, it is charging tax on properties in negative equity, so essentially they are being taxed on their debts. That is extraordinary, despite us being told this is a proxy for wealth tax. Accidental landlords first had to deal with double taxation and in the last budget, the Minister for Social Protection, Deputy Burton, had the idea of charging PRSI on rental income, which is absolutely destroying these people.

What about renters and those people trying to rent? They have two problems. In many parts of the country, including Wicklow, there is nowhere to rent, and if a person is lucky enough to find somewhere to rent, he or she has no rights. I live in a rented house with two young kids and another one on the way, please God. Every year I could get a phone call from a landlord telling me I must leave, along with my kids, and leave my neighbours and friends. It is not the landlord’s problem that I would have to find somewhere else or have a longer commute to

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school. It is not okay for renters to be treated like that, and how in the name of God is anybody meant to raise their family or children when they can get a phone call asking them to leave an estate, their neighbours and friends. That can happen every year.

**Deputy John Halligan:** It is disgraceful.

**Deputy Stephen S. Donnelly:** It is outrageous that this is allowed to happen.

What about those who are homeless or at risk of homelessness? Ms Annette Kennedy is chairman of the Bray Homeless Forum and she told me that in Bray, emergency accommodation was created for 16 people at the end of last year, which is welcome. She indicated that these places are already full and there is a waiting list, and if we cannot move on these people, we will be entering a minefield as more people are being pushed from rental accommodation, rent allowance does not cover rents and renters have no rights. She does not know why the Government cannot negotiate with landlords. In May 2013, the Bray Homelessness Forum found there were 58 homeless people in Bray, with 16 of those children. The forum held an event last month highlighting the drop in social housing and private accommodation at a time when demand for housing is increasing, rent supplement is falling short of real rents and landlords are not willing to accept tenants on rent supplement. It is outrageous.

I have many potential solutions. I have already written to the Minister about some of these, such as the mortgage-to-rent idea. Some of these many solutions cost money, which needs to be found, but many do not have a cost. All of the solutions should be implemented by the end of this year by the Government.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** Having listened to the last speaker, I note he has completely ignored the fact we have been experiencing a very serious economic crisis, and the best way to deal with anybody in difficulty is through creating employment. This Government has created employment for over 60,000 people in the past year.

**Deputy Peter Mathews:** Is the Minister of State being serious?

**Deputy Fergus O'Dowd:** Deputy Mathews was voted in on this side of the House and he will have to face the electorate in that regard.

**Deputy Peter Mathews:** I was voted in on my own merit.

**Acting Chairman (Deputy Bernard J. Durkan):** Members must speak one at a time, through the Chair.

**Deputy Fergus O'Dowd:** There are 60,000 people working today who were not working this day last year. There is a prediction for significant growth in the economy and job creation; we have reduced our unemployment rate from a high of 15%, as Deputy Donnelly knows, to 11.7%. It is still high but it is below the European average. Our economy is growing and the Government has put its efforts into economic recovery so it can deal with increasing investment in social supports like local authority housing and assisting people in debt who have difficulty emerging from that problem.

We could not do this within the economic spiral we inherited as a Government, as the country faced an appalling vista. We have put that behind us and the troika has left our shores, so there will be increasing investment and income from working people. In the last quarter there

was more than €200 million collected in income tax; that means more people are working and there is less expenditure on social welfare, with more money to be put into social fairness and equality matters, including housing.

I accept that passion and commitment has been shown by everybody on this side of the House with regard to housing and homelessness. This issue is not the prerogative of any one party or person, and we are all deeply concerned by the matter. I acknowledge the deep commitment on both sides of the House to improving the lot of people who need proper housing and accommodation, fairer rents and a decent place in which to live. That is what this Government and those opposite are about.

Notwithstanding all the difficult circumstances we have seen, the Minister of State, Deputy Jan O'Sullivan, is doing a tremendous job. The housing policy statement is categorical in its focus on housing supports, which must seek to meet the most acute needs of those unable to provide for their accommodation. This is particularly so because of the constraints on our resources and now there are clear signs that we are turning the corner, we will enhance what we can achieve in the areas of housing and homelessness and will also help to reduce the numbers of those at risk.

We are all out on the doorsteps these days and an issue raised by everybody is the question of vacant social housing units, with some being boarded up and remaining unoccupied for a year or more. It is a shameful position evident in housing estates around the country. This gives rise to vandalism and there is also a reduction in amenities in residential areas where significant numbers of units are closed. Repairs bills can be unacceptable.

There are approximately 90,000 on the waiting list for social housing. That is why on 17 April the Minister of State, Deputy O'Sullivan, announced a €15 million funding stream to bring vacant and boarded-up local authority units back into use. This investment will create, or bring back into play, 952 homes for families around the country. With the significant pressure on social housing supply, the Government is determined that no suitable homes will be left vacant when there are families in need of housing.

This funding will not only provide additional social housing, but will enhance whole communities by transforming vacant housing units that have blighted some communities for years. The investment is also good news for people in construction as work will be attractive to small and medium-sized contractors. Refurbishing vacant units is a quick and cost-effective way of boosting the number of houses for families on the waiting list. While this programme will kick-start the process, the Minister of State intends to meet with the directors of housing for all local authorities soon in order to discuss practical means by which the phenomenon of houses lying vacant while there is a clear shortage of accommodation can be resolved once and for all.

There are many other points I could make but the Minister of State has taken note of the individual contributions. We can all go forward together, as our economy recovers, to meet people's just and social housing needs and to put increasing resources into social supports for housing as our economy improves.

**Deputy Joe Higgins:** What the Minister of State, Deputy O'Dowd, has just said demonstrates how utterly inadequate, to say the least, is the Government's approach to what is by any standards a crisis of unprecedented proportions as far as the number of individuals and families on the housing lists is concerned. The Minister of State should listen to and examine what he

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said. His first canard was the creation of employment, as he put it, when his Government has been destroying employment for tens of thousands in the public sector. Small businesses and others are adding some extra employment. We welcome the fact that a significant sector of workers has got jobs so that they have not had to join the hundreds of thousands of their peers in Australia and America and everywhere else. On their wages, however, they cannot afford the rents being charged in Dublin and other urban areas, much less go into a bank and get a loan for a home or save for a deposit. What planet are the Ministers of State living on that they come in here and provide as some kind of solution to the housing crisis the creation of precarious jobs, when a large number of people who are desperately waiting on the housing list, being made homeless, being turfed out by rack-renting landlords are in the type of precarious employment they talk about? They provide this as a solution.

The second point made by the Minister of State, Deputy O'Dowd, concerns the repair of boarded-up local authority houses. I welcome that. They should be turned around very quickly and made fit for human habitation. There is no question about that but the scale of what is available there compared with 90,000 units that are desperately needed is Lilliputian. It is totally inadequate. Only a few weeks ago I recited to the Minister of State, Deputy O'Sullivan, what happened in the 1970s with regard to the provision of social housing by local authorities. Notwithstanding the current crisis, society then was at a much lower level of technique and know-how. Against the minuscule few hundred houses this Government plans to put together now and over the next few years, in 1971, some 4,789 homes were built; in 1972 that went up to 5,900; in 1973 it was 6,072; in 1974, it was 6,746; and in 1975, it was 8,794, and so on of that order. The faces of the Ministers of State should be reddening in embarrassment when they hear these figures recited. The Labour Party, which was in government for part of that time, and I recall it very well, made a huge virtue of its house building programme and used it to excuse many other betrayals of Labour policy in that 1973-77 coalition Government. That brings into sharp relief the utter failure of this Government, which is completely out of touch with the situation.

Some of us who have been around and campaigning for many decades in the interests of ordinary working class people, unemployed people, low income workers, etc., know the suffering is unprecedented. We know the type of stress and pressure on families in, for example, Dublin West, as around the country, who are being faced with rent increases of between €200 and €400 a month. Families are broken up and some members are put into hotels and shifted from one hotel to another. There was a shameful situation around St. Patrick's Day, when human beings whom we were assisting were being shifted out of hotels because those hotels were able to put up the prices for St. Patrick's weekend.

**Deputy John Halligan:** That is outrageous. It is scandalous.

**Deputy Joe Higgins:** These unfortunate people were shunted somewhere else. This is the Ireland of 2014 over which the Government presides but it does not get the scale of the suffering. Other Deputies have related many examples.

It is important to ask what happened and find the root of the crisis. What happened between the 1970s and now was neoliberalism, the privatisation of the provision of homes, the property bubble, when developers and bankers in pursuit of massive profits were allowed to speculate outrageously, and when the three key parties of the establishment, Fianna Fáil, Fine Gael and Labour, over a 20 year period not only allowed, but fomented, the privatisation, and continued with it so that the human need for a home was put out to the profiteers, as increasingly health

services are now. The result is the huge scale of suffering that we have at present. To rely on the private sector now to resolve the problem with a new house building programme is futile.

We need a massive programme of public home building, social and affordable. Major construction companies should be taken into public ownership and diverted in that direction and local authorities must directly build homes, as they did in the past. The rental crisis is of huge proportions. We need immediate rent controls. We also need to stop the rack-renting landlords and the crisis they are creating; the immediate outlawing of the veto on human beings on rent supplement looking for a home, which is rampant; and taxation on the super wealthy and major corporations, which would very quickly provide the finance for the type of major reconstruction necessary.

In terms of raw materials, there are tens of thousands of willing construction workers languishing on the dole who are desperate to build homes. There is no shortage of them but with this policy the suffering will continue. That is why we need a huge uprising against this by all working people, the homeless and those who are suffering.

**Deputy Richard Boyd Barrett:** Last night, the Minister of State, Deputy Jan O’Sullivan, described the housing and homelessness crisis as a matter of concern. I put it to her that it is not a matter of concern; it is an emergency. The first step in resolving this crisis is for the Minister of State to recognise it as a crisis that is now becoming an emergency. I acknowledge that she inherited the problem from the previous Fianna Fáil Government, which turned housing and property into a casino for banks and property developers. That caused the crisis but it is not the end of the story because in the three years this Government has been in power, it has not addressed the problem and the measures it has taken have only made the crisis worse. She has to admit that fact.

The Government made the problem worse by cutting the rent allowance. Two years ago, the Minister for Social Protection told us this decision would result in reductions in rents. She was wrong and should admit that it did not work. Rents have increased. The problem was also exacerbated by the Government’s abandonment, in June 2011, of direct provision for social housing. The document to which the Minister of State referred announced that the Government was going to rely primarily on leasing arrangements with the private sector. That has failed. Landlords are pulling out of RAS and other leasing arrangements because they can make more money on the open market. The Irish mortgage brokers association, which represents landlords, has stated they will not solve the problem. The people to whom the Government is looking to solve the problem are stating baldly that they will not do so. Furthermore, by giving a veto to the banks on mortgage distress and allowing for the repossession of homes, we will be facing another catastrophe when the individuals concerned will be put on the housing list and made homeless because of the lack of social housing.

The first step on the road to wisdom is to accept this is an emergency rather than a matter of concern. Some of the human faces of that emergency are in the Gallery. Bethany, who is 19 years old, is on a Tús scheme and is homeless. The Department of Social Protection proposes to cut her from the Tús scheme because she cannot give an address. Lindsay-----

**Acting Chairman (Deputy Bernard J. Durkan):** The rules of the House, as the Deputy knows, are that he should not name persons in the Visitors Gallery or outside the House.

**Deputy Richard Boyd Barrett:** That is not true.

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**Deputy John Halligan:** It is not true.

**Acting Chairman (Deputy Bernard J. Durkan):** It is true.

**Deputy John Halligan:** It has been done before.

**Deputy Richard Boyd Barrett:** Another family-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy will address the Chair.

**Deputy John Halligan:** It is done regularly.

**Deputy Richard Boyd Barrett:** Do not cut into my time.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry, Deputy, you will address the Chair and you will not name persons outside the House or in the Public Gallery. Otherwise you are out of order.

**Deputy John Halligan:** We should get a ruling on that.

**Deputy Richard Boyd Barrett:** Another family-----

**Deputy John Halligan:** You are cutting into the Deputy's time.

**Acting Chairman (Deputy Bernard J. Durkan):** If the Deputy wants to engage in that subject, I will engage as well.

**Deputy Richard Boyd Barrett:** Another family-----

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy, for the last time-----

**Deputy Richard Boyd Barrett:** I am not naming them now. Just leave me alone.

**Acting Chairman (Deputy Bernard J. Durkan):** For the last time, Deputy-----

**Deputy Richard Boyd Barrett:** Stop playing political games.

**Deputy John Halligan:** We are perfectly entitled to do it.

**Acting Chairman (Deputy Bernard J. Durkan):** For the last time, show respect for the House. Remember that you are in a House of Parliament, not in some corner.

**Deputy John Halligan:** Show respect for the Independents.

**Deputy Richard Boyd Barrett:** You are cutting into my time.

**Deputy John Halligan:** It is disgraceful what you are doing.

**Acting Chairman (Deputy Bernard J. Durkan):** Please address the Chair. You, Deputy, will leave the House because you are out of order.

**Deputy John Halligan:** Show respect for the people who came from all around the country to be here for this debate.

**Acting Chairman (Deputy Bernard J. Durkan):** You are out of order.

**Deputy John Halligan:** Show respect for the Deputies who were elected to this House.

**Acting Chairman (Deputy Bernard J. Durkan):** You are out of order. I remind you.

**Deputy Joan Collins:** There are children up in the Gallery listening to this. Show respect and allow the Deputy to continue.

**Deputy John Halligan:** Show respect for the Independents.

**Acting Chairman (Deputy Bernard J. Durkan):** You will remain in order or leave the House.

**Deputy Richard Boyd Barrett:** Leave it, Deputy Halligan.

**Acting Chairman (Deputy Bernard J. Durkan):** Remain in order or leave the House. Does the Deputy want to continue?

**Deputy Richard Boyd Barrett:** A family comprising a mother, a father and their eight children are sharing a two bedroom house with a sister and grandmother. There is nothing from the local authority. Another family in the Gallery, with seven children, is getting a variation on the rent cap on a month-to-month basis but is being told this will not last. They will face homelessness if the rent cap policy is applied. Another family in the Gallery has been on the list for 15 years. Another family in the Gallery is dealing with receivers moving in on the landlord. Representatives of the receivers are sitting outside the family's house to intimidate them and the family do not know where they will go if they are put out. Another family, with five children, has been staying in a hotel in west Dublin for the past six months even though the children go to school in Shankill. Another family, with two children, has been on the list for 14 years and is renting chronically damp accommodation under the RAS. The children are sick as a result of the damp. For another family, three children have been sharing a bed with their mother for the last 18 months because the rent cap prevents them getting private accommodation.

I will not continue to rehearse the list because it is too long. That is the human reality, and it is replicated all over the country. The Minister of State has to face the fact that it is an emergency. She says the Government does not have the money to deal with the crisis. I beg to differ, however. The Government pays €500 million in rent subsidy to private landlords every year. That money would build 5,000 council houses and save money for the State.

**Deputy Jan O'Sullivan:** Is the Deputy suggesting that we take rent supplement away from the people in the Gallery?

**Deputy Richard Boyd Barrett:** It would save money for the State because it would get extra rental revenue. Fr. Peter McVerry has pointed out that the €100 million being spent to change the traffic lights at Newlands Cross would build 1,000 houses at current market prices. This year, we are going to spend €9 billion to pay off the debts of bankers. Can the Government not tell Europe that we are going to hold back €1 billion in order to build 10,000 council houses? If Europe insists on being repaid, we could argue that we will make savings by spending that amount every year for five years in terms of the €500 million in rent allowance that goes into landlords' pockets annually. We would be able to repay the money in ten years time. Even the European Investment Bank would accept the logic of that.

There are solutions if the Minister of State is interested in pursuing them. Tragically, however, the real decisions are being made by the Minister for Finance. He knows that the banks

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are holding all of these properties and they want to inflate the properties' value in order to save their balance sheets. It suits the banks to have a crisis in which rents and property prices are increasing. Yet again, the citizens of this country are paying a terrible price for the-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy will bring his remarks to a conclusion now.

**Deputy Richard Boyd Barrett:** -----fact that the banks are being put before human beings. We appeal to the Minister of State to start building council houses, guarantee that all people will get a roof over their heads within an accessible distance of their children's schools-----

**Acting Chairman (Deputy Bernard J. Durkan):** Your time has expired.

**Deputy Richard Boyd Barrett:** -----and provide the emergency assistance that people need so they are not homeless and sleeping in cars or hostels on the other side of the city.

**Acting Chairman (Deputy Bernard J. Durkan):** Do not ignore the Chair, your time has expired.

Amendment put:

<i>The Dáil divided: Tá, 54; Níl, 37.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Barry, Tom.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Eric.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Conlan, Seán.</i>	<i>Dooley, Timmy.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Conway, Ciara.</i>	<i>Ferris, Martin.</i>
<i>Creed, Michael.</i>	<i>Fleming, Sean.</i>
<i>Deenihan, Jimmy.</i>	<i>Halligan, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Durkan, Bernard J.</i>	<i>Higgins, Joe.</i>
<i>English, Damien.</i>	<i>Keaveney, Colm.</i>
<i>Farrell, Alan.</i>	<i>Kirk, Seamus.</i>
<i>Feighan, Frank.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Fitzgerald, Frances.</i>	<i>McConalogue, Charlie.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Finian.</i>
<i>Flanagan, Charles.</i>	<i>McGrath, Michael.</i>
<i>Griffin, Brendan.</i>	<i>McLellan, Sandra.</i>
<i>Harrington, Noel.</i>	<i>Mathews, Peter.</i>

*Dáil Éireann*

<i>Hayes, Tom.</i>	<i>Murphy, Catherine.</i>
<i>Howlin, Brendan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Humphreys, Heather.</i>	<i>Ó Cuív, Éamon.</i>
<i>Keating, Derek.</i>	<i>Ó Fearghail, Seán.</i>
<i>Kehoe, Paul.</i>	<i>O'Sullivan, Maureen.</i>
<i>Kenny, Seán.</i>	<i>Pringle, Thomas.</i>
<i>Kyne, Seán.</i>	<i>Ross, Shane.</i>
<i>Lynch, Kathleen.</i>	<i>Shortall, Róisín.</i>
<i>Lyons, John.</i>	<i>Smith, Brendan.</i>
<i>McEntee, Helen.</i>	<i>Stanley, Brian.</i>
<i>McNamara, Michael.</i>	<i>Tóibín, Peadar.</i>
<i>Maloney, Eamonn.</i>	<i>Troy, Robert.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Wallace, Mick.</i>
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Riordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stanton, David.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies John Lyons and Paul Kehoe; Níl, Deputies Catherine Murphy and Richard Boyd Barrett.

Amendment declared carried.

Question put: "That the motion as amended be agreed to."

<i>The Dáil divided: Tá, 54; Níl, 37.</i>	
<i>Tá</i>	<i>Níl</i>

<i>Barry, Tom.</i>	<i>Boyd Barrett, Richard.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>
<i>Butler, Ray.</i>	<i>Calleary, Dara.</i>
<i>Buttimer, Jerry.</i>	<i>Collins, Joan.</i>
<i>Byrne, Catherine.</i>	<i>Colreavy, Michael.</i>
<i>Byrne, Eric.</i>	<i>Crowe, Seán.</i>
<i>Carey, Joe.</i>	<i>Daly, Clare.</i>
<i>Coffey, Paudie.</i>	<i>Doherty, Pearse.</i>
<i>Collins, Áine.</i>	<i>Donnelly, Stephen S.</i>
<i>Conlan, Seán.</i>	<i>Dooley, Timmy.</i>
<i>Connaughton, Paul J.</i>	<i>Ellis, Dessie.</i>
<i>Conway, Ciara.</i>	<i>Ferris, Martin.</i>
<i>Creed, Michael.</i>	<i>Fleming, Sean.</i>
<i>Deenihan, Jimmy.</i>	<i>Halligan, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>
<i>Durkan, Bernard J.</i>	<i>Higgins, Joe.</i>
<i>English, Damien.</i>	<i>Keaveney, Colm.</i>
<i>Farrell, Alan.</i>	<i>Kirk, Seamus.</i>
<i>Feighan, Frank.</i>	<i>Mac Lochlainn, Pádraig.</i>
<i>Fitzgerald, Frances.</i>	<i>McConalogue, Charlie.</i>
<i>Fitzpatrick, Peter.</i>	<i>McGrath, Finian.</i>
<i>Flanagan, Charles.</i>	<i>McGrath, Michael.</i>
<i>Griffin, Brendan.</i>	<i>McLellan, Sandra.</i>
<i>Harrington, Noel.</i>	<i>Mathews, Peter.</i>
<i>Hayes, Tom.</i>	<i>Murphy, Catherine.</i>
<i>Howlin, Brendan.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Humphreys, Heather.</i>	<i>Ó Cuív, Éamon.</i>
<i>Keating, Derek.</i>	<i>Ó Fearghail, Seán.</i>
<i>Kehoe, Paul.</i>	<i>O'Sullivan, Maureen.</i>
<i>Kenny, Seán.</i>	<i>Pringle, Thomas.</i>
<i>Kyne, Seán.</i>	<i>Ross, Shane.</i>
<i>Lynch, Kathleen.</i>	<i>Shortall, Róisín.</i>
<i>Lyons, John.</i>	<i>Smith, Brendan.</i>
<i>McEntee, Helen.</i>	<i>Stanley, Brian.</i>
<i>McNamara, Michael.</i>	<i>Tóibín, Peadar.</i>
<i>Maloney, Eamonn.</i>	<i>Troy, Robert.</i>
<i>Mitchell O'Connor, Mary.</i>	<i>Wallace, Mick.</i>
<i>Mulherin, Michelle.</i>	
<i>Murphy, Dara.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Ríordáin, Aodhán.</i>	
<i>O'Donnell, Kieran.</i>	
<i>O'Dowd, Fergus.</i>	

<i>O'Reilly, Joe.</i>	
<i>O'Sullivan, Jan.</i>	
<i>Penrose, Willie.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Pat.</i>	
<i>Reilly, James.</i>	
<i>Ring, Michael.</i>	
<i>Ryan, Brendan.</i>	
<i>Spring, Arthur.</i>	
<i>Stanton, David.</i>	
<i>Walsh, Brian.</i>	

Tellers: Tá, Deputies John Lyons and Paul Kehoe; Níl, Deputies Catherine Murphy and Richard Boyd Barrett.

Question declared carried.

### **Children First Bill 2014: Second Stage (Resumed)**

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

**Deputy John Halligan:** I welcome the contents of the Bill, which since it was first devised more than ten years ago has always been based clearly on the best interests of children. I commend the Government on finally publishing the Bill. That said, while this is not a direct criticism, it is deeply ironic that the Government would make such a commitment to averting harm to children while at the same time pursuing policies which have resulted in more than 220,000 children – almost one in five – living in poverty. It is also a time when we have one of the highest percentages in the EU of young people not in education, training or employment.

Funding for youth services has been dramatically cut by an average of 30% in the past five years. The Bill is not about youth work, however; it is about child protection, and in that context I have serious concerns about the lack of additional resources to support the professionals to develop good child protection policies and to raise awareness of the issue. More pressing, however, is the fact that front-line social services do not have the manpower at present to cope. If the State is going to compel professionals to report cases in which a child is being harmed or is at risk of harm, as they should, then we must ensure the resources are available to deal with every single referral promptly and efficiently. The current lack of resources is just as dangerous to children as the risk of a professional not reporting a particular case.

The success of the legislation will be measured according to its ability or failure to respond to reports of abuse before situations reach what one might call a crisis point. Success will also

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be based on the agency's effectiveness in acting the moment a concern is reported to prevent ongoing significant harm or abuse from occurring. That is where my concern lies. Last July, I raised serious concerns in the House about social worker numbers during Leaders' Questions. I was assured by the Tánaiste that the Government was addressing the issue. However, I understand that at present more than 170 social work posts with the Child and Family Agency are still vacant. I find that inexplicable. Perhaps the Minister would explain why that is still the case. I acknowledge that following the Ryan report the Government sanctioned a recruitment campaign for more than 200 new social workers. I welcomed that. However, the non-replacement of staff on maternity leave and retirement means there are fewer social workers employed than when the report issued six years ago. The situation must be examined and an explanation given for why that is the case. There are also major shortages of social care workers and family support workers. When one meets people in agencies dealing with child support, they are at pains to say that is the case. Staff shortages are completely undermining the State's statutory obligation to protect children and threatening to thwart the effectiveness of the legislation.

I have always acknowledged the compassion of the Minister, Deputy Fitzgerald, and how well she has performed as Minister. I have no hesitation in saying that. I say that to people who criticise the Government when they ask if there are Ministers doing a good job. There are people working well in the Government, and I have always acknowledged that the Minister is one of them.

Caseloads for existing social workers remain large and serious cases are not being assessed quickly enough. In Waterford, the social work service remains a Monday to Friday, 9 a.m. to 4 p.m. operation, which is simply shocking. I could go through particular cases but I will not do so as I would not have the time. However, I have spoken about them in Waterford and I have met social workers and families. Members of the Garda are not trained or qualified to handle such situations but they are expected to handle crisis situations at night and weekends. I know of gardaí who might take a child who has overdosed on alcohol or drugs to an accident and emergency unit and who will stay with them. If it is the weekend and they need follow-up care there is no one to call. Garda time and resources are taken up dealing with such cases and liaising with distraught parents. A system which fails to respond to cries for help out of hours, regardless of the well-intentioned legislation, will continue to put children's well-being and lives at risk.

A report by the Ombudsman for Children into front-line services between 2005 and 2010 cited one case in which it took four months to organise a home visit for a 16-year old girl, despite concerns that she was being subjected to "savage sexual abuse". The same report noted that many vulnerable youngsters were left without an allocated social worker, despite the urgency being flagged by up to 30 different State agencies. I know of the case to which the Ombudsman for Children referred. What happened was appalling. I acknowledge that the legislation would not have changed the awful circumstances involved, but it was not the issue of reporting that destroyed these young lives; it was the failure of the State to respond properly to the reports of abuse. The State also failed by not providing for co-ordinated intervention in cases such as that.

However, I am informed that more than 80 cases of suspected child abuse or neglect are reported every day to social services and there is a current shortfall of more than 170 social workers in the new Child and Family Agency. Can the Government promise that these cases will not happen again? I understand and accept that everything cannot be perfect within the system and that people fall through every system, however caring, compassionate and legislatively-based it might be, and one cannot shout and blame the Government or the Minister all the time for

that. However, she needs to re-examine staffing levels in the context of this crucial issue if 80 cases are being reported daily. I do not know whether all these cases are legitimate, but based on the number of people working in the social services, the staff must be overburdened. The complexity means that dealing with a case of alleged abuse of a child takes hundred of hours. The Minister and I both know this from speaking to social workers. They are overburdened and when the front-line service providers say they do not have sufficient trained staff, we need to examine that.

I do not know the position in other parts of the country, but it is difficult to contact a social worker after 5 p.m. on a Friday in my area. While drugs misuse and over-intoxication by youths can happen seven days a week, statistics highlight that such incidents are most likely to happen at weekends. This is when social workers need to be available to deal with the harrowing cases that can present.

It is difficult to see how the Government parties in conscience can bring forward this legislation without first taking three actions. They would not be costly but they are important. First, they need to publish the review they promised into social work caseloads, led by the HSE and including staff input. This review should have been prioritised on the establishment of the new Child and Family Agency. The Minister said she would do all in her power to make sure this was done. The review would be interesting not so much for the public but for the people working in the system in order that they could analyse how the system works. I often meet social workers who have a difficult job, particularly when dealing with children. They spend their time focused on the children or people they are engaged with at the time and they find it difficult then to analyse what is happening in their area or around the country. This review would help in this regard.

Second, will the Government sanction an immediate review of the current referral rate to social workers nationwide? I am informed by front-line workers that such data sit on their desks and, therefore, this should not be a lengthy process. This would be valuable for those working on the front line. It would allay unwarranted criticism of the Minister and her Department if all the documents and reports were put on the table. I accept it is difficult for a Minister to come in and solve everything within three years, and it would be unfair to criticise her on that basis. However, we need to go back over the past few years to analyse how cases were dealt with, what reports issued and whether recommendations were implemented. That would help the Department to deal with future cases.

Third, I refer again to statistics relating to weekends. It would be unfair to the legislation, which I support, the Minister and social workers if we cannot deal with the tragedies that happen every weekend. I am not sure how everything works in Dublin, Cork or elsewhere, but one cannot contact a social worker in Waterford at the weekend. Private social workers are now advertising. It is sad that a family in desperation would have to ring somebody for advice knowing they could get it from the HSE but staff are not available to offer that support.

The reports done by Departments before the Minister came into office should be published and analysed to ascertain whether they have been adopted and what has been taken from them. I spoke to a social worker who is in a prominent position within the Department last night. She said: "That is a fact, John. There are 60 to 80 cases a day coming into us. We are really overburdened. We are really under pressure here." She is a decent woman and a good person. She also poignantly said that what is harrowing for social workers is if they miss something. If it is their fault, that is bad enough, but if they miss something and they know a few additional hours

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or a little more information or an additional staff member here and there could have meant saving a child from mental or physical abuse or sexual abuse, that is difficult for them. When they go home, they worry about the effort they have made. It is difficult enough for Members in their advice centres when people present them with harrowing cases, but one can imagine the difficulties for a social worker.

I recall meeting a social worker who had just taken up the job. She was a good young girl and she had to deal with a harrowing case of an 11 year old girl who was being abused by her father. She found out in subsequent meetings that a four year old daughter was being abused as well. That was distressing for her. All this happened over a weekend, with the mother finding out about the abuse for the first time. The young daughter was deeply distressed and the only people the mother could go to were gardaí. She said they had nobody to ring and they had to go to the accident and emergency department in Waterford Regional Hospital to talk to nurses, doctors and gardaí. However, nobody was available to comfort the child or the mother who had to deal with this harrowing case. I am sure there are many similar cases.

The Minister takes advice from anyone who gives it to her if it is reasonable. I support the Bill and I acknowledge where she is coming from with it but I ask her to take into consideration the issues I have raised regarding an analysis of reports and regarding service provision at weekends, which are a critical time for young children. It is a bad enough time for adults who might have overdosed but one can imagine the difficulty of dealing with a seven year old, 12 year old or 14 year old who may be part of a family that is under pressure psychologically and cannot give succour, help or mental support to the child when he or she most needs it. I will support the Bill and I hope the Minister takes on board some of the points some of us have made.

**Deputy Jerry Buttimer:** I rise to speak as the Chairman of the Oireachtas Joint Committee on Health and Children. I pay tribute to the Minister for her stewardship of the Department and for the publication of the Bill. To be generous to the Minister, Deputy Halligan made an understatement because, as he stated, the Minister listens and takes advice. One of the first things she did as Minister was to refer the Children First Bill to the Oireachtas Joint Committee on Health and Children for pre-legislative scrutiny and it was one of the first pieces of legislation we dealt with. In my hand I have the tome of our hearings which we presented to the Minister.

My remarks today will be about the pre-legislative hearings and what the committee has done. I would also like to discuss my observations and points on the Bill, and in particular address some of the issues.

The purpose of the Children First Bill is to put children first. It puts Children First: National Guidance for the Protection and Welfare of Children on a statutory basis, which is a key commitment in the programme for Government. In April 2012 the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, referred the heads of the Bill to the committee, which over two months undertook extensive consultation and engaged with many key stakeholders through written submissions and public hearings. In the report we laid before the Houses of the Oireachtas one can see the various groups from education, child care and the professions which came before the committee. There was an extensive range of communication.

A total of 58 submissions, including oral submissions, were received from State agencies, voluntary organisations, professional bodies and members of the public. As I have done previously I thank everybody who made a contribution to our work and took time to write or par-

ticipate in public hearings. Between 1 May and 30 June 2012 the committee met eight times to hear, during its public consultative process, submissions and oral presentations from stakeholders on the heads of the Bill. We met 47 witnesses from 29 groups and it is important to state the work of the committee provides a platform for Members of the House and outside groups, agencies and professionals to assist and participate. I contrast this with what happened in the past in Departments when writing a Bill moved from a civil servant in one Department or section to another and back. Now it is done publicly in a visual and participative manner which involves and gives ownership to many people. The overview of contributions assisted the Minister and the Department in the consultative process.

It is worth recounting the background to the Bill and to highlight how long it has taken to put in place a statutory basis for the protection of children. It is important we acknowledge that in the first half of her term in government the Minister has acted to do this. In many cases rhetoric is easy and we can all use language to promulgate, advocate, deny or procrastinate, but the Minister acted. I heard Deputy Troy speak yesterday, and while I do not mean to be political his party had an opportunity during its time in government which was not acted upon. In stating this, in 1999 the Department of Health and Children introduced the Children First guidelines for the protection and welfare of children. As we all know well, these were produced to assist the identification and reporting of child abuse and to improve professional practice in State and voluntary agencies which support children and families, as Deputy Halligan rightly mentioned in his remarks, with regard to out of hours services in particular.

The Children First guidelines identify the duty to report abuse as a societal duty owed not only by social and medical workers but by all who work with children, including An Garda Síochána, HSE personnel, those working in public agencies, voluntary and community organisations and all of us as individual citizens. All of us have a duty and a role to play and we should never forget this. It is also important to outline that the guidelines provide guidance on identifying physical, sexual and emotional abuse and neglect and on when and how to report an issue, and on the procedures for assessing and managing cases. They also set out the role of agencies such as the Garda Síochána, the HSE and school and medical professional personnel, and provide for participation at local and regional level through the creation of child protection committees. The guidelines also outline procedures for co-operation between the HSE and the Garda, which are the two agencies with statutory responsibility for child protection. The guidelines also stress the importance of family support services as a means of mitigating risks to children.

The implementation and operation of the Children First guidelines were reviewed several times during the years after their introduction, including by the Office of the Minister for Children and Youth Affairs in 2008. This resulted in a number of revisions to the guidelines which were published in 2011. Among other matters, the revisions took account of the recommendations of the Ryan report of the commission to inquire into child abuse. We all remember when it was published and the need for action as a consequence. One of the recommendations arising from this was that the Children First guidelines would be placed on a statutory footing. The main objective of Children First: National Guidance for the Protection and Welfare of Children is to establish a firm foundation from which practitioners can develop uniformity and consistency in the application of these national guidelines throughout the State, something we all want to continue to see happening. We welcome the fact it is happening.

It was clear from the committee's hearings that we would need to foster a culture of understanding and compliance. The creation of an office at Cabinet level of a Minister for Children

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and Youth Affairs has helped no end. It has given the Minister an authenticity which perhaps Ministers of State with responsibility for children may not have had. I do not want to be derogatory about previous Ministers of State, who did quite well in the position they had, but the Minister sits at the Cabinet table which gives her an opportunity to be seen as equal to her Cabinet colleagues, which is important.

The Children First Bill is about aligning the law with what is right. It is about bringing an end to any remaining attitudes which may choose to ignore child abuse and neglect. It can no longer be an option to put child protection to one side. We must put child protection as a priority and compliance with Children First must be mandatory and cannot be voluntary. For the Children First legislation to be effective the committee embarked on open dialogue with the groups which will work with the legislation on a daily basis. The process undertaken by the committee gave key stakeholders an opportunity to contribute in a meaningful way to the formulation of the legislation. The people who participated did so in an holistic way and were not afraid to make comments. They did not hold back in their remarks and comments on the heads of the Bill, which I will discuss later.

As part of the process we held a series of public hearings with advocacy and representative groups from Departments and voluntary organisations working in sports and youth activities. We also met key personnel in child protection, child law, children and family services and education. Providing these groups with the opportunity to contribute enabled their practical day-to-day experience to inform the legislative process. As I alluded to earlier, this is something that has been done to a significant extent in this Dáil.

The committee system is benefiting from legislation coming to it for pre-legislative scrutiny, albeit not in an adversarial fashion. I pay tribute to people such as Deputy McLellan, who is in the Chamber, Deputies Ó Caoláin, Kelleher and Troy and Senator van Turnhout, as well as members of Fine Gael and the Labour Party who go into the committee and give of their time to parse and go through legislation and engage with people for the betterment of society, as well as to make the legislation more complex and comprehensive than it may have been on its arrival. Were people to read the full transcript of the hearings, they would discern that there was genuine participation in respect of the outlining of the stakeholders' views, as well as those of the joint committee members and that the child was at the centre of those discussions. It is in the interests of all in society and of all children and parents that Children First legislation is practical and effective. Moreover, it must deliver a reformed child protection regime. As part of the debate taking place this week, the Minister should take on some of the views expressed by all Members in the House.

One must protect children by making sure that their concerns are acted upon and not ignored. I speak as a schoolteacher of 20 years' experience, as someone involved with Cumann Lúthchleas Gael and as someone who is involved in his community. The issue of child protection and the manner in which young people are dealt with has evolved to a more professional and more thorough level than obtained previously and thankfully, the child now is at the centre. The observations and recommendations in this committee report were and are intended to inform and guide the drawing up of the Children First legislation. The joint committee members welcomed the opportunity to engage at an early stage in shaping and in flagging issues in the legislation before it came back to the Dáil and Seanad. At this juncture, as the Chairman of the Joint Committee on Health and Children, it is appropriate that I record my appreciation, as well as that of my colleagues, to the many different interest groups that made submissions to the joint committee in its preparation of the report. In addition, as I noted earlier, it is important to

acknowledge the members of the joint committee for their invaluable work, commitment and dedication to this important body of work. Equally, in the case of this legislation and the very large tome the joint committee and I have put on record, it is important to acknowledge the contribution made by Mr. Michael O'Sullivan, who was engaged by the joint committee in a professional capacity to assist as its rapporteur in writing and compiling the report. I also thank the Houses of the Oireachtas staff members in the committee secretariat of the Joint Committee on Health and Children for their assistance in the compilation of the report.

I will now turn to the overview of the contributions made to the committee. It is of equal importance that the next part of my contribution is given over to a synopsis of the main arguments and observations made in submissions and presentations to the joint committee on the heads of the Children First Bill. I do so against a backdrop whereby one can discern where the Minister has listened and chosen to act, as well as where she has listened and chosen not to take on board some of the views of the joint committee, which also is fair enough. Perhaps, as part of this discourse, it may be possible to ascertain whether there are other issues the Minister may re-consider. However, under the general scheme of the Bill, nearly all contributors welcomed the proposal to give the Children First guidelines a statutory underpinning in the Bill. A common observation was that giving effect to the Bill, particularly in the early stages of its implementation, would require substantial investment in resources, including the training and recruitment of personnel and in offering support and feedback. Many contributors made the point that it was of particular importance that the Bill be drafted to mesh seamlessly with the provisions of the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill and the National Vetting Bureau (Children and Vulnerable Persons) Bill. Several contributors stated the Bill made insufficient allowance for the voice of the child to be heard, as mandated by the UN Convention on the Rights of the Child.

Other contributors criticised the general scheme of the Bill as misguided, stating that its focus on reporting missed the principal causes of failures in child protection. These contributors generally thought the Bill should place greater emphasis on family supports, early intervention, multidisciplinary assessments and co-ordination between all relevant agencies and Government bodies. Another criticism of the general scheme was that the requirement to report concerns or suspicions of abuse, together with criminal sanctions for failing to do so, would cause defensive over-reporting, placing undue burdens on organisations, possibly overwhelming the State's child protection services and diverting resources from support and intervention services. Several contributors stated it was particularly important for the implementation and operation of the Bill to be reviewed after no more than three to five years.

I will move specifically to discussing the contributions regarding head 2, which pertained to interpretation. A majority of contributors argued that the definition of "abuse" should include emotional abuse. A significant number of people made this argument and the reasons for so doing included the long-term effects of emotional abuse and its relatedness to grooming and physical and sexual abuse. Many pointed out emotional abuse is included in the Children First guidelines and suggested that its exclusion from the Bill would cause confusion and inconsistency in enforcement. The Minister should be complimented both on the manner in which she has handled the issue of grooming and on how she has been to the fore in protecting the rights of the child in this regard. In its presentation, the Department of Children and Youth Affairs argued that the exclusion reflected international evidence on the difficulty in reliably diagnosing emotional abuse to a standard that could support criminal prosecution. Emotional abuse could still be reported under the guidelines and its exclusion from the Bill related only to the criminal

sanctions for failure to report abuse. The Department also indicated it was open to this matter being revised. Similarly, it was suggested that the definition of “physical abuse” was inconsistent with that included in the Children First guidelines.

The Irish Medical Organisation thought the definitions of abuse in the Bill needed to be much clearer for doctors to be confident of diagnosing abuse to a standard suitable for judicial proceedings. Moreover, it was suggested that the exclusion of married persons aged under 18 from the definition of “child” was not appropriate. Several contributors advocated greater clarity in the definition of “concern”, both because of the possible criminal sanctions in the Bill and to assist effective reporting without overwhelming organisations or the child protection system. This was a strong point and both joint committee members and participants were worried about the degree to which such overwhelming of organisations and the system could arise from the Bill. However, it also was suggested that the definition should extend to suspicions that a child is at risk of abuse, rather than simply that a child is being abused. It was pointed out that the definition of “employment” was inconsistent with that contained in the National Vetting Bureau (Children and Vulnerable Persons) Bill and that this discrepancy should be remedied. It was also suggested that including unpaid positions such as internships in the definition of “employment” while volunteers had different responsibilities was anomalous.

Many contributors expressed concerns about the definition of “sexual abuse” itself. These mainly centred on the lack of clarity as to when peer sexual activity between teenagers is or is not consensual in the eyes of the law. A number of contributors pointed to discrepancies between the language of the Bill and that in existing statute law and the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill. There was general, albeit not unanimous, support for the view that the Bill should not require reporting of consensual peer sexual activity between teenagers as it was thought that this would inhibit recourse to sexual health and advice services that seek to reduce teenage pregnancies and underage sexual activity and to promote sexual health. Several contributors suggested the definition of “volunteer” was too broad and that it should not include, for example, parents who volunteer on an *ad hoc* basis to drive children to a sports fixture or school outing. The definition in the Bill differs from that in the Children First guidelines, which it was believed at the time could cause confusion.

I will now turn to head 5 in the context of aims and principles. Several contributors suggested that the reference in head 5(1) to “the welfare and protection of the child” should be changed to “the best interests of the child” to reflect the UN Convention on the Rights of the Child. There was wide support for the requirement to have due regard to the Children First guidelines. However, several contributors argued that the duty to report should be extended to all State agencies, to all persons having access to children, or even to all persons regardless of their status.

A number of contributors suggested that the Children First guidelines, as well as other guidance documents provided for in the Bill, should all be given statutory effect as regulations made under the Bill rather than as non-statutory guidance documents. The relationship of the guidelines to the Bill was problematic for some contributors, who pointed out the difficulty of reconciling definitions, roles and responsibilities under them.

Head 6 deals with organisations with a statutory obligation to report child abuse. The type of organisation included or excluded from the Bill’s operation was the subject of much discussion. Many contributors objected to the exclusion under head 6(3) of services paid for directly

by a child's parents or in the child's own home, such as a childminder. While many accepted that the organisational requirements of the Bill would be inappropriate in such settings, the duty to report should apply, as should the requirement for training and familiarity with relevant guidelines. Similarly, it was suggested that bodies such as agencies that supply minders, au pairs or nannies should come within the terms of the Bill. There was wide support for the view that the exemption should not cover any paid arrangement for minding children, particularly when this takes place in the minder's home. The presumption that parents provide the best supervision for their children was criticised as being inconsistent with the fact that the majority of abuse takes place in the child's own home. The exclusion of leisure facilities, particularly swimming pools, that cater for adults but allow access to children, was criticised by a number of contributors. Similarly, settings such as domestic violence shelters, third-level institutions, particularly those that arrange placements involving care of children, and asylum-seeker centres should be expressly brought within the Bill's operation. Several contributors argued that employers of children should be covered by the Bill.

With regard to head 7, organisation, many contributors said that the detailed requirements for organisations were onerous and would pose difficulties, particularly for small or voluntary bodies. The view was expressed that these requirements should be phased in over time to allow time to cope for the organisations to which they applied and to allow time to put good governance structures in place. There was a widespread view that the safeguarding guidance for organisations and the model Keeping Children Safe plan should be published and opened to comment by stakeholders before the Bill became law. A number of contributors made the point that these documents should be merged so as to reduce the number of reference documents that organisations must use. Several suggested that the safeguarding guidance for organisations should, along with the guidelines for the reporting of abuse, be issued as statutory regulations.

The need for resources and training from the HSE was stressed by many contributors, as well as the need for suitable "train the trainer" courses that could be used to develop training within organisations. A number of contributors offered to provide training based on their areas of expertise. Many contributors agreed that the vetting requirements under this head should be reviewed to ensure consistency with the vetting Bill. Teachers' unions pointed out that schools operate a number of policies and procedures to implement the Children First guidelines. The Bill should take account of that and seek to accommodate the existing arrangements so as to minimise duplication, disruption and confusion.

The requirement for internal audit raised a number of questions. Many contributors argued that external experts should be allowed onto the relevant committee. National bodies such as sporting organisations queried whether internal audit should be the responsibility of each affiliated body or club, and argued that it would be better to leave the responsibility at the level of the umbrella body. It was also pointed out that the requirement for designated officers to appoint internal auditors was inconsistent with the way in which schools are organised and that the Bill should accommodate appointment by structures such as boards of management.

Head 8 deals with notification to HSE by organisations. The timeframes for notifying the HSE were found by many contributors to be very tight and the requirement to maintain records onerous, particularly for small organisations. Support from the HSE was suggested as a means of overcoming these difficulties. This was a recurring theme. Several contributors said that an extensive publicity campaign would be necessary to ensure that both organisations and the public are aware of the need for registration. One contributor suggested making failure to register a summary offence. Several contributors pointed to the importance of maintaining consistency

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with and avoiding duplication of provisions of the Child Care Act 1991, the 2006 pre-school regulations, and the vetting Bill. There was uncertainty about the registration requirements of national organisations and their affiliated bodies and whether all such bodies were subject to all provisions, including record keeping, under head 8.

Head 9 deals with the designated officer in organisations. Contributors universally welcomed the role of designated officer as helping to ensure accountability and responsibility for child protection and as a necessary means of filtering concerns so as to avoid over-reporting. However, the view was expressed that the extensive functions and duties listed under head 9 may prove too onerous for school principals or small voluntary organisations and may deter potential volunteers for the role. Similarly, several suggested that the focus of responsibility on the designated officer, rather than the organisation itself, was inappropriate. The role of the designated officer must be monitored and communicated clearly. There was a widespread recognition of the need for training, including ongoing training, as stressed by many contributors. Several contributors noted differences between the role of designated officer under the Bill and that of designated liaison person under the Children First guidelines. They suggested that the discrepancy be remedied in the Bill. Some contributors suggested that seniority alone was not sufficient qualification for the designated officer role. Suitability and experience were also essential. The designated officer must be suitably qualified and experienced. It was pointed out that the seniority criterion was not appropriate for schools, where the principal was answerable to the board of management, which would be the appropriate body for functions such as appointing the internal audit committee. The designated officer's power to delegate was commented on by several contributors. National governing bodies such as sporting organisations suggested a cascade model, whereby a national designated officer could have overall responsibility for the role, while designated liaison persons in local bodies such as clubs could be delegated powers accordingly. Some contributors suggested curbs on the power to delegate to avoid the possibility of its being used to avoid the performance of essential functions. We must pay tribute to the sporting organisations who have put in place a very robust child protection structure. I am involved in Cumann Lúthchleas Gael and I know the GAA is very vigilant. I commend the people in Croke Park and at council level in the provinces and at county board level and club level. This work is done quietly in many cases and without any fuss. The child is at the core of what we do.

There was a consensus that the safeguarding guidelines for organisations and the guidance for the reporting of abuse should be published as soon as possible and in any event before the Bill took effect. Several contributors said that the Bill should clarify that the duty to co-operate and assist the HSE with investigations would not require organisations themselves to conduct or play a role in investigations for which they lacked authority and expertise. Contributors suggested that the HSE should develop standard protocols for reporting based on current ones and make them available online. There was a view that employees and volunteers should be examined carefully to ensure consistency with the Withholding of Information Bill, the 1998 Act, the 2011 Department of Education and Skills procedures, and the proposed new guidelines for the reporting of abuse.

*4 o'clock*

Some speakers suggested that volunteers and employees should have good faith indemnity similar to that provided for in the 1998 Act.

As I will not be able to discuss all of the various heads in the time remaining, I will re-

fer briefly to head 20. Under this head, Dr. Geoffrey Shannon suggested that offences under the Bill should distinguish between those committed through negligence and those committed through reckless disregard for the protection of children, with the latter attracting more severe penalties.

The exercise was very worthwhile and I commend the Minister on it. Some of the heads have been merged into the Bill before us. It was important that I give a flavour of the work done by the joint committee in the period preceding the introduction of this Bill.

**Deputy Joe O'Reilly:** "For in every adult there dwells the child that was, and in every child there lies the adult that will be." These words of the Irish novelist and journalist, John Connolly, are extraordinarily relevant. Childhood should be a happy time and should not be violated in any way. A civilised society should provide its children with a happy, secure environment. According to an African proverb, it takes a village to raise a child. We want to be part of the right village for our children. The best armour available to a young person is a healthy and positive self-image and it is our duty to ensure our children have this.

As a former primary school teacher, a profession I had the honour and privilege of pursuing previously, it is not surprising that the Taoiseach should have seen the need to appoint a Minister for Children and Youth Affairs with Cabinet status. His decision is the ultimate recognition of the importance of children and the need to have their voices heard. The Taoiseach should be congratulated, commended and applauded for doing so. I also salute the Minister for bringing to her Ministry a remarkable level of passion, focus and competence, all of which qualities are visible across a range of Bills, guidelines and actions she has introduced, despite the limited resources available to her.

I welcome the opportunity to speak to this Bill, which will form the cornerstone of our child protection legislation. It will place elements of the Children First: National Guidance for the Protection and Welfare of Children 2011 on a statutory footing, making good on one of the key objectives in the programme for Government and following on from the Ryan report of 2009. The Bill will form part of a suite of child protection legislation, which includes the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The legislation was born out of the Minister's review of the Children First guidelines of 1999. I commend her on placing them on a statutory footing for the first time.

The Bill is essentially split into three key elements. First, it places on professionals and others working with children an obligation to report child protection concerns to the Child and Family Agency. The second critical plank of the Bill is the introduction of risk assessments and child safeguarding statements, which certain professionals working with children are obliged to undertake when they believe a child to be at risk of harm. Finally, it establishes the Children First interdepartmental implementation group which will promote and oversee cross-sectoral implementation and compliance with Children First.

Section 10 establishes the precedent that every organisation that provides services to children must carry out a risk assessment and compile a child safeguarding statement not later than three months after the enactment of the Bill. I welcome the fact that the safeguarding statement, which will be publically displayed, will outline key points such as reducing any identified risk, including in the procedures for the recruitment of staff; the provision of information, instruction and training in regard to the identification of harm; and the reporting to the Child and Family

Agency by an employee or by the provider. It will also include a list of persons in the relevant service who are deemed to be “mandated persons”. Transparency is vital in this instance and I am pleased to note it is a recurring theme in the Bill.

Section 11 addresses mandatory reporting, one of the key issues in the legislation. Those who are classed as mandated persons, for example, teachers, registered nurses, doctors and child care staff members, are obliged to report any instance where they believe a child is being harmed or may be at grave risk of being harmed. I especially welcome the inclusion of subsection 2 which provides that reporting is also mandatory in cases where a child believes that he or she has been harmed, is being harmed or is at risk of being harmed. The inclusion of this child-centred dimension is critical.

Under the Bill, when a child makes a disclosure to a mandated person the obligation is on the mandated person to report this information to the Child and Family Agency. We have heard of many cases in the past where failure to act or a delay in taking action has had the most serious consequences. For this reason, I am pleased to note the inclusion in section 11 of a provision which ensures that where a mandated person believes a child is under threat of immediate harm, he or she is not required to go through the general route of submitting a report using an approved report form that can take some time to complete, but may instead make initial and immediate contact with the agency. It is critical that such emergency contacts take place. Section 11(8) provides that such an initial contact must be followed up with the submission of the appropriate report form not more than three days after the report is filed. This is a reasonable requirement. While the ability to make immediate and urgent reports is of paramount importance, the inclusion of this emergency option is tragically necessary.

Transparency and consistency were severely lacking in such cases in the past. It is important that society has not only collectively learned its lesson but that we are also following through with legislation that is mindful of this lesson. For too long, we have lived in a society where children were seen and not heard. History has shown that we failed the most vulnerable children in our care. Section 11(7) tallies with section 16, which amends the Child and Family Agency Act 2013, in that it ensures the views of the child will be paramount at all times when the Child and Family Agency is carrying out its functions. This is one of the most important aspects of the Bill as it demonstrates the way in which our whole culture has shifted from inactive to reactive and we will never again allow anyone to sidestep his or her duty of care towards a child.

There has been some discussion about the punitive dimension of the Bill, an issue to which I will turn later. Based on professional experience, my observation of society and the experience that comes with years, I believe the very existence of mandatory reporting will create a culture of reporting. Just as the breathalyser has achieved the same objective in combating drink-driving, through an osmotic effect, it will make it socially unacceptable not to report child abuse. This, along with other actions by the Minister for Children and Youth Affairs will, as she said, make safeguarding practice the cultural norm for anyone working with children.

Some concerns have been raised that the Bill does not go far enough. There will be the potential to prosecute people under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 while the regulatory bodies involved with children will take punitive action if their members have not acted. This legislation strikes the correct balance in achieving high-quality reporting with high substantiation rates, while avoiding overwhelming the child protection system with inappropriate reports, a criticism of the

operation of mandatory reporting in other countries. As all Members are privileged to interact with so many elements of society and people of all ages every day, the significant achievement of the legislation will be to place a societal imperative on the professional working with children to report child harm and abuse.

Apart from the fundamental objective to protect and safeguard our children, this Bill also represents the type of joined-up thinking that, in the past, was badly needed. Section 13 is an illustration of this, stating as it does that someone identified as a mandated person is obliged to comply with the request of assistance by the Child and Family Agency by means of producing verbal or written reports, attending agency meetings and producing requested documentary evidence to the agency. This level of requirement, as identified by the Minister of State, Deputy Kathleen Lynch last night, is very helpful and vital in the assessment of inter-agency co-operation.

The Bill will have an impact on various Departments. In light of this, the provision under section 14 means every Department and Government agency will have to prepare a sectoral plan, as well as forming a sectoral steering group. Not only will specific training needs be addressed, the consequences for organisations not in compliance with the Children First guidelines and legislation could include a removal of funding.

This legislation brings accountability and clarity to how we as a society treat our most vulnerable members. It ensures a consistent form of reaction to any threat to their psychical or psychological safety and represents the foundation stone of a society where even the mere threat of harm against a child or evidence of non-compliance with these new regulations is met with zero tolerance. Reacting to the Bill, the Saving Childhood group stated the legislation ensures “not just the consistent reporting of child protection concerns, but the consistent response of the State and its agencies to such concerns”.

I urge the Minister, as more resources become available to her, to expand the facilities available to our young people such as increasing the number of youth cafes, youth clubs and organisations. I salute the Minister on creating a legislative framework for child protection which was vital as we needed that cultural shift. We now need to back this up with resources and an infrastructure that supports children and young persons. The town in which I have the privilege of living, Cavan, is a wonderful place for a child and where a child can do anything he or she wants. I am happy the Minister recently provided financial support for a youth cafe for the town. Every town should be able to allow each of its children to access youth clubs and recreational facilities which will enhance their self-esteem. The Leas-Cheann Comhairle, as a distinguished former member of the teaching profession, will be aware that there is nothing more critical to a young person’s welfare than self-belief and self-esteem, along with a confidence that is different to silly arrogance. The way we give them that is through youth facilities, social activities, friendship and support.

This is a great day for children. A society that does not value its children has bad priorities.

**Deputy Peter Fitzpatrick:** The publication of the Children First Bill represents delivery of a key aim of the programme for Government, as well as the delivery of a key recommendation of the 2009 Ryan report implementation plan. The Bill will form part of a suite of child protection legislation which already includes the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. This proposed new law represents an important

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and necessary addition to the child welfare and protection landscape, seeking as it does to ensure that child protection concerns are brought to the attention of the Child and Family Agency without delay. This is about ending the turning of a blind eye to child abuse and neglect which prevailed for far too long. This legislation is about making best safeguarding practice the cultural norm for anyone working with children.

The Bill provides for several key child protection measures. It requires mandated persons to report child protection concerns to the Child and Family Agency, Tusla. Mandated persons includes medical practitioners, registered nurses, teachers, social workers, gardaí, psychologists, members of the clergy, preschool child care staff and child protection officers of religious, sporting, cultural or recreational organisations offering services to children. The Bill also sees the establishment of a Children First interdepartmental implementation group on a legislative basis whose purpose will be to promote compliance and monitor implementation by various Departments. This group, which includes representation from each Department, will be required to keep the implementation of the legislation under review and to report every year to the Minister for Children and Youth Affairs. This will ensure a continuous focus on implementation and compliance until best practice becomes the norm.

The Bill states that information on harm to children must be reported. Harm means to assault, ill-treat, neglect or sexually abuse a child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise. Ill-treatment means to abandon or cruelly treat a child, or to cause or procure or allow the child to be abandoned or cruelly treated, in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare. Neglect means to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare. Sexual abuse means rape, sexual assault, incest by males or females, sexual offences, wilful exposure of the child to pornography, or wilful sexual activity in the presence of the child, or human trafficking, or causing or encouraging sexual offences upon a child. Welfare, in relation to a child, includes the moral, intellectual, physical, emotional and social welfare of the child. The Child and Family Agency has reorganised its Children First services into a new national service, with local Children First information officers now working as part of a national team reporting to a national manager. Work is under way to develop the agency information campaign, including via websites and social media. Work is also under way to develop a training framework to support implementation of the Children First Bill. For example, the agency has already engaged with city and county child care committees on training of trainers, which means staff in each city and county child care committee have now been trained to provide training to individual child care settings, with full national cover now in place.

I congratulate the Minister, Deputy Fitzgerald, on her outstanding work to date. I commend the Bill to the House.

**Deputy Sandra McLellan:** I commend the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, on the introduction of this Bill, which was promised by many of her predecessors. The children of this State have waited a long time for this Bill. Many Governments have come in and out of office and left the children of Ireland behind.

This Bill is based on recommendations and guidelines dating back to 1990. The issue of mandatory reporting of knowledge or suspicion of harm to children was first recommended by the Law Reform Commission and later by the Kilkenny incest inquiry in 1993. Six years later

in 1999, the then Department of Health introduced national guidelines for the protection and welfare of children. These guidelines were reviewed in 2008 but no legislation was introduced. This means children have waited 24 years for this Bill. I applaud the NGOs and campaigning groups who have continued to work privately and publicly on this issue. It is as much a credit to them as to this Government and the Minister, Deputy Fitzgerald, that this legislation is before us today.

The Bill contains some important aspects, particularly mandatory reporting. This is essential to the protection of children. Unfortunately, the Bill in its current form falls short on other aspects.

There are no sanctions in place for those who fail to comply with the requirements set out in the Bill. The original Heads of Bill published two years ago included a penalty of up to five years in prison for failure to comply with this legislation. I urge the Minister to revisit this. Without any clear sanctions for failure to comply with the Bill it is hard to see how this legislation will be enforced or policed. At best, we will have inconsistency; at worst, more toothless legislation gathering dust. I urge the Minister to address this on Committee Stage.

Much of the abuse now being tackled by society happened in the distant past. The Bill should provide us with an opportunity, rather than limping from one crisis to another, to deal with retrospective allegations once and for all. A key aspect of child protection is the provision of resources to upskill and support those working with children. Sadly, this Bill fails to provide any such resources. This may well create the dangerous situation of the Government believing it has done its best while in the big bad world the Bill will have little or no effect because organisations will not have the resources to train and inform their members. The Bill would be far more robust if resources were made available to meet its demands.

While this Bill will require certain mandated persons to make reports to the Child and Family Agency in relation to harm to children, this demand will need to be underwritten with additional resources for those statutory agencies processing and investigating the reports. There is no point in mandating organisations to report child abuse and child neglect if these reports will end up mounting on someone's desk and never actually receiving the attention they deserve. This is an issue of resources. International experience, particularly in the USA, where mandatory reporting was first introduced in the 1960s, is that this generates increased workload on already under-resourced organisations. The Government must rise to this challenge. Linked to this is the already increasing number of reported cases of child welfare and protection issues. Between 2007 and 2011, the number of reports increased by 36% to 31,626. This is due to the increasing population of children and, sadly, the recession. It is acknowledged that children will be at risk when economic conditions are poor. This Government, because of the policies it is pursuing, must take responsibility for this. Cutting rent and children's allowance will have a real and immediate impact on families and children. A study carried out by TASC in 2012 revealed that the group most at risk of poverty in Ireland - namely, lone parents - lost the highest percentage of income in budget 2011.

Despite the rhetoric from the Government, the truth is that the decisions made by it have had a negative impact on our most vulnerable people. One solution is to equality-proof Government budgets. This would ensure that the most vulnerable in our society, including children, would not be adversely affected by budgets. Equality budgeting is an approach to economic policy making and planning that places equality at the centre of decisions concerning public expenditure and income. Equality budgeting provides information on how different sections of

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society are affected by specific economic policy measures. The objective of equality budgeting lies in ensuring this information is used to reduce inequality and achieve the best equality outcomes for specific disadvantaged groups and society in general.

Given the disproportionate impact economic policies are having on different sections of society, such as lone parents, women, low-income workers and people with disabilities, equality budgeting should be introduced as a means to halt and reverse the current trend in increased inequality and poverty. Equality budgeting is internationally recognised as an effective tool for addressing poverty and inequality. As poverty and inequality are on the increase in Ireland, it is now essential that equality budgeting be introduced as a matter of urgency. Not only would this benefit Irish society by ensuring political decisions are made on the basis of data and research that clearly establish the equality implications of economic policies, but it would also assist in making the budgetary and policy process more transparent and participative. The benefits of equality budgeting in terms of increased levels of information, equality and transparency would also allow Ireland to stand by its national and international obligations on the protection and enhancement of human rights. The Irish State has repeatedly committed itself to principles of equality and the protection of economic rights in several human rights instruments, declarations and strategy documents, including the Beijing Platform for Action, the International Covenant on Economic and Cultural Rights, the UN Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination Against Women.

In 2013, Sinn Féin produced a Bill aimed at achieving equality-proofing of Government policy, including budgets. Twenty-nine Labour Party Deputies voted against this Bill. Sinn Féin has given a clear commitment not to cut child benefit. The argument that child benefit is paid to families who do not need it is misguided. Child benefit is a payment made to mothers on behalf of their children. It is recognition that all mothers and children are equal. Sinn Féin has always argued that we should tax the parent, not punish the child. If the Government wants to save money it would be better off reforming the tax system rather than cutting child benefit.

A report launched by the Minister for Health in April 2012 shows that 21% of children are going to school without breakfast or to bed without a proper meal. The reality is that the Bill before us today is seriously undermined unless child hunger is tackled by this Government. It is our ultimate vision to roll out school meals to every school. Extending the school meals programme to an additional 500 schools would cost €11 million. This would go some way to eradicating child hunger in this State.

There is also genuine concern expressed by groups, including the Irish Society for the Prevention of Cruelty to Children, that the list of mandated professionals does not cover national organisations which, as their main purpose, work with children and families. Many large organisations are not explicitly mandated to comply with protocols outlined in this Bill. It is essential that all organisations providing services to children take a consistent approach to ensure best practice is adhered to when responding to child abuse and child neglect.

While I welcome this Bill, it has shortcomings that need to be addressed. This Government must play its part in tackling child neglect, particularly child hunger.

**Deputy Frank Feighan:** I welcome the Bill and thank the Minister and her staff and congratulate them on the work they have done on developing child protection. The Minister has been to the forefront of many initiatives and has not just talked the talk but walked the walk. This Government established the Department of Children and Youth Affairs, creating a full

Cabinet position which facilitates the development of an approach to delivering services to Irish children. It harmonised and led the way into dealing with children's affairs. It also saw a number of transfers from other agencies such as the Irish Youth Service, Department of Justice, Equality and Law Reform, Family Support Agency, National Education and Welfare Board and many others, and I welcome this. The children's referendum, which amended the Constitution, was a very important step in ensuring the protection of children in Ireland. We have greater child protection, children are prioritised and we are giving them a second chance.

The Bill will put key elements of the Children First guidelines on a statutory footing for the first time since they were published in 1999 and this is very welcome. The Bill will provide for a number of key child protection measures including a requirement on mandated persons, including medical practitioners, registered nurses, teachers, social workers, gardaí, psychologists and members of the clergy, to report child protection concerns to the Child and Family Agency. It will require mandated persons to assist the Child and Family Agency in the assessment of a child protection risk, if the agency requests it. Organisations providing services to children will be required to comply with best practice in child protection as set out in the Children First guidelines and to produce a child safeguarding statement. This is very important and necessary.

There has been much talk on this issue over the years. However, I am glad the Opposition has acknowledged the significant work the Minister and her Department have done in the past three years, which has put the child at the centre of the Department's policies. The Bill will strengthen child protection in Ireland, acting on the 2009 Ryan report, which highlighted some stark issues which were not being dealt with but were being swept under the carpet. Everybody took notice of the Ryan report. The Bill also represents the delivery of a key commitment of the programme for Government.

Section 9 of the Bill provides that: "A provider of a relevant service shall ensure, as far as practicable, that each child availing of the service from the provider is safe from harm". This is very welcome. Section 10 provides that a person who proposes to operate as a provider of a relevant service shall, within three months of the commencement of the service carry out a risk assessment and prepare a child safeguarding statement. This is also welcome.

When I was a young child, many years ago, the community cared for the child, as Deputy O'Reilly outlined. Everybody was looking out for each other. Unfortunately, there were times when people did not know, and when a perpetrator or a person who would undermine a child was respected. I refer to people in positions of influence such as priests, teachers and many others. Many issues were swept under the carpet. Now we have in place a reporting mechanism that can stop that. It is unfortunate that we grew up in an innocent time when we trusted people who breached that trust. Although it is unfortunate that over the years we have had to bring in this legislation, it is very necessary given what has happened in the past ten to 30 years.

While it is great to see our young people so confident and mature, much more so than we were, they face different challenges to those we faced. In small towns years ago there were cinemas and places for people to meet. Rural areas face major challenges and decline, which is population based. My town used to be a big town with 3,000 people. Towns such as Ratoath, which was a small village 20 or 30 years ago, might have a population of 25,000 to 30,000 people. We must address these matters. Now we have regional towns. Carrick-on-Shannon, with a population of 4,000, is a regional town for people from many smaller towns and villages who use the facilities there. It is nice that we do not have a two-bit swimming pool in each town but a decent leisure centre, which one can be proud of, in one area and a decent cinema

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and theatre, hotels and restaurants. People, especially the young, can go to that area and meet.

However, transport is an issue. People in rural areas have to travel further to avail of facilities and meet their friends. Growing up in a small village or town does not mean one has a small circle of friends. Politics teaches one that one can meet different circles of friends. As parents cannot drive all around the country, we need cycleways, which I have seen in Germany, the Netherlands and Belgium. While it is nothing to cycle five or six miles from a village to a town, we need safe cycleways. The Minister will work closely with other Departments and I implore her to establish safe cycleways between our towns, villages and bigger towns to allow young children to do the things they want to do without relying on their parents or a transport system which lacks economies of scale. Now is the time to consider linking up all our green networks and cycleways around the country so that, for example, people from Boyle can cycle to Carrick-on-Shannon in half an hour, people from Elphin can cycle to Carrick-on-Shannon and people from Carrick-on-Shannon can cycle to Boyle, or whatever. We need to examine this around the country because the Ireland in which I grew up does not have the population and economies of scale to provide the top-class facilities we want.

Again, I congratulate the Minister and her Department. It is nice to hear the Opposition welcoming this innovative Bill and I hope it will provide a future framework for our children.

**Deputy Ciara Conway:** I congratulate the Minister on getting to this stage. It has been a firm commitment of hers since taking office to ensure we safeguard children into the future. Not only does the Bill deliver on a key commitment in the programme for Government, it is a direct recommendation of the 2009 Ryan report, which appalled people throughout the country with its description of how the State had failed children. The introduction of this legislation will end that.

I have listened to and welcomed the input of many of the Deputies on this issue. They have spoken much about how different people in separate organisations have a role and a responsibility, with a statutory footing for reporting in the protection of children. It is important to reflect on how we all have a duty to protect children and that we can no longer turn a blind eye to the issue. It is not easy to make a report about a child and the issue can be fraught with ambivalence, difficulty and discomfort for those who believe they must make a report. We must all ask ourselves what will happen if we do not make such a report, especially now that there will be a statutory penalty for failing to make such a report. As a society, we must consider what it would mean for children if we were to fail in one of our fundamental roles - the protection of the youngest in society.

During the pre-legislative scrutiny stage the Joint Committee on Children and Youth Affairs heard for the first time from representatives of all Departments who outlined their responsibilities to children. I am a former social worker and was often contacted by key people in communities who worked in public libraries, local housing departments of councils and youth services because of a difficulty with a particular child. When I asked them about their child protection policy, they would look at me blankly. They worked in local authorities, but they had no child protection policy. Child protection is not just about psychologists, GPs, social workers and people working in Montessori schools; it concerns those with whom children interact every day in every community and every walk of life. We all have a responsibility to protect and safeguard children.

I do not have much time, which is unfortunate, as I am fundamentally passionate about the

issue. I believe in it and I am very happy to have seen the establishment of the Child and Family Agency. The Minister knows that the special rapporteur on child protection appointed by the Government made a recommendation in the report to the committee that we ban alcohol advertising at sports venues. This is important as, in the inquiries into child deaths - over 200 children died in State care - alcohol was a risk factor in every one. I implore the Minister to speak to her Cabinet colleagues about how important it is to get to grips with alcohol in this country.

Debate adjourned.

## **Topical Issue Debate**

### **Accident and Emergency Services Provision**

**Deputy Brendan Smith:** I appreciate the Ceann Comhairle giving me the opportunity to raise this issue. I am also appreciative of the Minister's attendance to deal with it.

A new accident and emergency department is needed at Cavan General Hospital. I understand HSE officials have assessed the department's facilities and that they have been deemed inadequate, lacking the appropriate accommodation for the patient numbers currently attending, as well as to meet the requirements of patients and staff. Next month marks the 25th anniversary of the opening of Cavan General Hospital and at the time the numbers of patients presenting at the emergency department were considerably lower. The importance of the facility to the people of Cavan and Monaghan is evident when one considers that in 2013, 40,000 patients were checked in at reception in the emergency department, with just over 30,000 being treated in the department. The remaining patients were treated at the paediatric assessment unit and the acute medical assessment unit. These units were developed in the past five to six years. I am sure the range of new facilities required has been well documented to the HSE and the Department. I sought this Topical Issue debate in the hope some urgency would be afforded to these discussions.

I understand the areas requiring attention include the provision of appropriate resuscitation and isolation facilities and more examination cubicles. The layout of the emergency department is not suitable, which naturally imposes additional burdens on staff and patients. I understand a minor operating theatre and three to four cubicles in which minor injury patients could be seen by advanced nurse practitioners and junior doctors would enhance considerably the workings of the emergency department. The information technology system requires updating and triage cubicles of appropriate dimensions are also required. I am sure we all wish to see specific waiting accommodation and treatment facilities for children.

I outline these requirements in the context of the success of Cavan General Hospital and take the opportunity to compliment the staff in all disciplines in the hospital for their commitment, diligence and professionalism. I know that the manager of the hospital, Ms Bridget Clarke, works extremely hard and diligently, giving great leadership in challenging times. As the Minister knows, Cavan Monaghan Hospital operates as a single acute hospital, based on two hospital sites, catering for a population of 133,566 people. These figures from the 2011

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census represent a population increase of 11.31% on the 2006 census figure, with Cavan seeing the third highest population increase recorded in the 2011 census, closely behind Fingal and County Laois. This welcome increase in population creates an extra demand on health facilities and, in the context of health service delivery, the 2011 census indicated that there were 15,847 persons aged over 65 years and 4,157 aged over 80 in Cavan and Monaghan. This age profile is much higher than the national average for these age cohorts, which imposes additional demands on local hospitals and in the delivery of health services in general.

**Minister for Health (Deputy James Reilly):** I thank the Deputy for raising this important issue. As he knows, I visited Cavan General Hospital not long ago as we met at the time. From January to the start of April this year there were just 195 patients waiting on trolleys at the hospital, whereas in 2011, during the same period, there were 1,825 patients waiting on trolleys. This is a decrease of almost 89.3% on the number who must endure long waits on trolleys at the hospital. I congratulate the staff for their great efforts in achieving this improvement.

An acute medical assessment unit, AMAU, was officially opened at Cavan General Hospital on 11 April. The introduction of this unit, alongside the emergency department, benefits patients by allowing for their assessment in a much more timely fashion. From the patients' perspective, attending the AMAU reduces their waiting time and means a senior doctor can make a prompt clinical decision on whether a patient needs to be admitted. A decision on discharge or admission is facilitated by radiology, laboratory and other dedicated services, including nursing, therapy professionals and medical social workers. If admission is required, the patient will be admitted to the most appropriate area of the hospital. If admission can be avoided, the patient will have access to appropriate and timely outpatient follow-up care.

As well as the AMAU, a separate paediatric assessment unit, as mentioned by the Deputy, was introduced in the hospital in July 2011. An outpatient facility for paediatric cystic fibrosis patients opened in April and I was pleased to attend at the time. Development work has been undertaken in respect of the short stay and day wards and the minor injuries unit in Monaghan also assists in ensuring only cases which genuinely require emergency care are directed to the emergency department in Cavan. The Deputy knows that the hospital in Cavan is not just a single hospital operating on two sites. It is now part of the Dublin North East group and has a very bright future within that.

This development has significantly improved patient experience and reduced wait times in both the acute medical assessment unit and the emergency department, ED, with a daily average of two patients waiting for admission, and these waits being less than nine hours. I am determined to see that this good practice and organisation, which has been put in place in Cavan and resulted in such great ED improvements in recent years, will be repeated in other hospitals and lead to further improvements in EDs across the country.

I am conscious that the infrastructure of the ED in Cavan General Hospital is now 25 years old, and that the number of presentations has grown by around 33% from 2011 to 2013, with an average of 80 presentations each day. In many of our hospitals, the physical structures which were acceptable at the time of construction were not future proofed. When judged against recently developed guidelines, such as the Children First guidelines or the standards defined in the emergency medicine programme, they cannot meet the more stringent standards that have developed in their lifetime. Despite constrained resources, we try to ensure that essential service developments are undertaken. Since 2011, Cavan has seen the expansion of its renal dialysis unit, the development of the paediatric assessment, short-stay and stroke units and the

expansion in 2010 of the ED. As resources allow and service needs are determined and prioritised, such developments will continue in the future.

**Deputy Brendan Smith:** I thank the Minister for his reply.

He rightly states that he officially opened the relocated medical assessment unit some weeks ago and the unit in its original location has been extremely successful. Similarly, the paediatric assessment unit eases the pressures on the ED. Between 2000 and 2011, Cavan General Hospital received major capital investment, which has resulted in new facilities and services. Some of the additional facilities provided during that period include a special care baby unit, additional bed capacity - more than 21 beds, I think - MRI units, a CT scanner, other diagnostic facilities, major expansion of the renal dialysis unit, an upgrade to a very high standard of the intensive care unit, the provision of oncology services linking with the Mater hospital which is very welcome, improved psychiatric services and resources for inpatients, and investment in other facilities. The hospital cares for substantially more patients with differing medical needs. Thankfully, today, patients can be treated in Cavan who in the past had to access those services in Dublin or outside our region. We sincerely appreciate those developments in oncology and nephrology, which have been spectacularly successful.

In general, where a hospital's overall capacity expands, that indirectly places more demands on the ED. In layman's terms, the hospital is busier and the need for additional new build facilities is an endorsement of the hospital's work. I am realistic enough to know these facilities will not be developed overnight but we want them in the pipeline so that they will be put in place in a few years' time.

I take this opportunity to thank the staff who work in EDs. I have had very little reason to attend an ED for care but the staff work under very difficult circumstances and I appreciate their commitment and diligence.

**Deputy James Reilly:** I thank the Deputy. He has outlined the considerable improvements in Cavan General Hospital, including the expansion of the renal dialysis unit from ten to 18 stations in 2011, thus enabling patients to access dialysis locally instead of having to travel to Dublin three times a week. The paediatric assessment unit opened in July 2011, with 5,000 patients assessed and treated in a dedicated facility by a dedicated paediatric staff instead of being seen in the ED. There was also the infrastructural expansion of the ED in 2010, the genitourinary medicine clinic developed in Monaghan Hospital, supported by Co-operation and Working Together, CAWT, and the development of the stroke unit. The care of stroke in this country has been transformed in the past 18 months through the clinical programmes and I congratulate everybody involved. It now means that we are either saving a life or preventing somebody from going into long-term care every single day. We have gone from the bottom of the league in Europe for use of thrombolysis, the clot-busting drug, to the very top in a short period. That is a real credit to all concerned.

I congratulate the staff in the ED too and I am not being smart when I say that I congratulate everybody in the hospital because the ED operates only if the whole hospital operates properly and people can be admitted quickly when they need to be admitted and not left languishing in the ED. That requires great co-operation from the staff up the house as well. It also requires proper integration with community services so that people can get into long-term care when they need it, or get the home care package they need. Nobody wants to go into long-term care before they really need to. The cystic fibrosis area developed in the outpatient suite is a huge

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boon too because it means that patients do not have to worry about cross-infection. Cavan General Hospital has done a fantastic job of delivering quality care across an increased range of services and while the fabric is 25 years old and we would like to modernise it, the most important point is that patients today receive a safe, efficient service from very dedicated professionals.

### **Special Needs Assistants**

**Deputy Mick Wallace:** I thank the Ceann Comhairle for selecting this issue for debate. The Minister of State at the Department of Education and Skills, Deputy Ciarán Cannon, knows that the role of special needs assistants, SNAs, has evolved over the years. They play an extremely important part in the daily lives of children with special educational needs. The circular issued by the Department in April is trying to discourage this and ignore the day-to-day reality of how schools operate. It emphasises that a child with special educational needs is not automatically entitled to an SNA and that the scheme is aimed at children with “significant additional care needs”. The circular states that it should not be assumed that children who have special educational needs or a disability require the support of an SNA, and that, while professional reports provide an integral part of determining the extent of supports required for special needs pupils, health staff within the HSE have been instructed not to recommend references or the quantity of educational resources in their reports. The overall responsibility for the support and progress for pupils with behaviour-related care needs now lies with the classroom teacher. In addition, post-primary pupils will only be allocated SNA support in the case of chronic and serious need.

A Wexford mother, Jane Johnstone, who has two children with autism in Scoil Mhuire in Wexford and who is a long-time campaigner for the rights of those with disabilities, told me that the circular will have negative implications for children with special needs and the general population of children within our educational system. The SNA supports children with special needs to develop independent living skills, allowing them to grow to become as independent as their disability allows and provide access to our mainstream communities by supporting them to become the best they can be. Every child has the right to grow to his or her potential. It is unthinkable that Government policy would hinder rather than support progress in order to redress an ongoing economic crisis in which our children played no part.

**Deputy Colm Keaveney:** I acknowledge the presence of the Minister of State. He was passionate about this area prior to having the honour of being elected to this House. I am confident he is familiar with the details of a report which reveals the number of children being left behind within the system. Schools have been forced to implement *ad hoc* arrangements for children who need adequate supports, particularly resource teaching hours.

*5 o'clock*

The report presented evidence of a growing crisis in the system. It referred to successive cuts, deteriorating staffing ratios, shrinking resources, unqualified staff and cuts to essential one-to-one interventions, and concluded that the SEN population is growing with no corresponding increase in resources. I am particularly disturbed by the report's conclusions about the current system, which perhaps unintentionally discriminates against children from poorer backgrounds, particularly those in DEIS schools. The report states that students with special educational needs in DEIS schools mostly come from chaotic families. When a child has attention deficit hyperactivity disorder, for example, he or she will only get access to resources when receiving child and adolescent mental health services and can show evidence of an ongo-

ing treatment plan. Poorer families do not co-operate with these services as fully as they might and thus when a school applies for resources, it is turned down. The rules are far too strict for families in DEIS schools. I appeal to the Minister of State to examine this issue, about which I know he is passionate.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):**

I am pleased to be able to outline the position regarding the circular which has recently been issued to schools in respect of the special needs assistant, SNA, scheme and the provision of resource teaching support for children with special educational needs. This Government has passionately defended the provision for special educational spending since coming into office three years ago. It is an area of spending which has been prioritised above all other areas by this Government, despite the enormous pressures on all areas of public spending. Some €1.3 billion will be spent in support of children with special educational needs this year. This level of investment represents approximately 15% of the entire educational spend of the Department of Education and Skills, which is €8.3 billion. There are a greater number of SNAs and resource teachers in schools now than at any time previously.

In December 2013, the Government announced it was increasing the number of SNAs available for allocation to schools to reflect demographic growth and increased demand for SNA support. The previous provision of 10,575 SNA posts has been increased by 390 posts to 10,965 posts being made available for allocation up to the end of 2014. This will bring to almost 11,000 the number of SNA posts available to work with children who have an assessed care need requiring SNA support in primary, post-primary and special schools. These extra posts will ensure that the Government's policy of ensuring that every child who is assessed as needing SNA support will receive access to such support.

A value for money and policy review of the SNA scheme and National Council for Special Education's policy advice on supporting children with special educational needs in schools both concluded that the intended purpose of the SNA scheme was not always generally well understood by parents or schools and that the scope and purpose of the scheme should be clarified for schools. In accordance with the recommendations contained in these reports, my Department recently issued a new circular to schools in respect of the SNA scheme, which clarifies the scope and purpose of the scheme. The circular restates the Department's policy on the SNA scheme and clarifies the care nature of the SNA role. It details the type of significant care needs for which SNA support will normally be provided. The purpose of this circular is not to reduce the number of SNA posts allocated to pupils who require such support, as is evidenced by the fact that the number of posts being allocated has increased. Rather, its purpose is to provide information and guidance to schools in relation to the criteria and operation of the scheme.

An additional 480 resource teaching posts have also been made available for the current school year in order to meet growing demand from schools for low incidence special educational needs support. This brings to over 10,700 the number of resource teaching and learning support teachers in mainstream schools, which is more than at any time previously and compares favourably with 10,305 posts for the 2012-13 school year and 9,950 posts for the 2011-12 year. These increases in teaching and SNA posts should be seen in the context of requirements for the Government to make expenditure reductions across a range of areas and is reflective of this Government's commitment to providing resources to support children with special educational needs in schools.

**Deputy Mick Wallace:** I recognise that the supply of money is not unlimited. The Minister

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of State has indicated that the level of funding has been maintained but the survey published by the joint managerial body, JMB, contains shocking figures. The JMB reported that the 15% cut in supports for pupils with special educational needs since 2010 is affecting the quality of education for children. Parents with whom I have spoken expressed fears about the circular. They are concerned about the prospect that SNA allocations will be considered only after schools have implemented disciplinary proceedings because most of the children concerned do not have sufficient understanding of the rules. When children present with challenging behaviour, it is usually due to one of two reasons; either they cannot communicate their needs or they are overly stimulated and are unable to cope with their environments due to sensory processing disabilities. To implement disciplinary action on a child with a disability or autism is, therefore, effectively punishing him or her for having a disability. The funds may have been maintained but the increase in numbers means more children are not being cared for adequately and are not being granted their constitutional right to an education.

**Deputy Colm Keaveney:** I thank the Minister of State for his factual and selective presentation. However, the report presents alarming information. It states that poorer families are not normally in a position to co-operate with these services and, as a consequence, when the school applies for support without the correct data, it is turned down. It found that the rules built into the scheme, particularly in respect of DEIS schools, are too rigid. The report is somewhat soul destroying in this regard. When I checked the hours allocated to schools in more affluent areas, I was disturbed to find that a high level of extra hours were given to parents in these areas relative to DEIS areas. I recognise that the challenges differ for people living in the different parts of this country but the presence of a DEIS school in a community is an indication that issues of poverty exist. Given the failure identified in the report in respect of adequate engagement to secure better outcomes for children, I ask the Minister of State to outline how he proposes to address that challenge.

**Deputy Ciarán Cannon:** I gave a factual response because I like to deal in facts rather than conjecture. The fact is that the number of posts have increased significantly and there are now more SNA and resource teaching posts available to families with special educational needs than at any time in the past. In regard to supporting children with special needs in developing a degree of independence that is commensurate with whatever disability they have to endure, significant research is emerging which indicates that the availability of constant supervision and support from an adult in a mainstream school environment can hinder their progress. It can be counterproductive to provide an enhanced special needs assistance to certain children because it hampers their journey towards independence.

If, as Deputy Keaveney suggests, there is hard evidence backed up by research that families in less affluent areas are facing difficulties in accessing SNA support and resource teaching support, I would be interested in examining it with a view to putting in place other supports in those environments that would allow parents to access the services their children deserve.

**Deputy Colm Keaveney:** It is privately assessed. Some parents are paying for the assessment privately.

**Deputy Ciarán Cannon:** In May 2013, the National Council for Special Education recommended the development of a new model for the allocation of those additional teaching resources to mainstream schools based on the profiled need of each school, which breaks the direct link between the allocation of additional resources and the diagnosis of disability. The NCSE concluded that the current support allocation model does not provide all children with

equal access to educational supports. It is proposed that a new model should be developed for the allocation of resources whereby a quantum of additional special educational needs resource teaching support would be allocated to schools based on the profiled need of each school. I feel that would go a long way towards addressing some of the concerns the Deputies have raised. On foot of that advice the Minister, Deputy Quinn, has asked the NCSE to establish a working group to propose a new allocation model to reflect those challenges. I expect that report to be available to the Minister quite soon.

### **Water Meters Installation**

**Deputy Brian Stanley:** I thank the Ceann Comhairle for taking this issue. There is considerable work going on in installing meters throughout the State. Unfortunately they are not fixing leaks but digging up footpaths to install meters. The work is causing considerable disruption to parking and traffic management particularly where streets are narrow. Streets are effectively closed for days as a result. People who are carrying out renovations or extensions to their houses are being seriously put out by this as are the contractors working for them, disabled people and people working night shifts. The Minister of State will say that they get a fortnight's notice. There are reports that people are claiming they are not getting notice. I am asking for a month's notice.

On a related issue, the installation of meters is resulting in other disruption. Damage is being caused in certain cases to water infrastructure. When I first raised the issue in February when the installation programme was in its early stages, Dublin City Council alone had spent €136,000 repairing leaks caused by the installation of meters. Who checks the meter for leaks? Have leaks been caused on either side of it? If it is the contractor, in many cases it is clear they have gone away and left the leak there. More importantly, who pays the Bill? At that stage the Department of the Environment, Community and Local Government had paid €89,000 of the €136,000 bill. Presumably the city council picked up the remainder of it. However, the Department was very clear that it would no longer foot the bill. While we had been given to understand that Irish Water or the contractor would be responsible, it now appears this is not the case.

In February I estimated that if the level of leaks caused in Dublin were replicated across the country - meters are now being installed in Portlaoise and other towns in County Laois - the final bill would be in the region of €20 million to fix the leaks caused during installation. Does the Minister of State have any more up-to-date information on this?

New meters fitted in recent years in housing estates are being pulled out. While there may be an argument for taking out the meter, which looks identical to the one being fitted, the meter box is also being taken out. This means it is being claimed that the meter box was not the right size or up to the required standard. Because that has to be ripped out, a section of the footpath needs to be excavated and reinstated. I can see problems with this reinstatement because when a road or footpath is reinstated it looks lovely for about a year, but local authorities will have significant bills in about ten years because there will be footpaths with sections of subsidence all along them. They are being excavated and reinstated within a very short period of time and unless a very good job is done there will be subsidence.

Will people be given one month's notice? Will the contractors be responsible for the leaks, particularly the ones on the house side of the meters? We must not forget that the householders will pay the bill for any water that leaks out at that point. Do we have up-to-date figures for the

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cost of the leaks caused?

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** I thank the Deputy for raising the issue. The topic the Deputy raised was the lack of notification to householders prior to installation of water meters and that is what is addressed in my prepared reply. The questions the Deputy raised are not part of that. I will be very happy to ask Irish Water to reply directly to the Deputy on the statistics and the process.

As the Deputy will be aware Irish Water is responsible for the metering programme which commenced in July 2013 with the aim of installing over 1 million meters by the end of 2016. More than 1,000 people are working on installing meters, comprising plumbers, general workmen, supervisory staff and so on.

Customer support arrangements are in place, including a communications campaign and the establishment of a customer contact centre. There should also be contact with each Oireachtas Member. Irish Water undertook that each Oireachtas Member would be contacted as would each local authority member so that they have full access to information about what was going on in their area, particularly if there are problems such as those the Deputy has identified.

Irish Water made a commitment to provide households with information on what it is doing. This information includes details on what to expect before, during and immediately after the installation. Irish Water has confirmed to the Department that it is meeting this commitment. Clearly the Deputy's evidence is entirely contrary to that and it would be very important for him to bring it to the attention of Irish Water urgently. Irish Water delivers leaflets at least two weeks in advance of the installation of the meter. The Deputy has asked for a month and I will ask Irish Water to respond to him on that. A further leaflet is delivered at least three days in advance. This leaflet includes contact details for Irish Water and also asks any householders with any disability, mobility or medical concerns to ring the call centre so any additional support or advice can be arranged.

Irish Water makes every effort to ensure that the communications are delivered in a timely and effective manner. It has informed the Department that there have been a few isolated cases where it has had to temporarily suspend the distribution of the leaflets to maintain the health and safety of its staff. In this regard, section 72 of the Water Services Act 2007 provides that Irish Water can require any consumer of water supplied by it to take such supply through a specified meter.

The protection of the interests of customers is a central element of the Government's reform. The establishment of Irish Water should provide a more efficient and cost-effective service. I appreciate there are more issues. If the Deputy gives me the areas on which he needs responses, I would be happy to come back to him on them.

**Deputy Brian Stanley:** I thank the Minister of State for his reply. Some people are carrying out work on a house. The Government introduced a positive scheme to give a tax rebate for those carrying out home improvements and extensions to kick-start the construction industry. In cases where people are trying to carry out renovation work, they need more notice. In the case of disabled people where they have carers coming to collect them where they may have to make arrangements with the Centre for Independent Living, the HSE or the staff of a section 38 or section 39 agency, they need notice to make alternative arrangements.

Meters can be fitted in some areas without much disruption, but in some areas they can cause havoc. In narrow streets access can be blocked off for days which is a particular problem for those who are not as mobile as the rest of us and who may depend on a wheelchair, a walking frame or other similar aids. It is important people in those situations receive adequate notice. It will not cost any more for them to be notified two weeks earlier. The regime would be better if it was changed to one month and one week instead of a fortnight and three days. My house has not been metered yet but when it is, I will be able to tell the Minister of State whether I received adequate notice. There have been reports that people have not received adequate notice and that needs to be tidied up. Will Uisce Éireann re-examine that practice?

**Deputy Fergus O'Dowd:** I assure Deputy Stanley that all of the information he has laid before the House and the issues he has raised will be brought to the attention of Irish Water-Uisce Éireann immediately for direct reply to him. I will ask it to copy me and perhaps we can discuss it after that communication has been received.

### **Human Rights Issues**

**Deputy Maureen O'Sullivan:** I thank the Ceann Comhairle for allowing this Topical Issues matter to be chosen. It, and the abduction of the young girls in Egypt, are two glaring recent examples of an appalling abuse of human rights. We know what happened in Egypt on one particular day. A total of 683 men were sentenced to death by the Egyptian criminal court. They were accused of murder, attempted murder, burning a police station, belonging to a banned group, etc. The same day 37 out of 528 sentenced to death at a previous trial were given the death sentence while the rest - 491 - were given life imprisonment instead. On the same day, the court also banned the April 6 Youth Movement, a peaceful secular movement which led to the protests in 2011. All these examples raise serious concerns regarding the judiciary.

One Middle Eastern academic said that the sentences have demonstrated a dangerous overlap between the executive branch and the judiciary and that these are political decisions and not judicial ones. A hearing lasted eight minutes, no evidence was heard through the defendants, no evidence was heard from legal representatives, the defence was not allowed to cross-examine and the judge did not review evidence. Mr. Colm O'Gorman, executive director of Amnesty International, stated:

Today's decisions [the 28 April decisions] once again expose how arbitrary and selective Egypt's criminal justice system has become. The court has displayed a complete contempt for the most basic principles of a fair trial and has utterly destroyed its credibility.

Regardless of possible overruling of those sentences, it has had a devastating effect on the defendants, on their families and on democracy. What has happened is putting democracy and the democratic process at risk because one wonders whether the regime, with the judiciary, can be trusted to hold free and fair elections. It is most alarming that the head of Al-Qaeda stated: "What happened is the biggest proof of the failure of democratic means to achieve an Islamic government". He called on the Brotherhood to give up democracy to join the Jihad and establish a truly Islamic state.

A response is vital and it is up to the international community to speak out. What has our response been? Has our ambassador in Egypt made known our concerns about this matter? Has the Egyptian ambassador to Ireland been called into a meeting with the Minister of State or the

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Tánaiste on this matter? We have a strong voice. We are on the UN Human Rights Council, we have a reputation and we can be a much stronger voice on this matter. What will the Tánaiste do at the next meeting of EU Foreign Ministers because after all, the EU is Egypt's biggest trading partner? We saw the action taken against Russia in regard to Ukraine and the action taken against Syria. Here we have a gross abuse of democracy in a country but what are we saying about that issue?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** I thank the Deputy for raising this important issue which has justifiably elicited much concern in Ireland and internationally. Ireland is strongly opposed to capital punishment under all circumstances and we continue to seek its universal and permanent abolition. Ireland has consistently called on all states to immediately adopt a moratorium on executions, with a view to eventual abolition, most recently at a high level panel on the issue at the 25th session of the UN Human Rights Council in March 2014. Abolition of the death penalty is also a core value for the EU, which is incorporated into EU political and human rights strategies with our bilateral partners.

The verdict of the Minya court, which in March issued 529 death sentences on individuals convicted of a variety of offences, including the murder of a policeman, after a two day trial, and then on 28 April condemned a further 683 defendants to death for a similar set of charges, is extremely troubling and poses very serious questions for the conduct of the rule of law in Egypt. The commutation of 492 of the earlier capital verdicts to life imprisonment does little to assuage concerns over the rights of the defendants and the current operation of the Egyptian justice system. While Ireland supports the separation of powers under Egypt's constitution, we also stress that the Egyptian authorities have a basic duty to ensure that constitutional protections of human rights are upheld, as is the rule of law and observance of binding international obligations to protect fundamental rights.

It is impossible to see how these trials could be regarded as in any real way meeting basic requirements of due process and the right to a fair trial, with most of those accused tried *in absentia* and many deprived of adequate legal representation or, indeed, any opportunity to present a defence. The swiftness of these extraordinary trials contrasts very sharply to the failure to date to ensure accountability in the many instances of security force responsibility for the killing of hundreds of protestors last summer.

I hope that all possible appeal procedures will be employed to review urgently these appalling sentences. Last month, the Tánaiste made clear to this House our strong condemnation of the conduct of the original trial and the mass death sentences passed. Earlier today, officials from the Department of Foreign Affairs and Trade met with Egyptian embassy representatives to reiterate Ireland's strong concerns about both of these trials, our opposition to the death penalty in all circumstances and our urgent request to the Egyptian authorities to review these verdicts and ensure that Egypt abides by its obligations under international law and fully protects the basic human rights of its citizens.

There has been widespread international criticism of the verdicts issued in Minya, including by the UN High Commissioner for Human Rights who described the latest verdict as outrageous. EU High Representative Cathy Ashton, commenting on 29 April, referred to the mass trials as being "clearly in breach of international human rights law". The High Representative also raised this case directly with Egyptian Foreign Minister Nabil Fahmy when they met in Brussels last month. International concern relates not just to the lack of due process and failure

to comply with international human rights standards but equally the highly damaging effect which these verdicts may well have on efforts to promote greater inclusivity and overall reconciliation within Egypt.

Ireland and our EU partners will continue to closely monitor developments in regard to the Minya trials as the appeals process continues. This will include active consideration of what further diplomatic steps can be taken, including in Cairo, to relay our serious concerns and urge review by the Egyptian authorities.

**Deputy Maureen O’Sullivan:** I thank the Minister of State. Concrete steps are being taken but I am not too sure how strong they are or how effective they will be. As the Minister of State knows, some months ago, the Irish section of AWEPA welcomed members of parliament from Egypt, Tunisia, Yemen and Libya and both he and the Ceann Comhairle met them. A significant part of the discussion we had was how collectively as parliamentarian we can show support for other countries’ transition towards democracy and that together we have a strong belief in democratic institutions and that they will uphold fundamental human rights principles. There is a very serious danger to the whole democratic process by what is happening.

It is even going against the Egyptian constitution because article 96 states that those accused of a crime are presumed innocent until proven guilty in a fair legal trial in which the right to defend one’s self is guaranteed. It also goes against the International Covenant on Civil and Political Rights to which Egypt is a state party. It limits the circumstances in which a state can impose the death sentence. The UN Human Rights Committee has said that in cases of trials leading to the imposition of the death penalty, scrupulous respect of the guarantees of a fair trial is particularly important. All of those have been breached by Egypt in the recent decisions that have been made.

In the final part of his reply the Minister of State indicated that Ireland and its EU partners would continue to closely monitor developments. One could ask how strong a response is that and is the EU with Ireland as a strong voice prepared to go further and to consider other issues including sanctions against Egypt? Much of Egypt’s trade is with Europe. Could we consider tying human rights into trade and therefore be a stronger voice when it comes to human rights?

**Deputy Joe Costello:** Ireland co-sponsored a cross-regional statement on the human rights situation in Egypt at the United Nations Human Rights Council in March this year. That was the 25th session of the UN Human Rights Council. It concluded before any of the trials under discussion had taken place. We will have to examine carefully the situation in Egypt in the June session in terms of what has transpired since with the trials and the verdicts that have been imposed. We will bring the recent background into the equation as well.

Earlier today, our officials met with embassy officials from the Egyptian side and all of the points mentioned by Deputy Maureen O’Sullivan were raised and discussed. The situation from an Irish point of view was made very clear. Last month, the Tánaiste was on record in this House articulating the Irish position. The European Union has articulated its position through Baroness Catherine Ashton. I agree with Deputy Maureen O’Sullivan that there is a role for the European Union to play. Through the European Union we have strong human rights conditions incorporated into all our trade agreements and it is very important to ensure that those are meaningful and have teeth. The European Union and Ireland will keep a very close eye on the situation.

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There is no doubt that what has happened is totally unacceptable. I accept the Deputy's point that it raises the question of the separation of judicial powers from executive powers. We are appalled by the decisions that have been taken, the manner in which they have been taken and the short space of time in which the court sat. It is a case of the highest importance and one on which we will focus most closely in the future. I assure the Deputy that we will monitor the appeals very closely as they proceed, both in our embassy in Egypt and in the Department of Foreign Affairs and Trade.

The Dáil adjourned at 5.35 p.m. until 2 p.m. on Tuesday, 6 May 2014.