



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	2
Questions on Proposed Legislation	10
An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Úinéireacht Phoiblí ar Shócmhainní Áirithe), 2016: An Chéad Chéim.	14
Thirty-fifth Amendment of the Constitution (Public Ownership of Certain Assets) Bill 2016: First Stage	14
Election of Leas-Cheann Comhairle (Resumed).	15
Business of Dáil	16
Estimates for Public Services 2016	17
Third Report of Standing Committee of Selection: Motion	23
Membership of the Houses of the Oireachtas Commission: Motion.	23
Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013: Second Stage (Resumed) [Private Members].	24
Banded Hours Contract Bill 2016: Second Stage (Resumed) [Private Members].	27
Ibrahim Halawa: Motion	33
Topical Issue Matters.	48
Misuse of Drugs (Amendment) Bill 2016: Second Stage (Resumed).	48
Message from Select Committee.	78
Ceisteanna - Questions	78
Priority Questions.	79
National Heritage Plan.	79
Western Development Commission	80
Seirbhísí Aeir Fóirdheonaithe	82
Environmental Policy	84
Other Questions	86
Commission for the Economic Development of Rural Areas	86
Film Industry	87
National Monuments	89
Arts Funding	91
Rural Recreation Policy.	92
Leader Programmes	95
Commemorative Events	97
National Heritage Plan.	99
Topical Issue Debate	101
Debt Collection	101
Insurance Costs	106
Foreshore Licence Applications	109
Report of the Committee on Housing and Homelessness: Motion	112

DÁIL ÉIREANN

Déardaoin, 7 Iúil 2016

Thursday, 7 July 2016

Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

Paidir.

Prayer.

Leaders' Questions

Deputy Michael McGrath: I am sure the Minister for Education and Skills, Deputy Bruton, will agree with me that over the past number of weeks the whole country has been saddened and shocked at the continuous stream of revelations emerging from the national suicide charity, Console, and how it was being run by its former CEO. The interim CEO, Mr. David Hall, has described what was going on as a tactical and considered web of deceit and a prolonged abuse of public trust and public moneys. It is indeed a betrayal of the trust of those who volunteered their time to raise money for Console, those who donated to it and the staff who provided essential services. Most of all it is a betrayal of the trust of those who depend on the vital services that Console has been providing. The real risk is that people will get tired of the ongoing stream of revelations from the charitable sector, with an inevitable impact on donations. That would be the real tragedy.

In the case of Console, as I understand it, the staff are owed €86,000. This morning's *Irish Examiner* reports David Hall as saying: "The HSE haven't met with me in the two weeks since this happened. A meeting has been promised with Ministers Harris and McEntee but nothing happened, no meeting, no solutions, nothing." It is now two weeks after the RTE Investigates programme on Console. I understand that, following Mr. Hall essentially putting a bomb under the HSE and the Department last night, a meeting has taken place this morning with the chief financial officer of the HSE, Department of Health officials, ministerial advisers and the charities regulator. He has put a proposal to protect the services that Console is providing.

Let us remember that this is all about a helpline for people who are going through a very difficult time in their lives and may have suicidal tendencies. It is about providing counselling services for those who have been bereaved when a loved one has taken their own life through suicide. It is also about protecting outreach supports. Last year alone, over 5,500 individual counselling sessions were provided by staff members of Console.

Will the Minister give a commitment that the essential services Console has been providing, and continues to provide under extraordinarily difficult circumstances, will be protected and

7 July 2016

will continue to be provided? Can the Minister give an assurance that the 12 full-time staff and 60 part-time staff who are collectively owed €86,000 will also be protected?

I want to know where this goes from here. There has been a lack of political leadership on this issue. Not a single Government Minister has picked up the phone to ring David Hall or speak to Console's staff in the past two weeks since these astounding revelations were aired by RTE. That is despite the fact that the Minister would have had these revelations for a number of months in the form of the HSE audit report.

Minister for Education and Skills (Deputy Richard Bruton): I share Deputy Michael McGrath's concern that there would be an impact on many people who are in a vulnerable position. Our primary objective now must be to protect the valuable services which have been delivered with great commitment by people in Console. This has come as a huge shock to those working within the sector as well as those supporting it.

The way this matter came to light was through enhanced governance oversight by the HSE leading to an audit by the HSE of what was going on within Console. The system has been working. We can all say it might have worked faster and can all point to reforms we would like to see concerning the charities regulator. Those points are validly made.

I can assure the Deputy, however, that there has been a meeting with Console. The primary motivation behind that meeting is to protect services, as the Deputy said, to ensure that Console's workers are treated properly and that the services continue to be delivered. I can assure the Deputy that the Minister for Justice and Equality has signed the order to equip the Charities Regulatory Authority with the necessary investigative powers under Part 4 of Charities Act 2009 and the staffing to pursue that. It is up to this House to take up this issue. I know the Committee of Public Accounts is assessing it. It has been suggested that we need to further amend some of the legislation in this sphere. The Government is open to making such changes if that proves possible and necessary. This is being dealt with as a priority. Real action is being taken to make sure services are protected and governance and oversight are tightened in all these areas. The charities and voluntary sector is an enormously important part of service delivery. No Government or public body can match the reach that can be achieved by the committed and dedicated members of the community who have been involved in so many areas. We have to provide a regulatory framework in which the public can have confidence. We are determined to do so.

Deputy Michael McGrath: I welcome the Minister's commitment to protecting services. The single most important issue here is the need for support to be provided to those who are feeling suicidal and those who have been bereaved through the suicide of a family member. They need to have someone they can call. The staff of Console have continued to maintain such services in extraordinarily difficult circumstances. We need to know whether there is a future for a reformed Console, or whether the services currently provided by Console will be subsumed into another organisation or charity involved in the provision of mental health services. I have not been impressed by the lack of direct political involvement in dealing with this issue. Even though it has probably been the single biggest domestic news story of recent weeks, not a single Minister with direct line responsibility has taken the initiative to talk to the staff of Console or to the interim chief executive officer, who has had to go to incredible lengths to deal with the issues flowing from the revelations about how this organisation is being run. Does Console have a future? Is the Government giving a guarantee that the services on which people rely will be continued and protected? If so, in what form will they be provided? Given the sensitive and

personal nature of the services involved here, which can and do save lives, there can be no gap in their provision. We all need to remember that 5,500 individual counselling sessions were provided last year. That is what we are seeking to protect here, despite the appalling betrayal of trust that was perpetrated by those involved in running Console.

Deputy Richard Bruton: I assure the Deputy that the relevant Ministers have been directly involved in these meetings and are not dealing with this matter on a hands-off basis. Their priority is to ensure the continued delivery of these services. There is no Member of this House who has not been touched by some family that has suffered as a result of suicide, which has a dramatic impact on everyone around it. The support services provided by organisations like Console are absolutely central in this respect. The Deputy asked whether these services will be protected within Console or within some other organisation. I cannot give him an authoritative answer to that question, which is the subject of discussion. The core commitment and objective is to do as the Deputy has asked by making sure services are protected, continuing to support those who depend on such services and supporting the workers in this organisation, who have been very dedicated and for whom this has come as a total surprise. That is the objective for the Government, as it is for Deputy McGrath.

Deputy Mary Lou McDonald: I am sure the Minister will recall the case of Louise O’Keeffe, who was only eight years old when she was abused by her primary school teacher in County Cork in the 1970s. As the Minister knows, she sought justice against the State and against the Department of Education and Skills. Her case was relentlessly contested by the State. She was pursued at every step. The State won in the domestic courts. In the aftermath of the Supreme Court ruling in favour of the State, the State Claims Agency wrote to other victims to tell them that if they continued with their cases, the State would pursue them for costs. Not surprisingly, faced with the prospect of huge legal bills of hundreds of thousands of euro and a Supreme Court ruling against them, 210 out of 250 victims dropped their cases. The Minister knows all of this. John Allen was one of those victims. Just like Louise O’Keeffe, he was sexually abused in his school. His abuser was tried and convicted yet there has been no justice for him. After years of injustice, Louise O’Keeffe did eventually obtain a judgment in her favour in the European Court of Human Rights. This judgment found the State to be in breach of its obligation to protect schoolchildren from sexual abuse and to be in breach of the European Convention on Human Rights. The State’s response to that judgment has been extremely revealing, namely, a continued obsession with avoiding liability.

John Allen is now one of five victims who wish to re-open their cases against the State. They have sought to have their notice of discontinuance set aside in the High Court in the aftermath of the O’Keeffe judgment. However, the State continues to prevent Mr. Allen and other victims from pursuing justice and it contested his case and again succeeded. However, it should note the commentary of Mr. Justice Barrett ruling in the State’s favour when he wondered whether victims would ever see the day when such injustice as may have been done to them was finally righted by a foot-dragging State.

When does the Government propose to stop dragging its feet? John Allen is back in the High Court today on a matter of costs. I want the Minister to give an absolute commitment to the Dáil that the State will not pursue Mr. Allen or other victims for costs in cases such as these. I also want him to tell us when the State will facilitate rather than frustrate victims from pursuing their just cases through our courts.

Deputy Richard Bruton: I understand that in respect of the cases that have arisen, the State

7 July 2016

has offered an *ex gratia* payment to those who suffered in this way. This payment is available to people and, as the Deputy recognised, many people have accepted it, which has allowed them to get some satisfaction without pursuing a lengthy, costly and difficult court case.

If people choose to pursue a continued case in the courts against the State, the State must assess the case being made. The State will not automatically concede in every case where this issue is being pursued in a legal way because there will be issues around the extent of State culpability which the State would be defending. I cannot give a blanket assurance relating to any court case that may be taken as to what position the State will take because the State must appraise on an individual basis the case that is being made, the extent to which it is culpable and the extent to which it should defend that case. The State must always take the details into account but it has recognised that injustice has been suffered here and while not acknowledging direct responsibility, it has recognised that the State ought to recognise that injustice and make a payment to the people affected. That is the position as I understand it.

I can get additional briefing for the Deputy but that is the general position that has been adopted. *Ex gratia* payments are being made recognising the very difficult circumstances people suffered but if the issue of where liability and responsibility lie is being contested in the courts, each individual case must be assessed by the legal advisers and this will remain the case.

Deputy Mary Lou McDonald: I am not seeking additional briefing. I am seeking answers. I am asking the State to change its course of action. The Government has an *ex gratia* scheme. It is instructive that it is *ex gratia* because, as the Minister concedes, it is a matter of denying liability.

Let me tell the Minister about his scheme. Of the 210 victims the State bullied into dropping their cases of abuse, 15 have applied to the scheme and have been determined. Of that 15, eight have failed. That is now the compassionate response to these victims. Not only did the Minister initially bully these individuals into not pursuing the State with threats of massive bills, but now he actually prevents them from reopening their cases and pursuing their very just cause through a court of law. I do not know how the Minister defends that. I certainly do not know how the Government talks about new politics when surely the acid test of new politics in the State is that the Government does not browbeat and ballyrag victims who were failed by the State.

I did not ask the Minister generally about costs but very specifically about John Allen who will be in the High Court. I want the Minister to give an assurance that this man, who was failed and bullied by the State and prevented from a remedy through the court-----

An Ceann Comhairle: The Deputy's point is made.

Deputy Mary Lou McDonald: -----by the State will not now be fleeced for costs. I want the Minister to give that assurance now to the House and to John Allen.

Deputy Richard Bruton: The courts have to decide who is responsible for abuses and to what extent that responsibility is shared by those who are in a position of trust. That cannot be decided by the Oireachtas; it has to be decided by the courts. The State has recognised that people have been extremely damaged and hurt and in respect of that we have made payments and we will continue to make payments under an *ex gratia* scheme. I am not in a position to assign responsibility. That is a matter only for the courts. Where cases are being pursued by individuals, it is for the courts to determine. It is not for the Oireachtas to make those decisions.

The same is true of costs; the issue of costs will have to be decided on the individual merits of the case. I am not privy to the merits of the case the Deputy mentioned and the case that will be made in the courts regarding costs. It is not up to me to offer any blanket view in the House as to how the State will deal with cases that are being brought against it.

Deputy Mary Lou McDonald: The Minister is in charge of the Department and he is blocking people from taking their cases.

Deputy Richard Bruton: Courts decide these issues. The issues of responsibility that the Deputy has raised-----

Deputy Mary Lou McDonald: Governments legislate.

Deputy Richard Bruton: The issue the Deputy is raising is that people have been damaged and where the responsibility for that lies. Obviously that lies-----

Deputy Mary Lou McDonald: That matter is settled at European level.

Deputy Richard Bruton: -----in the primary instance with the individuals involved. Then the question is: does that extend to others? It is for the courts to decide where those responsibilities lie but the State has recognised that such people need to be supported.

Deputy Danny Healy-Rae: I am delighted to get this opportunity to raise the matter of the proposed Macroom-Ballyvourney bypass which will run from the west of Ballyvourney to Coolcower in the east of Macroom bypassing Ballyvourney, Coolavokig and all those treacherous bends and beyond Macroom town where people are delayed in traffic for 30, 40 or 45 minutes. This project is of paramount strategic importance to all the people of Kerry, all those who travel to Cork and back every day for work and the many hundreds of people from Kerry who have to travel to consultants and doctors in Cork University Hospital, Mercy University Hospital and South Infirmity Victoria University Hospital. For people who have to go for radiotherapy to survive and for a chance to live their full lives, this is the only avenue they have to go to get that treatment. This is the place they have to go. People have to travel as far away as Cahirciveen, Dingle and Fenit and are held up for 30 to 45 minutes going through Macroom. As the Minister will be aware, we are surrounded to the west by the Atlantic Ocean, and the N22 route, to Cork city and to the motorway to Dublin, is a heavily trafficked route. Kerry County Council has come as far as it can to the top of the county bounds. Surely it cannot be asked to come further over into the heart of the county of Cork to make a road into Cork city to which it is very much entitled. The lack of this basic infrastructure is denying Kerry employment opportunities and is prohibiting any investment coming into our county. I understand it was one of the key reasons the Kerry Group set up its global technology innovation centre in County Kildare and cost Kerry up to 900 jobs, which, had it set up in Farranfore as was expected, would have been a massive boost to our county.

This project has been sought for more than 30 years and has been firmly on the agenda for the past 20 years. However, it has been held up by environmentalists and others who thought up ridiculous reasons, such as snails and other species. To rub salt into our wounds, they described them as the Kerry snail. Did they put a Kerry jersey on him or how did they decide he was a Kerry snail? There was plenty of money around ten years ago but these people held up this project for those unreasonable reasons.

Deputy Richard Bruton: I thank Deputy Danny Healy-Rae for raising this. Coming from

7 July 2016

my previous job where we were concerned to speed up the development of the south west, I am in no doubt that infrastructure such as this is very important. I understand the project has a strong cost-benefit ratio and that reflects its strategic importance. It is one of the projects that have been singled out in the transport plan as a priority area.

The work on this project is well advanced. It has full statutory approval. I understand the notice to treat has gone out to landowners on the route and that land acquisition is under way. Already significant money has been expended on the scheme in 2014, 2015 and 2016, and this is getting high priority within the transport programme. Of course, the transport programme proceeds on the basis of the capital available each year but a €6 billion road capital programme has been put in place. A project such as this will have high priority within the roll-out of this programme and all the due preparatory work is being put in place to deliver it.

On the Kerry Group issue, I was directly involved in that project. While I know there would have been a great desire to see that in Kerry, the truth was that it was competing with the Netherlands and the UK. There was a really difficult competition to win to get that project for Ireland at all and the project was, of its nature, one that would have to be located close to deep skill pools that were demanded by it. There are significant opportunities in the south west to build, particularly on the assets of Kerry as a location for enterprise. It is very much our desire, both through our regional enterprise strategy but also through the infrastructure programmes such as this, to give priority to such opportunities.

Deputy Danny Healy-Rae: The previous Government announced that this project was on the six-year investment programme. In which of the six years will that project be delivered? Will this project be in next year's Book of Estimates and, if not, will the Government bring it forward because we in Kerry have waited long enough?

All the jobs being announced at present are for the eastern side of the county and we feel the fact this project has not yet got the go-ahead is one of the biggest reasons Kerry is getting no investment. If we continue in the present vein, I fear that Ireland will topple into the Irish Sea because all the investment is coming to the east of the country, and especially Dublin. I do not begrudge them but we are entitled to live in Kerry also. I ask the Government, as a matter of priority, to ensure this project gets the go-ahead next year.

Deputy Richard Bruton: I am not in a position to identify what will be in the 2017 Estimates. I can give the Deputy some reassurance that the Minister for Public Expenditure and Reform recently announced to the House, as the Deputy knows, that the capital envelope is being increased and the specific commitment to a €4 billion fund that was in the programme for Government will be raised to €5 billion. The prospects are that our capital programme over the next number of years will increase significantly at over 10% per annum, as outlined in the Minister's statement. I am thankful that due to the improved economic performance, we are in a position to increase investment compared with what was previously planned. I do not know where this project lies in the framing of next year's Estimates but I will certainly convey the Deputy's concern to the two Ministers involved.

Deputy Danny Healy-Rae: Post the envelope to Kerry.

Deputy Stephen S. Donnelly: Sarah and Dominic live in Kilkenny with their two kids and they bought their home in 2007. The shop in which Sarah worked in Kilkenny closed and the couple were unable to service their mortgage fully, although they are getting back on their

feet. Two years ago, the Minister's Government sold Sarah and Dominic's mortgage to a US investment firm, which is now evicting Sarah, Dominic and their two children. Last week, the journalist Mr. Niall Brady reported that the Government sold Sarah's mortgage and that of thousands of others to the US investment firm at a 58% discount. That would have brought Sarah's €350,000 mortgage to approximately €140,000, which is approximately the value of the property and a mortgage that Sarah and Dominic can afford. The firm is Oaktree Capital and Sarah and Dominic know them as Mars Capital, which is the company that Oaktree set up to buy thousands of mortgages in Ireland.

At the time of the sale, the Government refused to allow Sarah and Dominic, or any of the Irish mortgage holders, to bid on their own mortgages. Instead, it sold them to Mars Capital with a discount of 58%. Mars Capital structured the deal in such a way that the real discount it got was closer to 70%, which would have brought Sarah's mortgage down from €350,000 to approximately €100,000. She cannot service the €350,000 so she is being evicted, which is bad news for her, Dominic and the kids but very good news for Oaktree Capital. Its accounts indicate that for its €80 million investment, it will get a return of €400 million.

It gets worse. An examination of Mars Capital's accounts is a masterclass in tax avoidance. The accounts indicate that the interest income minus the interest costs for the year come to €4,559,904. Astoundingly, the figure for administrative expenses against that is €4,558,904, leaving exactly €1,000 in taxable profit. The company has three shares issued to three different charitable trusts. The finances are also structured to ensure all interest payments and mortgage payments from Sarah and Dominic and everybody else, as well as all capital gains, can be offset against costs, ensuring there are no taxes owed.

Why did the Government sell an asset that required just €80 million to buy and that one of the leading hedge funds in the world believes is worth approximately €400 million? What does the Minister and his Government say to Sarah, Dominic, their children and the many others being evicted by these foreign firms or struggling to pay their taxes? Does the Minister accept the State will receive almost no benefit in taxes, either on profits or capital gains from these companies? Will the Government launch an investigation into the tax affairs of all these funds that purchase these mortgages in Ireland to ensure not just tax compliance - as tax avoidance is legal - but that the real profits and capital gains that these funds make will be declared properly in Ireland and taxed accordingly?

Deputy Richard Bruton: The tax affairs of any company are open to pursuit by the Revenue Commissioners and if the Deputy has information that he needs to bring to the attention of the Revenue Commissioners, I recommend that he do so. There is no doubt that the Revenue Commissioners have enhanced powers - every year we enhance their powers - and they will pursue any company that is abusing its position. The wider issue of people with mortgage difficulties has been very much on the Government agenda and a great deal of work has been put in, both legislatively and otherwise, to seek to protect people and give them the option of remaining in their homes even though they are in very difficult financial situations. This week, the Minister for Justice and Equality and the Minister for Social Protection have brought further proposals to Government to enhance and integrate that service so that the services of MABS, the Insolvency Service of Ireland, the legal advice scheme that was set up in the past and the various codes of practice would be delivered in a more effective way to clients who need that support.

The sad situation is that many people who could access these supports have not come for-

7 July 2016

ward to do that, whether for reasons of fear or not knowing what is available. In order to deal with that, there has been an effort by Government to ensure that, for example, at repossession cases, the Insolvency Service and MABS would be represented so that they could intervene to support people who are at risk and have not had access to the support services that are available.

Further, one of the issues we have sought to develop has been the mortgage to rent scheme as an alternative for people who might be at risk. That, as many would recognise, has not been the success that it ought to have been and that again is being looked at afresh by the Minister for housing, planning and local government, Deputy Coveney, in the context of an action plan for housing.

The Government is acutely conscious of the needs of vulnerable people who are in this situation and we are seeking to develop more effective services, both legal and otherwise. As Deputies know, under the insolvency courts, financial institutions can no longer block an agreement that has been developed by a practitioner in this sphere. The courts can be used to overturn resistance by a lender to giving approval to a reasonable deal.

Deputy Stephen S. Donnelly: With respect, my question was not about the crash mats the Government is putting in place for people it has pushed off the wall. My question is about tax. Tax avoidance is not an issue for the Revenue Commissioners because it is legal. It would appear that this Government is guilty of facilitating wholesale tax avoidance by international investment firms making windfall profits in Ireland off the backs of ordinary, decent people trying to pay their mortgages, like Sarah and Dominic. We do not know where Mars Capital is sending this money. They are called “notes”. We do not know where they are going, but what we do know is that Oaktree Capital, if one looks at the SEC filings, holds multiple investment firms in the Cayman Islands.

An Ceann Comhairle: The Deputy is just out of time.

Deputy Stephen S. Donnelly: Thank you, Ceann Comhairle. Let me ask the following questions. Was the Department of Finance, directly or indirectly, shown the tax avoidance structures that these firms, like Mars Capital, were going to use? Why was it not made part of any sale that all profits and capital gains accruing to these firms would be-----

An Ceann Comhairle: The Deputy is now out of time. The clock applies to him-----

Deputy Stephen S. Donnelly: -----would be-----

An Ceann Comhairle: -----in the same way as it applies to everybody else.

Deputy Stephen S. Donnelly: Thank you.

An Ceann Comhairle: The time has elapsed, so will the Deputy resume his seat?

Deputy Stephen S. Donnelly: Thank you, Ceann Comhairle. Can I ask the Minister-----

An Ceann Comhairle: No. I am not speaking for the sake of speaking. It is my job to enforce the Standing Orders. The time has elapsed. Will the Deputy resume his seat?

Deputy Stephen S. Donnelly: To reiterate the question, will the Minister consider an investigation and report back to the House on the extent of the tax avoidance we are seeing here?

Deputy Richard Bruton: The Finance Acts provide for anti-avoidance measures and the

Revenue Commissioners execute those. They have the powers to deal with them effectively. Those powers have been enhanced every year, in every Finance Bill over the years. If additional reform to the Finance Acts is necessary, it is open to the Deputy to bring forward such amendments, but in respect of the existing Revenue arrangements, they will enforce those. If the Deputy has details of some new avoidance mechanisms that ought to be scrutinised by the Revenue Commissioners they will more than pleased to consider them and bring forward to the House measures to protect against them in time for the next Finance Bill. I do not have access to the information the Deputy has about the specific avoidance structures he describes but the Revenue Commissioners are there to enforce the rules. There are general anti-avoidance provisions in the Finance Acts and they are overseen and executed by Revenue.

Questions on Proposed Legislation

An Ceann Comhairle: In accordance with the new Standing Order 28, Questions on Proposed Legislation allows for one minute per question. Questions must relate to the Order Paper, the taking of business which has been promised, inside or outside the House, the making of secondary legislation, arrangements for sitting or Bills and other documents. It is not an alternative form of Topical Issues.

Deputy Michael McGrath: Where is the Gambling Control Bill? The heads of the Bill were published in July 2013 and were considered by the Joint Committee on Justice, Defence and Equality, which published a report in November 2013. Large sections of the gambling and gaming industry are either totally unregulated or inadequately regulated. The nature of gambling has changed a great deal since the regulations of 1931 and 1956. All any of us has to do now is pick up the phone and bet as much money as we have. It has been dragging on for more than three years so I would appreciate an update in the context of protecting people.

Minister for Education and Skills (Deputy Richard Bruton): It is a Bill of 83 heads. The pre-legislative scrutiny process has been completed and the 83 heads have now gone for drafting to the OPC. They already have been approved by Government. There is a lot of justice legislation so there is pressure on the drafting process but I will convey the Deputy's concern to the Minister.

Deputy Mary Lou McDonald: My question is on the Charities Act. In the media today we see that substantial moneys seem to have gone astray from, or been misused in, another charitable organisation, in this instance Carline, which supports teenagers. It seems that €161,000 is in question in respect of that organisation. This follows on the scandals around Console and St. John of God.

An Ceann Comhairle: To what legislation does the Deputy refer?

Deputy Mary Lou McDonald: The Charities Act. Will the Minister tell us at what stage Part 4 of the Charities Act, which allows for investigations, will be active? Will he also reply in respect of Part 6, which lays down the principles for fundraising?

Deputy Richard Bruton: My understanding is that the Minister has signed into effect the Part of that Act that deals with investigations and recruitment is under way with a view to in-

7 July 2016

creasing the staff complement by more than 50% to deal with this. The charities legislation is being gradually rolled out. Registration was the first phase, interim receipt of complaints was the second and the roll-out of investigative powers is now taking place. There is no new promised legislation on the agenda but if new thinking evolves beyond the 2009 Act which regulates charities, Deputies and the Government will be able to consider whether additional legislation is necessary.

Deputy Jan O'Sullivan: My question relates to an issue in the Minister's own area. Yesterday he put out a statement on an admission to schools Bill but I have not been able to find it on any website. It does not appear to be available yet so can the Minister tell me if this is the case? I have checked on the Department's website and on *merrionstreet.ie*. The previous Government published the Education (Admissions to School) Bill 2015 and the reason given for not proceeding with it was that the new legislation would be substantially different. From what I have read in the media, however, it does not appear to be different, nor does it appear to deal with the issue of restricting the percentage of children of past pupils in terms of their right of entry to a school. Can the Minister clarify the position regarding the new Bill, if it is available and whether it deals specifically with that issue?

Deputy Richard Bruton: That Bill was approved by Government this week and it is being published in the normal way. I indicated yesterday that I had obtained approval for the Bill. In terms of dealing with the issue of a ceiling on past pupils, the major change in that sphere is that whereas the previous Bill proposed it would be done by means of regulations, on the advice of the Attorney General that will now be done by way of substantive primary legislation. That will be included as an amendment on Committee Stage.

Deputy Bríd Smith: Today, the consultation on the housing crisis will take place in the Mansion House. A few weeks ago the Committee on Housing and Homelessness submitted its report. The Minister, Deputy Coveney, has informed us that in two weeks' time he will respond to the consultation process and the report. Is it anticipated by the Cabinet that there will be some type of legislation - perhaps in the form of declaring a housing emergency, which is how we refer to it because that is what it is - that will bring in radical measures to deal with the problem of housing and homelessness and lead to definite action instead of consistent promises and the failure to deliver and deal with what is an ever-increasing problem? We brought forward an item of legislation on NAMA to give it a new remit in terms of prioritising the building of social housing and providing both social and affordable housing and to use empty properties for social reasons rather than selling them to vulture funds. However, the Ceann Comhairle ruled it out of order. Those who try to legislate-----

An Ceann Comhairle: I thank the Deputy. Her time is up.

Deputy Bríd Smith: -----to do something about it are prevented from doing so. Has the Government any plans in this regard?

Deputy Richard Bruton: I understand the Minister will bring forward an action plan for housing that will include legislative but also non-legislative proposals. The Government recognises the acute pressure on housing supply, particularly in social housing. As the Deputy knows, he has already - together with the Minister for Social Protection, Deputy Varadkar - increased the rent ceilings. This initiative is designed to deal with some of the pressure that people are experiencing. There will be additional measures and acceleration of some of the existing programmes, as well as new legislative initiatives.

Deputy Michael Healy-Rae: The Minister will remember that during the preparation of the programme for Government, debt resolution and other matters were given important attention in it but where does that leave us in terms of the outrageous action by Army marksmen who shot five cattle belonging to a Monaghan farmer in recent days? That was outrageous. I would say to the official assignee to the bankruptcy case, who I will not name, a Cheann Comhairle, because-----

An Ceann Comhairle: It is difficult to relate this to any item of legislation or anything in the programme for Government.

Deputy Michael Healy-Rae: It is in the programme for Government. It was outrageous that our Army was used to shoot five cattle. The Minister should read the story. It was outrageous. It should not be tolerated.

An Ceann Comhairle: It is for discussion in the Topical Issue debate today.

Deputy Michael Healy-Rae: Those who ordered the people to pull the trigger are a disgrace, not the people who fired the shots; I refer to the people who gave the order. This House should say, "Shame on them." It was a disgraceful, despicable act.

An Ceann Comhairle: I do not know if the Minister can comment on that matter.

Deputy Richard Bruton: I understand this was done as a last resort for reasons of public safety. I know as well as the Deputy that diseases in our herd can have a huge impact on the fortunes of the entire farming sector if they are allowed get out of hand. This containment strategy must be in place, and it is only as a last resort that something of this nature would occur.

Deputy Willie O'Dea: There is a commitment in the programme for Government to reopen six Garda stations that were closed by the previous Government on a pilot basis. Will the Minister indicate when those six stations will be operational and who will select them? Will it be the Minister or the Commissioner? Where will the stations be located - in urban or rural areas? If the pilot is successful, is it the Government's intention to continue to reopen other stations that were wrongly closed down by the previous Minister for Justice and Equality, the former Deputy Alan Shatter?

Deputy Richard Bruton: It is my understanding that such a selection would be made by the Garda Commissioner. Obviously, as it is a pilot, the lessons learned will be assessed in terms of the implications for the best interests of policing in our communities. I am not in a position to give a timeline but I will ask the Minister for Justice and Equality to convey that to the Deputy.

Deputy Bernard J. Durkan: The mortgage arrears special courts Bill has been promised as legislation. Will the legislation appear in the House before the end of this session and, if not, would it be possible to set down guidelines within which borrowers might be protected in order to prevent an escalation in homelessness in the interim?

Deputy Richard Bruton: That Bill is still under consideration. However, with regard to issuing guidelines, one of the matters being worked on by the Minister for Justice and Equality and the Minister for Social Protection is the introduction of better support for people who are in mortgage difficulties, so that the various legislative supports - be it MABS, from the Department of Social Protection, or the insolvency service from the Department of Justice and Equal-

ity - can be integrated in a more effective way. This would provide support to families at the point at which they need the help, while making sure that any opportunities to achieve viable working solutions are not allowed to slip.

Deputy Róisín Shortall: With regard to waste charges and the regulations to introduce a pay-by-weight scheme, we know the Minister reached agreement with the waste companies to suspend the plan pending a review. Unfortunately, at least one of the waste companies, Greyhound, is ignoring that agreement and is now putting the onus on its customers to opt out of a pay-by-weight scheme. Greyhound has gone ahead with the introduction of the pay-by-weight plan and is telling customers that they must choose to opt out, or not, and to engage with the company in doing so, which can be difficult for customers. Would the Minister accept that Greyhound's actions are in defiance in the spirit of the agreement that was reached with the Minister, Deputy Coveney? Will he ask the Minister to make direct contact with Greyhound to request that it suspend those plans and honour the agreement that was reached?

An Ceann Comhairle: Does Deputy Joan Collins wish to speak on the same matter?

Deputy Joan Collins: No, but I do wish to speak.

Deputy Richard Bruton: The Minister has indicated that he would be prepared to take legislative action if companies do not agree to comply with the approach that has been worked out. There is no doubt, as the Deputy has indicated, that there are concerns about the activity of one company, and these have been brought to the Minister's attention. I understand the Minister is making contact with the company to seek to deal with the issue.

Deputy Louise O'Reilly: I will do my best not to be provocative. With regard to the national plan for rare diseases and the concerns raised therein about access to life-saving drugs, will the health information patient safety legislation contain a provision to address concerns raised in a report launched in 2014 by the former Minister for Health, James Reilly? When will Members have an opportunity to scrutinise the legislation?

Deputy Richard Bruton: I understand that the pre-legislative phase of the Bill will be taken shortly. I am not in a position to confirm exactly whether it will deal with that issue. The pre-legislative scrutiny will afford an opportunity for the committee to assess the adequacy of the legislation and whether such an issue can be addressed in that legislation.

Deputy Louise O'Reilly: Will the Minister please define "shortly"?

Deputy Richard Bruton: It will be down to the committees to order their business, but I understand it is available to do that.

Deputy Joan Collins: With regard to the Banded Hours Contract Bill 2016, the trade union Mandate issued a press release yesterday which said:

Mandate has now written to all Fianna Fail TD's calling on them to withdraw their amendment [and] saying any concerns the party may have can be dealt with at the committee stage.

Some of the Fianna Fáil Deputies said that the Irish Congress of Trade Unions, ICTU, and Mandate trade union, had supported their amendment. It is clear that they did not. I ask the House to support the motion and ask the Deputies to withdraw their amendment.

The second question I want to put to the minority-----

An Ceann Comhairle: The Deputy can only ask one question.

Deputy Joan Collins: There should be a debate on the Chilcot report next week.

An Ceann Comhairle: The Deputy is not in order.

Deputy Joan Collins: Perhaps the minority Government would consider arranging that.

An Ceann Comhairle: No. I call the Minister for Education and Skills although I do not think he can answer the first question.

Deputy Richard Bruton: No. It is a Private Members' Bill as I understand it.

Deputy Michael Fitzmaurice: It was written into the programme for Government that a new independent appeals board for farmers would be set up. In light of the High Court case last week taken by a Tipperary farmer against the Department of Agriculture, Food and the Marine, where a judge tore to shreds our current system for the independent appeals board, will the Government bring forward the new appeals board or is legislation required to do that as quickly as possible? The system that is there has cost many farmers a lot of money and a High Court judge has ruled on it.

Deputy Richard Bruton: The Minister for Agriculture, Food and the Marine, Deputy Creed, is no longer here. I will ask him to brief the Deputy on that matter.

An Ceann Comhairle: That concludes questions on promised legislation. My apologies to the five Deputies we were not able to reach.

An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Úinéireacht Phoiblí ar Shócmhainní Áirithe), 2016: An Chéad Chéim

**Thirty-fifth Amendment of the Constitution (Public Ownership of Certain Assets) Bill
2016: First Stage**

Deputy Willie Penrose: Tairgim:

Go gceadófar go dtabharfar isteach Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Úinéireacht Phoiblí ar Shócmhainní Áirithe) a leasú.

I move:

That leave be granted to introduce Thirty-fifth Amendment of the Constitution (Public Ownership of Certain Assets) Bill 2016.

An Ceann Comhairle: Is the Bill opposed?

7 July 2016

Minister for Education and Skills (Deputy Richard Bruton): No.

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time. I call on Deputy Penrose to move that it be taken in Private Members' time.

Deputy Willie Penrose: Tairgim: "Go dtógfar an Bille in am Comhaltaí Príobháideacha."

I move: "That the Bill be taken in Private Members' time."

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Election of Leas-Cheann Comhairle (Resumed)

Cléireach na Dála: I put the question: "That Deputy Pat The Cope Gallagher, who is the successful candidate duly selected by the secret ballot by the Members of Dáil Éireann, be elected and do now take the Chair of the Dáil as Leas-Cheann Comhairle."

Question put and agreed to.

An Ceann Comhairle: I call on the newly-elected Leas-Cheann Comhairle to come forward and make his declarations.

Whereupon Members rose in their places and remained standing while the Leas-Cheann Comhairle proceeded to the Dais.

Standing beside the Chair, the Leas-Cheann Comhairle, addressing the Dáil, said:

A Cheann Comhairle agus a Theachtaí, dearbhaím go sollúnta go ndéanfaidh mé go cuí agus go dílis, agus a mhéid is eol agus is cumas dom, oifig Leas-Cheann Comhairle Dháil Éireann a fheidhmiú gan scáth gan fabhar, na rialacha mar atá siad leagtha síos ag an Teach seo a chur i bhfeidhm go cothrom neamhchlaonta, ord a choimeád agus cearta agus pribhléidí comhaltaí a chaomhnú de réir an Bhunreachta agus Bhuan-Orduithe Dháil Éireann.

The Leas-Cheann Comhairle took the Chair.

An Leas-Cheann Comhairle: I have taken the oath and now take the opportunity to say how extremely grateful I am to the House for electing me as Leas-Cheann Comhairle of this, the Thirty-second Dáil. It is an honour and privilege to have been elected to this prestigious position. I pay tribute to those who contested this position, Deputies Seán Crowe, Bernard Durkan and Mattie McGrath, any of whom would have filled the role to the highest standards and with the professionalism expected of a Leas-Cheann Comhairle.

I o'clock

I want to briefly reaffirm my commitment yesterday to fulfil my duties as Leas-Cheann Comhairle in a fair, balanced, impartial and understanding manner, and uphold the rights and privileges of you, the Members of this House. I of course want to pay tribute to my immediate predecessor, the Leas-Cheann Comhairle of the Thirty-first Dáil, Michael Kitt, and wish him well in his retirement.

Geallaim do na Teachtaí go léir - agus tá mé dáiríre faoi seo - go ndéanfaidh mé mo dhícheall chun cothrom na féinne a thabhairt dóibh.

An Ceann Comhairle: Dar ndóigh, ba mhaith liom mo chomhghairdeas a ghabháil le Pat the Cope as a bheith tofa agus táim ag súil le bheith ag obair leis. I congratulate Deputies Durkan, McGrath and Crowe on having contested the position. I now ask Deputy Durkan to say a few words.

Deputy Bernard J. Durkan: I thank the Ceann Comhairle. I of course wish to congratulate the successful candidate, Deputy Pat The Cope Gallagher, and wish him well. I will do my utmost, as all of us in the House try to do, to help and co-operate with him in his duties as Leas-Cheann Comhairle.

On occasions like this one should always thank one's proposer and seconder, but the way the system works means it does not always work out that way. I want to thank those who voted for me, those who did not vote for me, whom I mentioned yesterday, those who would like to have voted for me and could not vote for me, and those who did vote for me and maybe did not like to do so. In the combination of all there emerged a result. Mind you, it was a close one, A Cheann Comhairle. It does not get much closer than that. I was privileged to have had an opportunity to contest the very important post. I again congratulate my fellow unsuccessful contestants, without whom it would have been a straight contest. Things might have been different or better. All of these things add to the sum of the total, all of which is very welcome. Comhghairdeas don Teachta Pat The Cope Gallagher.

Deputy Gerry Adams: Dúirt an Teachta Seán Crowe go bhfuil sé an-bhuíoch do na Teachtaí a thug vóta dó. Ar mo shon fhéin agus ar son an Teachta Crowe, ba mhaith liom mo chomhghairdeas a ghabháil le Pat the Cope. Tá mé an-shásta go mbeidh sé mar Leas-Cheann Comhairle iontach. Go n-éirí an t-ádh leis agus go n-éirí an t-ádh le Teachtaí Durkan agus McGrath feasta. Táim buíoch dóibh.

Deputy Noel Grealish: On behalf of the rural Independents, I would like to congratulate Deputy Pat The Cope Gallagher on his election as Leas-Cheann Comhairle. He will be very fair and balanced, and will work with all Deputies in the House. I would also like to offer my good wishes to Deputies Durkan, Crowe and McGrath. I do not know where Deputy McGrath is; I thought he would be here. We look forward to working with Deputy Pat the Cope Gallagher in his new role.

Business of Dáil

An Ceann Comhairle: I understand the Minister of State, Deputy Regina Doherty, has a business proposal to put to the House.

7 July 2016

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): It is proposed that today's sitting be extended by a further hour, with additional business to be transacted as follows: No. 1, items 16*a* and 16*b*, motion re the third report of the Standing Committee of Selection and appointment of Chairs, and motion re the appointment of ordinary members of the Houses of the Oireachtas Commission, to be taken without debate immediately after the Revised Estimates; No. 2, item 16*c*, motion re Ibrahim Halawa, be taken immediately following the voting time and to conclude after one hour, and the following arrangement will apply: a Minister or Minister of State and the main spokespersons for the parties or Technical Groups will have five minutes each, all other Members will have five minutes, there will be a five-minute response from the Minister or Minister of State, and all Members may share time; and, immediately thereafter, No. 3, Misuse of Drugs (Amendment) Bill 2016 [Seanad] - Second Stage (Resumed), which will adjourn, if not previously concluded, at 6.30 p.m., to be followed by Question Time.

Estimates for Public Services 2016

Minister for Education and Skills (Deputy Richard Bruton): I move the following Estimates:

Vote 1 - President's Establishment (Revised Estimate)

That a sum not exceeding €3,811,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Secretary General to the President, for certain other expenses of the President's Establishment and for certain grants.

Vote 2 - Department of the Taoiseach (Revised Estimate)

That a sum not exceeding €29,350,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants.

Vote 3 - Office of the Attorney General (Revised Estimate)

That a sum not exceeding €14,695,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Attorney General, including a grant.

Vote 5 - Office of the Director of Public (Revised Estimate)

That a sum not exceeding €38,886,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Director of Public Prosecutions.

Vote 6 - Office of the Chief State Solicitor (Revised Estimate)

That a sum not exceeding €29,148,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries

and expenses of the Office of the Chief State Solicitor.

Vote 7 - Office of the Minister for Finance (Revised Estimate)

That a sum not exceeding €39,479,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster-General's Office, for certain services administered by the Office of the Minister and for payment of certain grants, and that a sum not exceeding €115,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 8 - Office of the Comptroller and Auditor General (Revised Estimate)

That a sum not exceeding €6,761,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Comptroller and Auditor General.

Vote 9 - Office of the Revenue Commissioners (Revised Estimate)

That a sum not exceeding €331,113,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Revenue Commissioners, including certain other services administered by that Office, and that a sum not exceeding €2,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 10 - Office of the Appeal Commissioners (Revised Estimate)

That a sum not exceeding €1,440,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Appeal Commissioners.

Vote 11 - Public Expenditure and Reform (Revised Estimate)

That a sum not exceeding €43,748,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Public Expenditure and Reform, for certain services administered by the Office of the Minister and for payment of certain grants.

Vote 12 - Superannuation and Retired Allowances (Revised Estimate)

That a sum not exceeding €391,880,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for pensions, superannuation, occupational injuries, and additional and other allowances and gratuities under the Superannuation Acts 1834 to 2004 and sundry other statutes; extra-statutory pensions, allowances and gratuities awarded by the Minister for Public Expenditure and Reform, fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; fees to Pensions Authority; miscellaneous payments, etc.

Vote 13 - Office of Public Works (Revised Estimate)

That a sum not exceeding €357,548,000 be granted to defray the charge which will come in

7 July 2016

course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of Public Works; for services administered by that Office and for payment of certain grants and for the recoupment of certain expenditure, and that a sum not exceeding €7,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 14 - State Laboratory (Revised Estimate)

That a sum not exceeding €8,450,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the State Laboratory.

Vote 15 - Secret Service (Revised Estimate)

That a sum not exceeding €1,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for Secret Service.

Vote 16 - Valuation Office (Revised Estimate)

That a sum not exceeding €9,491,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Valuation Office and certain minor services.

Vote 17 - Public Appointments Service (Revised Estimate)

That a sum not exceeding €9,398,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Public Appointments Service.

Vote 18 - National Shared Services Office (Revised Estimate)

That a sum not exceeding €37,910,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of National Shared Services Office and that a sum not exceeding €1,248,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 19 - Office of the Ombudsman (Revised Estimate)

That a sum not exceeding €9,738,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Ombudsman, the Office of the Commission for Public Service Appointments, the Standards in Public Office Commission, the Office of the Information Commissioner and the Office of the Commissioner for Environmental Information.

Vote 20 - Garda Síochána (Revised Estimate)

That a sum not exceeding €1,441,548,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Garda Síochána, including pensions, etc.; for the payment of certain witnesses' expenses, and for payment of certain grants, and that a sum not exceeding €6,644,000

be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 21 - Prisons (Revised Estimate)

That a sum not exceeding €318,651,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Prison Service, and other expenses in connection with prisons, including places of detention and for payment of certain grants.

Vote 22 - Courts Service (Revised Estimate)

That a sum not exceeding €63,669,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for such of the salaries and expenses of the Courts Service and of the Supreme Court, the Court of Appeal, the High Court, the Special Criminal Court, the Circuit Court and the District Court and of certain other minor services as are not charged to the Central Fund.

Vote 23 - Property Registration Authority (Revised Estimate)

That a sum not exceeding €30,434,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Property Registration Authority.

Vote 24 - Justice and Equality (Revised Estimate)

That a sum not exceeding €350,416,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Justice and Equality, Probation Service staff and of certain other services including payments under cash-limited schemes administered by that Office, and payment of certain grants.

Vote 25 - Irish Human Rights and Equality Commission (Revised Estimate)

That a sum not exceeding €6,190,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Irish Human Rights and Equality Commission and for payment of certain grants.

Vote 26 - Education and Skills (Revised Estimate)

That a sum not exceeding €8,204,653,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Education and Skills, for certain services administered by that Office, and for the payments of certain grants.

Vote 27 - International Co-operation (Revised Estimate)

That a sum not exceeding €485,281,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for certain Official Development Assistance, including certain grants and for contributions to certain International Organisations involved in Development Assistance and for salaries and expenses in connection therewith.

7 July 2016

Vote 28 - Foreign Affairs and Trade (Revised Estimate)

That a sum not exceeding €166,758,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Foreign Affairs and Trade, and for certain services administered by that Office, including grants and contributions to International Organisations, and that a sum not exceeding €475,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 29 - Communications, Energy and Natural Resources (Revised Estimate)

That a sum not exceeding €188,148,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Communications, Energy and Natural Resources, including certain services administered by that Office, and for payment of certain grants, and for the payment of certain grants under cash-limited schemes, and that a sum not exceeding €5,250,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 30 - Agriculture, Food and the Marine (Revised Estimate)

That a sum not exceeding €1,044,660,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Agriculture, Food and the Marine, including certain services administered by that Office, and of the Irish Land Commission and for payment of certain grants, subsidies and sundry grants and for the payment of certain grants under cash-limited schemes and the remediation of Haulbowline Island, and that a sum not exceeding €12,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 31 - Transport, Tourism and Sport (Revised Estimate)

That a sum not exceeding €1,354,159,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Transport, Tourism and Sport, including certain services administered by that Office, for payment of certain grants and certain other services, and that a sum not exceeding €16,100,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 32 - Jobs, Enterprise and Innovation (Revised Estimate)

That a sum not exceeding €753,325,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Jobs, Enterprise and Innovation, including certain services administered by that Office, for the payment of certain subsidies and grants and for the payment of certain grants under cash-limited schemes, and that a sum not exceeding €10,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 33 - Arts, Heritage and the Gaeltacht (Revised Estimate)

That a sum not exceeding €370,040,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Arts, Heritage and the Gaeltacht, including certain services administered by that Office, and for payment of certain subsidies and grants, and that a sum not exceeding €6,158,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 34 - Environment, Community and Local Government (Revised Estimate)

That a sum not exceeding €1,397,779,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for the Environment, Community and Local Government, including grants to Local Authorities, grants and other expenses in connection with housing, water services, miscellaneous schemes, subsidies and grants, and that a sum not exceeding €41,078,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 35 - Army Pensions (Revised Estimate)

That a sum not exceeding €218,490,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other Military Organisations, etc., and for sundry contributions and expenses in connection therewith; for certain extra-statutory children's allowances and other payments and for sundry grants.

Vote 36 - Defence (Revised Estimate)

That a sum not exceeding €656,615,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Defence, including certain services administered by that Office; for the pay and expenses of the Defence Forces; and for payment of certain grants.

Vote 37 - Social Protection (Revised Estimate)

That a sum not exceeding €10,872,429,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Social Protection, for certain services administered by that Office, for payments to the Social Insurance Fund and for certain grants.

Vote 38 - Health (Revised Estimate)

That a sum not exceeding €13,649,033,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Health and certain other services administered by that Office, including grants to the Health Service Executive and miscellaneous grants.

Vote 39 - Office of Government Procurement (Revised Estimate)

7 July 2016

That a sum not exceeding €19,982,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of Government Procurement, and that a sum not exceeding €200,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 40 - Children and Youth Affairs (Revised Estimate)

That a sum not exceeding €1,113,026,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2016, for the salaries and expenses of the Office of the Minister for Children and Youth Affairs, for certain services administered by that Office and for the payment of grants including certain grants under cash-limited schemes, and that a sum not exceeding €3,500,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 41 - Policing Authority (Revised Estimate)

That a sum not exceeding €2,640,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st Day of December, 2016, for the salaries and expenses of the Policing Authority.

Votes put and agreed to.

Third Report of Standing Committee of Selection: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That Dáil Éireann:

(a) approves the Third Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 6 July 2016, and appoints members to Committees accordingly;

and

(b) pursuant to Standing Order 93(2), appoints the following members as Chairs of committees: Deputy Michael Healy-Rae - Chair of the Select Committee on European Union Affairs; and Deputy Catherine Connolly - Chair of the Standing Committee on the Irish Language, Gaeltacht and the Islands.”

Question put and agreed to.

Membership of the Houses of the Oireachtas Commission: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

Dáil Éireann

That Dáil Éireann, in accordance with section 8(3)(a) of the Houses of the Oireachtas Commission Acts 2003 to 2015, appoints the ordinary Members of the Commission as follows:

Deputies Joe Carey, Timmy Dooley and Louise O'Reilly.

Deputy Thomas Pringle: I move amendment No. 1:

To delete “and Louise O'Reilly” and substitute “, Catherine Murphy and Louise O'Reilly”.

As Deputy Catherine Murphy has the support of 24 of the 34 Members who are entitled to appoint a Member to the Commission, I would ask that the amendment would be agreed to.

Amendment put and agreed to.

Motion, as amended, agreed to.

Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: A division was challenged on Thursday, 30 June, on the question that the Protection of Life in Pregnancy (Amendment) (Fatal Foetal Abnormalities) (No. 2) Bill 2013 be read a Second Time. In accordance with Standing Order 72, that division must be taken now.

Question put: “That the Bill be now read a Second Time.”

<i>The Dáil divided: Tá, 45; Níl, 95.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>
<i>Brady, John.</i>	<i>Brassil, John.</i>
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>
<i>Chambers, Lisa.</i>	<i>Brophy, Colm.</i>
<i>Collins, Joan.</i>	<i>Browne, James.</i>
<i>Collins, Niall.</i>	<i>Bruton, Richard.</i>
<i>Connolly, Catherine.</i>	<i>Burke, Peter.</i>
<i>Coppinger, Ruth.</i>	<i>Butler, Mary.</i>
<i>Cullinane, David.</i>	<i>Byrne, Catherine.</i>
<i>Daly, Clare.</i>	<i>Byrne, Thomas.</i>
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>
<i>Donnelly, Stephen S.</i>	<i>Calleary, Dara.</i>
<i>Dooley, Timmy.</i>	<i>Canney, Seán.</i>

7 July 2016

<i>Ellis, Dessie.</i>	<i>Carey, Joe.</i>
<i>Ferris, Martin.</i>	<i>Casey, Pat.</i>
<i>Funchion, Kathleen.</i>	<i>Cassells, Shane.</i>
<i>Halligan, John.</i>	<i>Chambers, Jack.</i>
<i>Healy, Seamus.</i>	<i>Collins, Michael.</i>
<i>Kenny, Martin.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Martin, Catherine.</i>	<i>Coveney, Simon.</i>
<i>McDonald, Mary Lou.</i>	<i>Cowen, Barry.</i>
<i>McGrath, Finian.</i>	<i>Creed, Michael.</i>
<i>Mitchell, Denise.</i>	<i>Curran, John.</i>
<i>Munster, Imelda.</i>	<i>Daly, Jim.</i>
<i>Murphy, Catherine.</i>	<i>D'Arcy, Michael.</i>
<i>Murphy, Paul.</i>	<i>Deasy, John.</i>
<i>Ó Broin, Eoin.</i>	<i>Deering, Pat.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donohoe, Paschal.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Doyle, Andrew.</i>
<i>O'Brien, Jonathan.</i>	<i>Durkan, Bernard J.</i>
<i>O'Loughlin, Fiona.</i>	<i>English, Damien.</i>
<i>O'Reilly, Louise.</i>	<i>Farrell, Alan.</i>
<i>O'Sullivan, Maureen.</i>	<i>Fitzmaurice, Michael.</i>
<i>Pringle, Thomas.</i>	<i>Fitzpatrick, Peter.</i>
<i>Quinlivan, Maurice.</i>	<i>Flanagan, Charles.</i>
<i>Ross, Shane.</i>	<i>Fleming, Sean.</i>
<i>Shortall, Róisín.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Smith, Bríd.</i>	<i>Grealish, Noel.</i>
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>
<i>Troy, Robert.</i>	<i>Harris, Simon.</i>
<i>Wallace, Mick.</i>	<i>Harty, Michael.</i>
	<i>Haughey, Seán.</i>
	<i>Healy-Rae, Danny.</i>
	<i>Healy-Rae, Michael.</i>
	<i>Heydon, Martin.</i>
	<i>Humphreys, Heather.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Enda.</i>
	<i>Kyne, Seán.</i>
	<i>Lahart, John.</i>
	<i>Lawless, James.</i>
	<i>Lowry, Michael.</i>
	<i>Madigan, Josepha.</i>
	<i>Martin, Micheál.</i>
	<i>McConalogue, Charlie.</i>

Dáil Éireann

	<i>McEntee, Helen.</i>
	<i>McGrath, Mattie.</i>
	<i>McGrath, Michael.</i>
	<i>McGuinness, John.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Moran, Kevin Boxer.</i>
	<i>Moynihan, Aindrias.</i>
	<i>Moynihan, Michael.</i>
	<i>Murphy O'Mahony, Margaret.</i>
	<i>Murphy, Eoghan.</i>
	<i>Murphy, Eugene.</i>
	<i>Naughten, Denis.</i>
	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>
	<i>Noonan, Michael.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>O'Brien, Darragh.</i>
	<i>O'Callaghan, Jim.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Keeffe, Kevin.</i>
	<i>O'Rourke, Frank.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ring, Michael.</i>
	<i>Rock, Noel.</i>
	<i>Scanlon, Eamon.</i>
	<i>Smith, Brendan.</i>
	<i>Smyth, Niamh.</i>
	<i>Stanton, David.</i>
	<i>Varadkar, Leo.</i>
	<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Jim Daly; Jim and Regina Doherty.

Question declared lost.

Banded Hours Contract Bill 2016: Second Stage (Resumed) [Private Members]

The following motion was moved by Deputy David Cullinane on Tuesday, 5 July 2016:

“That the Bill be now read a Second Time.”

The following amendment No. 1 was moved by Deputy Niall Collins:

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

“Dáil Éireann resolves that the Bill be deemed to be read a second time this day twelvemonths, to allow for scrutiny by the Select Committee on Jobs, Enterprise and Innovation and for the Committee to consider submissions and hold hearings that have regard in particular to ensure that:

(a) the proposed Bill examines proposals to ban zero hour contracts and the problems caused by the increased casualisation of work that prevents workers in low hour and zero hour type contract arrangements from being able to save or have any job security;

(b) the Bill has sufficient flexibility in its application for small businesses and provides a simple approach in this regard, while lessening the administrative burden;

(c) the Committee review section 18 of the Organisation of Working Time Act 1997 relating to the provision of zero hour contracts to allow workers on low and zero hour contracts a minimum set of hours and the right to request more hours;

(d) the Committee take on board the Study on the “Prevalence of Zero Hours Contracts among Irish Employers and their Impact on Employees”, as carried out by the University of Limerick;

(e) the proposed Bill examines changing the remit of the Low Pay Commission to review proposals on banded hour contracts for those on low pay; and

(f) social partners brief the Committee and make presentations to address the concerns of both sides of industry in order to provide a fair and workable system that works for both employers and workers in a fair and proportionate manner; and

to fully discuss and explore other practical issues and consequences that may arise as a result of the proposals.”

Debate resumed on amendment No. 1 to amendment No. 1:

To delete “this day twelve months” and substitute “not later than three months following the commencement of the Autumn session, 2016”.

- (Deputy Louise O’Reilly)

An Ceann Comhairle: I will now deal with the postponed division relating to the amend-

ment to the Second Stage motion on the Banded Hours Contract Bill 2016. On Tuesday, 5 July 2016 on the question “That the amendment to the amendment be made” - in other words the Sinn Féin amendment to the Fianna Fáil amendment - a division was claimed. In accordance with Standing Order 72 that division must be taken now.

Amendment to amendment put:

<i>The Dáil divided: Tá, 45; Níl, 101.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>
<i>Brady, John.</i>	<i>Brassil, John.</i>
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>
<i>Burton, Joan.</i>	<i>Brophy, Colm.</i>
<i>Collins, Joan.</i>	<i>Browne, James.</i>
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>
<i>Cullinane, David.</i>	<i>Butler, Mary.</i>
<i>Daly, Clare.</i>	<i>Byrne, Catherine.</i>
<i>Doherty, Pearse.</i>	<i>Byrne, Thomas.</i>
<i>Donnelly, Stephen S.</i>	<i>Cahill, Jackie.</i>
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>
<i>Ferris, Martin.</i>	<i>Carey, Joe.</i>
<i>Fitzmaurice, Michael.</i>	<i>Casey, Pat.</i>
<i>Funchion, Kathleen.</i>	<i>Cassells, Shane.</i>
<i>Healy, Seamus.</i>	<i>Chambers, Jack.</i>
<i>Kelly, Alan.</i>	<i>Chambers, Lisa.</i>
<i>Kenny, Martin.</i>	<i>Collins, Michael.</i>
<i>McDonald, Mary Lou.</i>	<i>Collins, Niall.</i>
<i>Martin, Catherine.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Mitchell, Denise.</i>	<i>Coveney, Simon.</i>
<i>Munster, Imelda.</i>	<i>Cowen, Barry.</i>
<i>Murphy, Catherine.</i>	<i>Creed, Michael.</i>
<i>Murphy, Paul.</i>	<i>Curran, John.</i>
<i>Nolan, Carol.</i>	<i>Daly, Jim.</i>
<i>Ó Broin, Eoin.</i>	<i>D’Arcy, Michael.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Deasy, John.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Deering, Pat.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Doherty, Regina.</i>
<i>O’Brien, Jonathan.</i>	<i>Donohoe, Paschal.</i>
<i>O’Reilly, Louise.</i>	<i>Dooley, Timmy.</i>
<i>O’Sullivan, Jan.</i>	<i>Doyle, Andrew.</i>

7 July 2016

<i>O'Sullivan, Maureen.</i>	<i>Durkan, Bernard J.</i>
<i>Penrose, Willie.</i>	<i>English, Damien.</i>
<i>Pringle, Thomas.</i>	<i>Farrell, Alan.</i>
<i>Quinlivan, Maurice.</i>	<i>Fitzpatrick, Peter.</i>
<i>Ryan, Brendan.</i>	<i>Flanagan, Charles.</i>
<i>Sherlock, Sean.</i>	<i>Fleming, Sean.</i>
<i>Shortall, Róisín.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Smith, Bríd.</i>	<i>Grealish, Noel.</i>
<i>Stanley, Brian.</i>	<i>Griffin, Brendan.</i>
<i>Wallace, Mick.</i>	<i>Halligan, John.</i>
	<i>Harris, Simon.</i>
	<i>Harty, Michael.</i>
	<i>Haughey, Seán.</i>
	<i>Healy-Rae, Danny.</i>
	<i>Healy-Rae, Michael.</i>
	<i>Heydon, Martin.</i>
	<i>Humphreys, Heather.</i>
	<i>Kehoe, Paul.</i>
	<i>Kenny, Enda.</i>
	<i>Kyne, Seán.</i>
	<i>Lahart, John.</i>
	<i>Lawless, James.</i>
	<i>Lowry, Michael.</i>
	<i>McConalogue, Charlie.</i>
	<i>McEntee, Helen.</i>
	<i>McGrath, Finian.</i>
	<i>McGrath, Mattie.</i>
	<i>McGrath, Michael.</i>
	<i>McGuinness, John.</i>
	<i>McHugh, Joe.</i>
	<i>McLoughlin, Tony.</i>
	<i>Madigan, Josepha.</i>
	<i>Martin, Micheál.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Moran, Kevin Boxer.</i>
	<i>Moynihan, Aindrias.</i>
	<i>Moynihan, Michael.</i>
	<i>Murphy O'Mahony, Margaret.</i>
	<i>Murphy, Eoghan.</i>
	<i>Murphy, Eugene.</i>
	<i>Naughten, Denis.</i>
	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>

Dáil Éireann

	<i>Noonan, Michael.</i>
	<i>Ó Cuív, Éamon.</i>
	<i>O'Brien, Darragh.</i>
	<i>O'Callaghan, Jim.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Donovan, Patrick.</i>
	<i>O'Dowd, Fergus.</i>
	<i>O'Keeffe, Kevin.</i>
	<i>O'Loughlin, Fiona.</i>
	<i>O'Rourke, Frank.</i>
	<i>Phelan, John Paul.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ring, Michael.</i>
	<i>Rock, Noel.</i>
	<i>Ross, Shane.</i>
	<i>Scanlon, Eamon.</i>
	<i>Smith, Brendan.</i>
	<i>Smyth, Niamh.</i>
	<i>Stanton, David.</i>
	<i>Troy, Robert.</i>
	<i>Varadkar, Leo.</i>
	<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies David Cullinane and Aengus Ó Snodaigh; Níl, Deputies Michael Moynihan and Fiona O'Loughlin.

Amendment to amendment declared lost.

Amendment put:

<i>The Dáil divided: Tá, 100; Níl, 43.</i>	
<i>Tá</i>	<i>Níl</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>
<i>Brassil, John.</i>	<i>Brady, John.</i>
<i>Breathnach, Declan.</i>	<i>Broughan, Thomas P.</i>
<i>Breen, Pat.</i>	<i>Buckley, Pat.</i>
<i>Brophy, Colm.</i>	<i>Burton, Joan.</i>

<i>Browne, James.</i>	<i>Collins, Joan.</i>
<i>Bruton, Richard.</i>	<i>Connolly, Catherine.</i>
<i>Burke, Peter.</i>	<i>Coppinger, Ruth.</i>
<i>Butler, Mary.</i>	<i>Cullinane, David.</i>
<i>Byrne, Catherine.</i>	<i>Daly, Clare.</i>
<i>Byrne, Thomas.</i>	<i>Doherty, Pearse.</i>
<i>Cahill, Jackie.</i>	<i>Donnelly, Stephen S.</i>
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>
<i>Carey, Joe.</i>	<i>Ferris, Martin.</i>
<i>Casey, Pat.</i>	<i>Funchion, Kathleen.</i>
<i>Cassells, Shane.</i>	<i>Healy, Seamus.</i>
<i>Chambers, Jack.</i>	<i>Kelly, Alan.</i>
<i>Chambers, Lisa.</i>	<i>Kenny, Martin.</i>
<i>Collins, Michael.</i>	<i>McDonald, Mary Lou.</i>
<i>Collins, Niall.</i>	<i>Martin, Catherine.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Mitchell, Denise.</i>
<i>Coveney, Simon.</i>	<i>Munster, Imelda.</i>
<i>Cowen, Barry.</i>	<i>Murphy, Catherine.</i>
<i>Creed, Michael.</i>	<i>Murphy, Paul.</i>
<i>Curran, John.</i>	<i>Ó Broin, Eoin.</i>
<i>Daly, Jim.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>D'Arcy, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Deasy, John.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Deering, Pat.</i>	<i>O'Brien, Jonathan.</i>
<i>Doherty, Regina.</i>	<i>O'Reilly, Louise.</i>
<i>Donohoe, Paschal.</i>	<i>O'Sullivan, Jan.</i>
<i>Dooley, Timmy.</i>	<i>O'Sullivan, Maureen.</i>
<i>Doyle, Andrew.</i>	<i>Penrose, Willie.</i>
<i>Durkan, Bernard J.</i>	<i>Pringle, Thomas.</i>
<i>English, Damien.</i>	<i>Quinlivan, Maurice.</i>
<i>Farrell, Alan.</i>	<i>Ryan, Brendan.</i>
<i>Fitzmaurice, Michael.</i>	<i>Sherlock, Sean.</i>
<i>Fitzpatrick, Peter.</i>	<i>Shortall, Róisín.</i>
<i>Flanagan, Charles.</i>	<i>Smith, Bríd.</i>
<i>Fleming, Sean.</i>	<i>Stanley, Brian.</i>
<i>Gallagher, Pat The Cope.</i>	<i>Wallace, Mick.</i>
<i>Grealish, Noel.</i>	
<i>Griffin, Brendan.</i>	
<i>Harris, Simon.</i>	
<i>Harty, Michael.</i>	
<i>Haughey, Seán.</i>	
<i>Healy-Rae, Danny.</i>	
<i>Healy-Rae, Michael.</i>	

<i>Heydon, Martin.</i>	
<i>Humphreys, Heather.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Enda.</i>	
<i>Kyne, Seán.</i>	
<i>Lahart, John.</i>	
<i>Lawless, James.</i>	
<i>Lowry, Michael.</i>	
<i>McConalogue, Charlie.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Mattie.</i>	
<i>McGrath, Michael.</i>	
<i>McGuinness, John.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>Madigan, Josepha.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Aindrias.</i>	
<i>Moynihan, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughten, Denis.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>Noonan, Michael.</i>	
<i>Ó Cuív, Éamon.</i>	
<i>O'Brien, Darragh.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Donovan, Patrick.</i>	
<i>O'Dowd, Fergus.</i>	
<i>O'Keeffe, Kevin.</i>	
<i>O'Loughlin, Fiona.</i>	
<i>O'Rourke, Frank.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Anne.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Ross, Shane.</i>	

7 July 2016

<i>Scanlon, Eamon.</i>	
<i>Smith, Brendan.</i>	
<i>Smyth, Niamh.</i>	
<i>Stanton, David.</i>	
<i>Troy, Robert.</i>	
<i>Varadkar, Leo.</i>	
<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Michael Moynihan and Fiona O'Loughlin; Níl, Deputies David Cullinane and Aengus Ó Snodaigh.

Amendment declared carried.

Motion, as amended, put and declared carried.

Ibrahim Halawa: Motion

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I move:

“That Dáil Éireann:

notes that Ibrahim Halawa, an Irish citizen, has been detained without due process in Egypt for three years since being arrested as a child of 17 years-of-age;

considers this to be an unacceptable infringement of his basic human rights by any international standard;

believes that the conditions of his imprisonment are of serious concern, given his young age, the length of time he has been in detention, his separation from family and friends in his home country, and having regard to his general physical and mental welfare and well-being, all factors which have contributed to the extreme suffering and distress being endured by Ibrahim in these circumstances;

acknowledges the tremendous distress his family in Ireland have been experiencing since Ibrahim's detention;

further notes that his, along with over 400 co-accused, trial date has been adjourned fourteen times, that the trial is due to resume in October, and that there is still no clear indication as to when it will conclude;

recognises that he has been designated by Amnesty International as a Prisoner of Conscience;

recalls that on the 17th December, 2015 the European Parliament passed a resolution by 566 votes to 11, calling for the immediate release of Ibrahim Halawa;

requests the Joint Committee on Foreign Affairs and Trade, and Defence to invite the Ambassador of the Arab Republic of Egypt, Her Excellency Soha Gendi, to appear before it to address the repeated delays in Ibrahim's trial and to request her to convey to the relevant authorities in Egypt this House's concern that Ibrahim Halawa should be released and allowed to return to Ireland as soon as possible;

proposes that a parliamentary delegation be established to visit the Egyptian Parliament and seek to arrange a visit to Ibrahim Halawa in prison;

welcomes the confirmation from the Minister for Foreign Affairs and Trade that the Government will give its full and urgent support to a further application for Ibrahim's release by Presidential decree under Law 140 from President Abdel Fattah el-Sisi to allow Ibrahim to return to Ireland immediately, supports the Government in its continued efforts to secure Ibrahim's release and, while he is in detention, to provide all appropriate consular assistance to him and his family, including through regular visits by Embassy officials to Ibrahim in prison; and

resolves that this motion be brought to the attention of the Ambassador of the Arab Republic of Egypt, Her Excellency Soha Gendi, so that she may convey it to the relevant authorities in Cairo."

I welcome the opportunity this afternoon to support the motion before the House regarding the consular case of Ibrahim Halawa, a young Irish citizen detained now for almost three years in Egypt following his arrest during protests in Cairo in 2013. This consular case is a high priority for the Irish Government. In my first week in office as Minister for Foreign Affairs and Trade, I met Ibrahim's father, Sheikh Hussein Halawa, and I undertook to do all I could as Minister to secure Ibrahim's return to Ireland and to ensure that we supported him while he was in prison. I was acutely conscious of Ibrahim's tender age at the time of his arrest - he was 17 years of age - and I continue to have serious concerns about the fact that he is subject to a group trial.

During my period as Minister and, indeed, prior to my appointment, when the former Tánaiste Eamon Gilmore was Minister, this case has received unprecedented and sustained attention from the Government, particularly from my Department and our embassy in Cairo. I am aware of the sincere interest in this consular case in these Houses, and both I and the Taoiseach, and, indeed, other members of Government, regularly answer questions and speak on it in Parliament. In fact, I addressed this matter during parliamentary questions on Tuesday evening last. None the less, today is an important opportunity to again update the House on the actions being taken by myself and my colleagues in government in the furtherance of our clear strategy in relation to this case. This comprises two core elements: first, to see Ibrahim released by the Egyptian authorities so that he can return to his family and his studies in Ireland as soon as possible; and, second, to provide every possible consular support for his welfare while he remains in detention.

In terms of our efforts to secure his release, I and the Government are proactively using all of the tools that are available to us to apply maximum pressure on the Egyptian Government at the highest levels to ensure that it fully understands our concerns and the importance that the Irish Government attaches to the resolution of this case. However, the Irish Government has at all times supported applications for Ibrahim's release made by his legal team. This includes support for a bail application and support for the first application made under Egyptian decree

140 in 2015.

I want to be very clear on one point. There have been some assertions in the past that the Irish Government has misunderstood or misrepresented the provisions of Egyptian decree 140. We do not dispute that the text of this decree suggests that it is capable of being applied at any stage in the course of criminal justice proceedings and does not need to await a final verdict. However, what we have said, and what continues to be the position, is that the Egyptian Government has been clear and consistent in telling us on all occasions that it will not be considered while the case remains before the courts.

In light of the latest adjournment in the trial and in close and ongoing co-ordination with the Halawa family and their legal representatives, the Government intends to lend its full and urgent support to a further request for release under presidential decree 140. We will continue to work actively in support of these efforts. In fact, the Taoiseach conveyed this message directly to the Egyptian President, Mr. el-Sisi, on Monday last when he once again called him on the case. This was the third occasion on which the Taoiseach spoke to President el-Sisi about the case of Ibrahim Halawa. On Monday, he used the opportunity to once again convey and underline our concerns at the latest adjournment, and stressed yet again the importance that the Government places on this case. In the course of that call, the Taoiseach set out, as we have done in previous contacts with the Egyptian authorities, the arguments for the immediate release of Ibrahim Halawa.

The Egyptian President made it very clear that he understands that this is a significant matter of concern for the Irish Government. He pointed to the requirement to respect the doctrine of separation of powers, as the Egyptian authorities have done consistently, and said that the Egyptian Government is not in a position to intervene in a case which is before the courts. However, the President made clear to the Taoiseach that he wishes to see this matter resolved in the context of a positive bilateral relationship between our two countries.

For my part, I have had a long series of engagements, by phone, by letter and face-to-face, with my Egyptian counterpart, the foreign Minister Sameh Shoukry, over the past two years since I was first appointed to this role. Last month, when in the Middle East, I availed of an opportunity to visit Cairo to meet Mr. Shoukry and once again raise the case with him, making perfectly clear the Irish Government's concerns and objectives. My visit conveyed the high importance that I, personally, and the Irish Government attach to this case.

Members of the House will be aware of the statement I issued on the day of the trial expressing deep disappointment and frustration with the latest news from the Egyptian court. Indeed, the following morning I met the Egyptian ambassador to Ireland and conveyed to her the deep concern of the Government at the unacceptably prolonged nature of the trial and my own concerns in the case of Ibrahim Halawa.

From all of these engagements, at all levels, I wish to assure the House that the Egyptian Government remains in no doubt about the Irish Government's position on this matter and our anxiety to see Ibrahim Halawa released as soon as possible. I wish to assure the House that the Government will remain resolute in pursuing its clear objectives in this case and in what we firmly believe to be in the citizen's best interests and what is most likely to contribute positively to a satisfactory outcome.

I welcome the motion. I believe it provides a mechanism to reaffirm to the Irish public, to

Ibrahim Halawa and his family, and to our international colleagues that the public representatives of this House are working together to achieve the release of this Irish citizen as soon as possible.

Deputy Darragh O'Brien: At the outset, I thank the Minister and the staff of the Department of Foreign Affairs and Trade, particularly in the consular section, for the work they have done and the contact they continue to have with the Halawa family, who are here today and who were here earlier on. On behalf of my party, I met Somaia Halawa and kept in contact. I have raised the matter of Ibrahim's ongoing detention without trial in Egypt directly with the Minister by way of parliamentary questions and at the foreign affairs committee.

Fianna Fáil supports the motion. We were happy to sign it. It is important that the Dáil speak with one voice on this. The motion will convey a message to the Egyptian authorities that Dáil speaks with one voice of its concern about the ongoing detention without trial of Ibrahim Halawa, who was, let us remember, arrested at the age of 17.

I fully understand the separation of powers within Egypt. I am aware that the Government has on a regular basis been in contact with the Minister's counterpart and the Taoiseach has been in touch, but it is important, when one looks at the facts of this situation, to note that there is an Irish citizen detained without trial who was arrested aged 17 and who has been in prison for more than 1,000 days. Furthermore, I am particularly concerned about the conditions in which he is detained, the threat to both his physical and his mental health, and the fact that in our view it is not satisfactory that there is a group trial such as this with more than 430 co-defendants.

We were particularly disappointed to see a further adjournment of the trial for the thirteenth time. I note that a new date of 2 October has been set. Our difficulty is that there should be no further postponement of this trial, and I ask the Minister to convey this to the Egyptian authorities through his counterpart in Egypt as our earnest wish. The Minister has outlined when Egyptian decree 140 could be moved and should be sought with the Egyptian authorities but our concern as a party is specifically that due process has not been followed and the delays in the court system in Egypt are unacceptable to us. Ibrahim has been grouped with over 430 co-defendants and will not get a fair trial. It is incumbent on us as a Parliament to do everything we can to ensure Ibrahim is brought back to his country of Ireland as soon as possible. He and his family have suffered distress over those three years because of his detention, and the facilities and manner of his ongoing detention are something we cannot allow to continue.

I ask the Minister to continue his efforts after what I assume will be the unanimous passing of this motion. It would be a strong message going to the Egyptian Government, its parliament and its courts that Dáil Éireann speaks as one on this. We earnestly hope that good relations between our countries continue. We all know it is a sovereign state but if the shoe was on the other foot, with an Egyptian citizen detained without trial in Ireland for over three years, with ongoing delays to court hearings and proper due process not being followed, I am sure the Egyptian authorities would make contact with the Minister and correctly raise issues about the treatment of such a citizen in Ireland.

We want to see a finality to this process. This young man has been detained and in our view it is an illegal detention that has been going on for over three years. What does the Minister propose to do after the passing of this motion and the next steps in this regard, particularly about what can be done to impress upon the Egyptian authorities the need for the case to be heard on 2 October? Has the Minister or those in his Department any confidence that the trial hearing will

7 July 2016

take place on 2 October? Will he inform me as to whether we could at this stage seek formally the presidential decree 140 now or must that wait until the trial is heard?

As a party we want to see Ibrahim back in Ireland. We are very concerned about his physical and mental health and the way he has been treated. I ask the Minister to redouble his efforts and those of his staff and colleagues within the Department and the Government to impress upon the Egyptian authorities the need for Ibrahim to be released without further delay.

Deputy Gerry Adams: Cuirim fáilte mór roimh an rún seo. Níl Ibrahim Halawa ach 20 bliain d’aois. Tá sé faoi ghlas anois ar feadh trí bliana. Tá sé sin thar a bheith mí-cheart agus caithfidh go léir brú níos láidre a chur ar Rialtas na hÉigipte as seo amach. Ibrahim was only 17 when he was arrested, a child, and he has spent the past 1,054 days incarcerated in a filthy and over-populated Egyptian jail. He was not charged for a year after his arrest and is now part of a sham mass trial, with no hope of ever receiving fair treatment in sentencing. His trial has been postponed an incredible 14 times. He has also detailed the ill-treatment and torture he has faced, as well as what other prisoners have been subjected to. It is despicable.

This Government’s strategy to date, although very well intended, in attempting to secure his release has clearly been unsuccessful. I am not saying the Government has done nothing for Ibrahim and we know the amount of consular visits he has received, as well as interventions by the Minister and the Taoiseach. The quiet diplomatic approach and the tactic of waiting for a verdict before applying for a presidential decree has failed Ibrahim and his family. I welcome the indications today that the Government will support an application for a presidential decree 140 on Ibrahim’s behalf.

We are reliably informed this decree has always been available to the Irish Government pre-sentencing, despite the Government saying the opposite. The Sinn Féin MEP, Ms Lynn Boylan, contacted the Australian journalist, Mr. Peter Greste, who was released under the presidential decree, and his legal team. It was explained to Deputies, Senators and the media that the presidential decree was available pre-sentencing and that is how Mr. Greste was released. A successful application would allow Ibrahim to return to Ireland before a final ruling has been made in his case, and this is used in cases where a deportation or extradition would serve the “higher interest” of the Egyptian state.

At Ibrahim’s most recent trial the judge decided to release two defendants for no reason and, more worryingly, three of the 493 defendants in the trial have died since the last hearing. This demonstrates how urgent it is for the Government to act. There is a window of opportunity between now and 2 October for maximum diplomatic pressure from an Taoiseach, an t-Aire, Deputy Flanagan and the Department of Foreign Affairs and Trade to be exerted on President el-Sisi. Ms Boylan, MEP, has visited Ibrahim in prison and detailed the devastating impact of Ibrahim’s incarceration. His sisters, in a very articulate manner, have outlined the difficulties in the plight he is enduring. Ms Boylan, MEP, last visited him 11 months ago so I can only imagine that all of this has significantly worsened.

The European Parliament, on the initiative of Ms Boylan, MEP, passed a motion calling for Ibrahim’s release by 566 votes to 11. I very much welcome today’s motion calling for his release and for the Government to make an application for the presidential decree. I hope he will be home with his family and friends soon. Sinn Féin will continue to work with others to highlight this case and to press the Government to do all it can to ensure that Ibrahim is returned to Ireland. We extend continued solidarity to family. The Government must act assertively to

stand up for human rights and ensure our fellow citizen is urgently returned to Ireland.

As one of the few people here who was incarcerated at Long Kesh and the H-blocks, I know none of the conditions I endured, apart from the protest leading to the hunger strikes, matched what I have been told this young man is being put through. We must put an end to it or at least ensure we do everything possible to put an end to it.

Deputy Joan Burton: In the scheme of the enormous political pressures in the Arab world, particularly in Egypt, Ibrahim Halawa is just one young man caught up in conflict and change. He has now been incarcerated for three years and at this point and there is separation of powers in Egypt between the government and the courts. A large amount of work has been done by the Government, Ministers and diplomats in particular to lobby on his behalf and, importantly, to support him through consular visits. There have been different representations made by Irish political parties both to Egypt and to the Egyptian Ambassador in Ireland. None of these has borne any fruit.

The Chilcot report published yesterday brings us back to what was a disastrous decade following the wrong decision to invade Iraq and prosecute a war there. There was a period when the Arab Spring across north Africa and other parts of the Arab world stood for hope and a development of new forms of democracy there. It is disappointing, notwithstanding the spirit of the Arab Spring, that this young man has now been in jail for such a long period without any certainty as to when the courts may deal with his situation. There are remedies that could be used by the Egyptian Government and which have been used in a small number of other cases, such as deportation and law 140. On behalf of the Labour Party, I plead with the Egyptian Government to address this individual case.

Like others, I have met various members of the family here in Ireland. I have also made direct representations to the Egyptian authorities and to the Egyptian ambassador to Ireland, H.E. Soha Gendi. This motion is appropriate. Ibrahim wants to be restored to his family in Ireland. His family has campaigned tirelessly on his behalf for all the years of his incarceration. The Egyptian legal and trial structure is complex and quite different from ours, but nonetheless the Irish Government can give undertakings that if the Egyptian Government were to use the flexibility I understand is available within the Egyptian legal code, he could be restored to his family. Relations between Egypt and Ireland go back a long time. The consular officials who have visited him continually since his incarceration have been very important in helping both to maintain better conditions for him and in keeping his spirits up. It is very difficult to be imprisoned at such a young age, at 17, when technically still a child, to be held in prison and to have trial dates postponed endlessly. In the run-up to each trial date a hope has been held out that a resolution could be found and then those hopes are dashed. I hope all the support Ibrahim has received, both from his own family and through the Dáil today, through a common expression on this motion, will help to sustain him in what will continue to be extremely difficult circumstances until eventually he is freed and he is restored to his life in Ireland, as a citizen of this country, and to his immediate family.

Acting Chairman (Deputy Alan Farrell): Deputies Richard Boyd Barrett and Paul Murphy are sharing time. Is that agreed? Agreed.

Deputy Richard Boyd Barrett: I support and welcome this all-party motion as an escalation, at least, of the political intervention of this House in securing the release of Ibrahim Halawa, a prisoner of conscience. I pay tribute to his family for their resoluteness in continuing to

7 July 2016

fight for the release of their brother. However, I have to be honest and say that I do not believe we are going to secure his release until we realise what we are dealing with. It is simply inaccurate for people to recycle the claims of the Egyptian Government that there is a thing called the separation of powers in Egypt. There absolutely is not. All semblance of any kind of legal due process, anything one could even remotely call a legal process, has been abandoned by the el-Sisi regime. The police and the judiciary are now nothing more than tools of the counter-revolution that is taking place in Egypt, which is vicious and cruel in its character.

I spoke to one of the Egyptian Arab Spring activists at the weekend who told me just how bad it is. Some 3,000 people have been killed by the security forces over the past year or two in the counter-revolution. There are now 60,000 political prisoners in Egypt. The Egyptian regime is currently building 16 new prisons to hold political prisoners. Nobody is allowed go to football matches in Egypt anymore. Football matches are played in front of empty stadiums now. Such is the level of repression that they will not even allow people to watch football matches. It is vicious. Disappearances are happening daily. In Alexandria in the past month or so, 20 people disappeared and shortly afterwards the police went into the hospital and demanded that the doctors write out falsified medical certificates about those people. This is extraordinary stuff.

We have to stop treating the Egyptian regime with kid gloves, pretending it is normal when in fact it is engaged in ruthless suppression of its own population and one of our citizens has been caught up in this. We have to call them for what they are and we have to talk about sanctions. We need to demand them at European level and be willing to impose them ourselves.

Deputy Paul Murphy: It is worth recalling the basic facts of what is facing Ibrahim to demonstrate that the notion of due process is a complete joke in a country like Egypt is at present. We have an Irish citizen, Ibrahim Halawa, who has now been in prison for more than 1,000 days. He is imprisoned in conditions that have been described as a nightmare, with concrete beds and permanent lockdown, 24 hours a day, seven days a week. He is in prison because he participated in a peaceful protest and for that he is charged with terrorism, with the use of explosives, and with murder. He faces a mass trial with close to 500 people where he faces the threat of the death penalty or life imprisonment. There is zero chance of Ibrahim Halawa getting justice through the Egyptian judicial system. He is the victim of a bloody counter-revolution.

I accept that everyone in this House wants to see Ibrahim released. That is clear. The question is whether the Government's strategy so far has worked. We have raised this on multiple occasions and every time the Minister says the Government is doing its very best but there is a separation of powers and it cannot interfere in the administration of justice in another country. Most recently, we heard that the Government expected the trial would go ahead on 29 June and that afterwards the presidential decree could be applied for under law 140. I presume that came from the Egyptian authorities. It did not happen. We had the 14th delay of the trial. It is time to draw some conclusions. It is not a narrow partisan political point to say the approach of the Government until now has clearly failed. The Egyptian authorities are clearly treating the Irish authorities as fools, and the approach of not rocking the boat now has to end. The Government cannot accept the bona fides of these people or their honesty when they are negotiating. It cannot expect that they are going to allow justice to run its course and to allow Ibrahim to come home.

We have to take action now. We must immediately make an application under law 140 for his release and we should summon the Egyptian ambassador immediately. If we do not

have action, we should threaten to and then actually withdraw our own ambassador. The point Deputy Boyd Barrett has raised regarding trade relations is key. We know there are trade relations. We have to use the full force we have to demand an immediate release and not to accept that the situation continues.

Acting Chairman (Deputy Alan Farrell): Deputies Mick Wallace and Clare Daly are sharing their time. Is that agreed? Agreed.

Deputy Mick Wallace: What we do know about this situation is that an Irish citizen was arrested while still a minor. He has been imprisoned for three years without trial. He has been subjected to serious human rights abuse. Ireland, I am sure, has made efforts at a diplomatic level, but whatever approach is being taken, if it has not worked in three years then it just is not working. Doing the same thing over and over again while expecting different results is sometimes described as insanity.

We are talking about a brutal dictatorship. Why in God's name did we just sign a cattle deal with them last year? That sends them a signal that we do not really care that much. The Government introduced sanctions against Russia over Ukraine. There were 47 heads cut off in Saudi Arabia earlier this year and we expressed concern about it, but we did not touch the trade relations. We leave the Israelis alone no matter how many children they kill in Gaza. We make these decisions and people are aware of them. They know what we do and how we feel about things. I am sure the Russians were unhappy that we agreed with trade sanctions against them and I am sure the Egyptians are very happy that we have not been part of any such measure. The Americans cut off their annual military aid for two years, which had been worth €3 billion to them. Then they renewed it again saying, "All is grand."

This is a rotten, brutal dictatorship. How can one talk about justice in Egypt when there is no justice for ordinary people? I am sure huge efforts have been made at a certain level but the softly, softly approach is not working. Is it possible for us to take a different turn? How badly do we want Ibrahim Halawa to be treated fairly? How badly do we care? If this young fellow was the son of a wealthy Irish business family, would he still be in prison in Egypt?

Deputy Clare Daly: I appreciate the fact that time is being allowed for this discussion and I am glad we will have agreement across the House. I do not believe it amounts to nothing, but it is not enough. Since last year some 22 official pieces of paper have been passed back and forth on this issue and I am sure the Egyptian authorities will not be quaking at the prospect of another one. It is just not enough. The mental and physical damage that has been done to this young man, a child at the time of his incarceration, will never be undone. We are now involved in a race to rectify this damage, or at least to stop it from getting worse.

The talk about process and the separation of powers is utterly disconnected from the reality on the ground. We are giving false signals which we have to rectify. On 15 February this year, the then Minister for Agriculture, Deputy Simon Coveney, boasted about a trade deal his Department had struck. He said:

This agreement is a significant boost to the live export trade in Ireland. The addition of market like Egypt, which has been a very significant importer of Irish cattle in the past, to the list of markets open to Irish exporters, is a timely boost.

Timely? On the same day the Minister celebrated the striking of that deal, Ibrahim Halawa had been held captive, without trial, in the most atrocious, violent conditions and in breach

7 July 2016

of all human rights legislation, for 922 days. Why would we replicate a strategy that has not worked? We need to escalate matters and make the application for a presidential decree, but we have to use trade as leverage. The Australian foreign Minister warned the Egyptians there would be ramifications for Australia's relationship with Egypt if it did not release its citizen. The Australians also said that Egypt's reputation would be damaged, and we also have to start playing hardball on this matter.

Deputy Mattie McGrath: I will speak for this motion on behalf of the Rural Alliance and I thank the Business Committee for presenting the motion. I also thank the Government for listening because it has gone past the time for us to take action. I thank the Minister, his officials, embassy staff and diplomats for all their hard work since the incarceration almost 1,000 days ago. While some progress has been made it seems to be very little. I understand how delicate the negotiations can be but it is vital we invoke law 140 and look for a presidential decree because of the conditions in which this young man is incarcerated, which are appalling by any standards. We get lectures from the International Human Rights Commission on a daily basis about matters involving legislation in this country, some of which is none of their business, but I wonder where they are in this case, in which atrocities are happening.

People have spoken of the invasion of Iraq, the destabilisation of the Middle East and the war in Syria, as well as what is going on in Egypt, and there has been a seismic shift in the region. There has been a cleansing of Christian communities and a loss of civil rights for their own people. We have to look at this. The region was reasonably stable before the invasion and there was protection for different ethnic groups and religions but there is none now under these regimes. It is very serious and I am glad the Minister has agreed to meet members of the Rural Alliance in the coming weeks to discuss the depravity of this situation. One must remember this young chap and the frustration of his family at home.

I do not agree that if it was an Irish businessman's son it would be very different as I believe we are dealing with a totally reckless regime which operates with an iron fist. It is difficult to deal with a regime that can keep a person incarcerated for that length of time. We have seen videos and pictures of people being taken out and doused in honey for insects to attack and this is depravity of the highest order. It is not acceptable in any society. We should not go over the top with our reactions as we know with whom we are dealing and we need to have a modicum of balance in our comments, even if we would like to say other things.

I believe a delegation, led by the Ceann Comhairle, will visit and I wish it success. The whole Parliament will be represented but we need to give it impetus. Both Dáil and Seanad Members will be involved to represent the people of Ireland and plea for some semblance of justice, which will be difficult to get. The only justice will involve getting him out of there and home by means of a presidential decree. We have had countless court dates but nothing has happened and they do not seem to be listening to the Irish Government and others. It is our duty and responsibility to leave no stone unturned and to send the highest-level delegation to make our request. We need also to ask our European neighbours to help us out so that they listen and the young man can be repatriated to his family here in Ireland.

Acting Chairman (Deputy Alan Farrell): I believe Deputies Catherine Martin and Róisín Shortall are sharing time.

Deputy Catherine Martin: I will take four minutes. I acknowledge and thank all the Members in the House for uniting behind what started as a motion tabled by myself and my

Green Party colleague Deputy Eamon Ryan, but has evolved into a strong cross-party motion under which we, as members of this House, cast party politics aside and unite today in seeking justice for an Irish citizen, Ibrahim Halawa.

We recognise that the Department and the Minister for Foreign Affairs and Trade have dedicated a lot of time, effort and resources to Ibrahim's case and a number of politicians from different parties have also kept in close contact with Ibrahim's family to see how best to ensure his safe return home. I met with the Egyptian ambassador and I regret to say I could take nothing from that meeting that gave me confidence or hope in the short term. With the further deferral of the trial process last week, it was clear that a more united approach is needed whereby we, as a Parliament, stand up for his rights and call on the Egyptian Government to exercise its powers under decree 140 in the Egyptian statute book to issue a presidential decree and ensure his release. We do so citing the fact that, when arrested three years ago, Ibrahim Halawa was a child of 17 years of age. His case has now been adjourned 14 times and he has been recognised by Amnesty International as a prisoner of conscience held for more than three years without a trial. Justice delayed is justice denied - that is, if one takes a huge leap of faith that Egypt operates a proper system of real justice, but there is no evidence to date that it does.

We propose that a parliamentary delegation from this House visit the Egyptian Parliament, and Ibrahim, to help resolve matters. We look forward to hearing from the Egyptian ambassador in that regard. She must start to appreciate that many have zero confidence in Egypt's purported system of justice. I hope there will be a speedy response from her as we try to comprehend the anguish that Ibrahim's family has been feeling over the past three years. I welcome members of Ibrahim's family to Leinster House today as they watch this debate, and commend the way in which they have tirelessly campaigned for his release in a peaceful and determined manner.

We must exhaust all options in ensuring Ibrahim's release, but a stage may be arrived at where all our diplomatic representations and efforts continue to fail, including perhaps a direct intervention by the Taoiseach where, rather than telephone calls, a face-to-face meeting of the Taoiseach with the Egyptian President is requested as a matter of urgency, with Ibrahim being the sole issue on the agenda. Should that fail, however, I suggest that at that stage it may become necessary for the Egyptian authorities to be made aware that some consideration would have to be given to suspending diplomatic relations with a country which continues to unjustifiably detain one of our citizens who was a child at the time of his arrest and that this is unacceptable.

Ibrahim Halawa - we say his name loudly and clearly here today so that Egypt hears one united voice saying that Ireland will not stand for the continued imprisonment and ill treatment of Ibrahim - is one of our own. Standing up for him says something about our sense of ourselves as a nation. We are in many respects his only hope - his last hope - and I am glad that we are standing together here today to demand the release of our own citizen, Ibrahim Halawa.

Deputy Róisín Shortall: I want to put on record the support of the Social Democrats for this initiative and the motion before the House. We all accept it is an outrage that a 17 year old Irish citizen, having visited Cairo with family members and participated in political protest, should find himself arrested, incarcerated and held in the most appalling conditions for the past three years. It is impossible for us to comprehend fully what that experience must be like for Ibrahim, and it is impossible to understand the full extent of the anguish and trauma his family must be feeling.

Undoubtedly, it is time to step up official efforts. We fully support the proposals before us

7 July 2016

to call in the Egyptian ambassador, appoint a delegation to travel to Cairo to speak on our behalf and, if necessary, consider the prospect of trade sanctions if that is what is required to ensure the release and a presidential pardon for this Irish citizen. We need to act urgently.

Acting Chairman (Deputy Alan Farrell): The next speakers are the Ministers, Deputies Zappone and Ross, and Deputy Brophy, who will share a five-minute slot. They have just over one and a half minutes each.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Today we have an opportunity to speak as united elected representatives of the people of Ireland and to send a message of solidarity, determination and hope which can be heard not just by the Egyptian authorities but, I strongly hope, by my constituent Ibrahim Halawa in his cell. I think about him every day and, as previous speakers have done, I want to welcome his family, especially the brave and inspiring Somaia, to the Visitors' Gallery.

I am very encouraged that TDs from all sides of the House support this motion and I want to be clear that it is an issue not just for the Halawa family or for the Minister, Deputy Flanagan, and his officials, but for every person in Ireland. I also want to acknowledge the initiative from Deputies Eamon Ryan and Catherine Murphy of the Green Party in bringing forward this motion and I thank them for providing the full House with this opportunity.

I have been deeply concerned about this case from the moment of Ibrahim's arrest and detention as a child. As a former Senator, a Deputy from Dublin South West representing Firhouse, and now a Minister, I have been in contact with the family and the legal team who have campaigned tirelessly. The Halawa family has kept Ibrahim's plight as a priority issue diplomatically and politically, not only here within the corridors of Leinster House but also with vigils at the Kildare Street gate and in the media, and I want this House to record and recognise their efforts.

Following the latest legal setback in the case last week, which ended with its 14th adjournment, I spoke again with the family and, despite their desolation at that moment, they were able to tell me that they are engaged with the officials and with the Minister, Deputy Flanagan, that the hard work is continuing and that they are appreciative of the co-operation.

Acting Chairman (Deputy Alan Farrell): Thank you, Minister.

Deputy Katherine Zappone: Deputy Martin said that justice delayed is justice denied. That principle could not apply more in this case. On that basis I am heartened by the confirmation that the Government will support a further application for Ibrahim's release by presidential decree under Rule 140 and, although the delays are disheartening, frustrating and very upsetting, not least for the family who have endured so much-----

Acting Chairman (Deputy Alan Farrell): Minister, please.

Deputy Katherine Zappone: After three years, there is more I could say, but time is short.

Acting Chairman (Deputy Alan Farrell): The time has expired.

Deputy Katherine Zappone: Suffice to say I look forward to the day I will join the Halawa family in welcoming Ibrahim back to Firhouse together. We should do everything possible to bring that day closer.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I would like to join everybody in the House who is pushing for Ibrahim Halawa's release and congratulate Deputy Martin for taking this initiative and unifying the House. We have had differences of opinion, but they are only marginal, because we are united by one thing - that is, the need to get Ibrahim out as soon as possible.

It is a horrific story. In Irish terms it is almost unbelievable that someone should be held for three years without trial for simply protesting, as far as we know, at the age of 17. It is alien to us that something like this should happen in the civilised world.

I commend all those who have contributed to the debate. I commend the fact that the Irish Government has consistently taken this case seriously and that representations have been made consistently, so far without success. Some of the suggestions have merit. The idea of sending a full parliamentary delegation from all parties to the Egyptian capital, Cairo, is a good one. Many of us who are speaking in this debate would be happy and willing to be part of that because it would send a clear message to the Egyptian Government that this nation and its parliamentarians are united behind what we regard as a denial of justice for someone who is an innocent citizen.

Acting Chairman (Deputy Alan Farrell): I call Deputy Brophy. I will allow the Deputy some leeway.

Deputy Colm Brophy: I am delighted to be able to contribute to the debate. I realise time is short but, as a constituency TD, I want to make a simple statement. At 17 years of age we all believe we are adults and that we are strong, but we are still young people at the start of our lives. Something as horrendous as having one's liberty taken at 17 years of age and being kept in prison with no indication of when it will end must be one of the most terrifying experiences a person can endure.

I am very pleased to see the House so united on this issue, and my message is simple. It is what the family has asked for and what every Member here wants. It is that Ibrahim should be let go home to his family, his country and the people who want to see him return here, and that this should be done now. I commend the Minister, the Taoiseach and the Government on all the efforts they put in, but we must achieve the goal and make sure that they let Ibrahim go.

Deputy John Lahart: With my colleagues, I welcome members of the Halawa family to Dáil Éireann. They have welcomed me into their home in Ballycullen on a number of occasions to share their concerns about their brother and son, Ibrahim.

Much of what I wanted to say has been said by previous speakers, but the purpose of the motion, in part, is to reassure the Halawa family that this Parliament is serious, that it speaks with one voice and that the officials who are under the direction of Ministers in the Executive elected by this Parliament are serious about the work they carry out. I hope the Halawa family takes some consolation from the fact that not only is the Minister for Foreign Affairs and Trade advocating for them, and I believe he does that job earnestly and to the very best of his ability, as do his officials, the family also have two other Cabinet Ministers, the Minister for Children and Youth Affairs, Deputy Zappone, and the Minister for Transport, Tourism and Sport, Deputy Ross, who will advocate for them at Cabinet.

When I was a councillor with South Dublin County Council, Somaia Halawa and her nephew came to speak. They gave to the 40 councillors an insight into what life is like for Ibrahim.

7 July 2016

They met with unanimous support.

I have some previous experience of the consular service and the civil servants who work in the Department of Foreign Affairs and Trade. I would question some of the Deputies regarding some intemperate comments. Do Deputies think that the Minister and his officials do not know all of those things about regime conditions or the Egyptian political context? I know full well that the officials and the Minister are aware of these issues and they understand that this is the context in which they strive to do their very best for this Irishman. As his teacher, Codie Preston, wrote in a letter to *The Irish Times*, Ibrahim is an Irish citizen who speaks with a Dublin accent and whose build belies his youth and his sensitive nature. This is the 14th adjournment of the trial and it simply would not be acceptable or allowed to happen in another jurisdiction.

I regard consular officials in the Department of Foreign Affairs and Trade as some of the great patriots of this State. They are a last line of defence for Irish citizens and the officials need our support and appreciation. I hope the Minister would convey my appreciation to them because I know they will be working tirelessly. Ibrahim is still alive and - without wanting to be dramatic - I wonder to what extent the efforts of our consular service and our officials have contributed to that. However, that is no consolation to the Halawa family.

I support the Minister and understand that, because of the context, there is a certain amount of pulling our punches in the situation if we are to be responsible in this regard. I do not know if the Minister has spoken to our allies in the European Union on an individual nation basis to see what pressure or influence they could bring to bear. In dealing with such a regime - and I want to avoid any intemperate language - I believe the next obvious step would be the speedy dispatch of a parliamentary delegation to Cairo and to inform the Egyptian ambassador in Dublin of the unanimous support expressed by this Parliament, which represents the State, regarding the continued detention of an Irish citizen, which I am sure the Minister will do as a matter of course.

Deputy Eoin Ó Broin: Consider the situation where a parent is at home one evening and receives a telephone call to say that their 17 year old son has been arrested while travelling abroad. He was exercising his right to assembly by attending a peaceful demonstration which was then attacked by state forces and, with a group of almost 400 people, fled in to a local mosque to seek shelter. We know this because Amnesty International observers were part of the group in the mosque and have testified that this is exactly what happened. The parent is then told that their son was injured, through no fault of his own, put in to a tiny, grubby cell with nine adults in an adult prison and left there for more than 1,000 days. If that were the Minister's son what would he do? He would move heaven and earth to ensure he was returned home safely. That is what every single Deputy in the Dáil should be doing in the case of Ibrahim Halawa.

There has been an incredible amount of campaign activity in the past three years led by the remarkable Halawa sisters and their family and involving Amnesty International, Reprieve, politicians from all political parties and none and members of the public. All of the people who have brought the campaign to this point need to be commended. However, I believe I speak for many Deputies and those of us who have been involved in the campaign by saying we feel the family's enormous frustration that more than 1,000 days on, we are still here and Ibrahim has not been returned home.

The purpose of today's debate is to pass an all-party and independent motion - and I am not here to criticise anyone- but whatever one's view on the rights or wrongs of the Government's

strategy up to now, clearly it has not worked. Upon the 14th postponement of the trial last week a fundamental change took place, the result of which we are seeing now: the cross party motion; the call for an urgent delegation of Deputies or Oireachtas Members to travel to Egypt to see Ibrahim; and, crucially, a call for action by the Government over the coming days and weeks to increase the intensity of pressure on the Egyptian authorities to secure the release of this Irish citizen.

We now have a very clear window of opportunity. It is not simply a matter of supporting the request for a presidential decree. It is a matter of the Minister using absolutely every single means at his diplomatic disposal to ensure the request is successful and that Ibrahim is returned home safely before the next trial date. I certainly believe that is possible.

I acknowledge the very significant work of the consular services in Egypt and the work of the Department of Foreign Affairs and Trade officials in Ireland. They have put an extraordinary amount of time into this case. At this stage the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, and the Taoiseach, Deputy Enda Kenny, need to do everything in their power and to use every possible avenue of direct influence with their counterparts Minister Shoukry and President el-Sisi to ensure Ibrahim's release.

When Deputies Lahart, Brophy and I were on South Dublin County Council, we had a powerful presentation from Somaia Halawa. On two separate occasions over the past three years there was unanimous support in the council for motions calling for Ibrahim's urgent release. I am delighted to say that finally the Dáil is following suit. However, what happens next and especially the actions of the Minister and the Taoiseach in the coming weeks will determine whether Ibrahim arrives home before September.

I thank all the Deputies who initiated this motion and particularly the Green Party. I thank the Deputies who have campaigned and spoken today. The ball is very clearly in the Minister's court. He has our support if he ups the tempo and increases the intensity of the efforts. If Ibrahim comes home, we will congratulate the Minister for playing a part in that.

Minister for Foreign Affairs and Trade (Deputy Charles Flanagan): I have taken very careful note of the views and concerns expressed in the House today and I assure all Deputies that this case remains the highest consular priority. I will continue to do everything possible to secure the release and return of Ibrahim Halawa and to see him back in Ireland as soon as possible.

Everyone acknowledges that this is a complex consular case but it is in receipt of an unprecedented amount of attention and resources from my Department and from the Taoiseach. Our focus is firmly on the citizen and his case. The key question which guides our approach is what will stand the best chance of making positive progress for this Irish citizen.

3 o'clock

It is the Government's proactive approach supported by decades of diplomatic experience and extensive consultation with a number of States which have had citizens in similar but not identical circumstances, and our sustained and firm diplomatic efforts which will provide the best means of achieving the twin goals of protecting Ibrahim Halawa's welfare and securing his release.

The Government's strategy is under continuing review. It has been refined and developed

7 July 2016

based on the Department of Foreign and Trade's considerable experience and consultation with other governments, of which they have been many, and on legal advice. There is also regular consultation with the Halawa family, Ibrahim's lawyers in Ireland and in Egypt and non-governmental organisations, NGOs.

In response to Deputy Darragh O'Brien, I confirm that the Government has already supported an application made by Ibrahim Halawa's legal team in 2015 for his return to Ireland under presidential decree 140. In consultation with the family and their legal representatives, the Government intends to again lend its full support and effort to a further request for release under presidential decree 140. We will continue to work in firm support of these efforts.

I have updated the House on the regular contact I have had with my Egyptian counterpart, with other high level figures in Egyptian system and with the Egyptian ambassador here in Dublin. Ambassador Gendi has been very helpful and professional in her engagement and I appreciate the efforts she has made to convey to her authorities in Cairo the extreme concerns of the Government, the Oireachtas and Irish public opinion on this case. On foot of my request, EU High Representative, Federica Mogherini, raised this case directly with the Egyptian Foreign Minister. In response to Deputy Catherine Martin's comments, I point out that on two occasions already the Taoiseach has had face-to-face meetings with President el-Sisi. He has also corresponded with the president on this case. In fact, he spoke to him as recently as Monday of this week.

I and my officials, including our ambassador in Cairo, will continue to engage intensively with the Egyptian authorities to underline strongly and clearly our concerns about this case and our desire to see progress towards the release of Ibrahim Halawa. I keep the Government fully updated on developments. I will take further action in consultation with An Taoiseach, as and when appropriate, in line with our key focus in this case of securing the best interests of the citizen. I attach the highest priority to ensuring that Ibrahim Halawa's welfare is addressed. Embassy officials led by our ambassador to Egypt, Damien Cole, visit Ibrahim Halawa on a regular basis in order to monitor his welfare. The most recent visit took place on 3 July.

This is a very difficult time for the Halawa family, as it would be for any family in these circumstances. We liaise closely with the Halawa family and we will continue to work with them to make positive progress towards our shared goal, which is the return home of Ibrahim Halawa.

Perhaps more than many Deputies in this House, I feel a deep sense of frustration that this case is dragging on with such an uncertain timetable. Over the past two years, not a week has passed that I have not been involved in a conversation, a meeting or a debate concerning the plight of Ibrahim Halawa. During moments of acute frustration I remind myself what is the objective here and what are the best means of achieving that objective. It is to get Ibrahim Halawa released, and to achieve it through measured, firm and relentless diplomacy. We all need to stay focused on this objective. I welcome this debate here this afternoon and the contributions of the Deputies.

I acknowledge this is a complex case. There are differing views in this House and we have had them expressed not only today, but during the course of Question Time and on regular occasions during the past two years. My door is always open to any Member of this House who believes he or she can offer constructive advice in regard to achieving our shared objective of returning Ibrahim Halawa home to Ireland to his family.

Question put and agreed to.

Topical Issue Matters

Acting Chairman (Deputy Alan Farrell): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Louise O'Reilly and Pat Buckley - the closure of St. Vincent's Hospital in Athlone, County Westmeath by the Health Information and Quality Authority, to ask when it will be reopened and to highlight the concerns of patients and their families; (2) Deputies Martin Kenny, Martin Ferris, Clare Daly and Niamh Smyth - the shooting of cattle by the Defence Forces on a farm in Carrickmacross, County Monaghan on 5 July 2016 as part of a debt collection exercise; (3) Deputy David Cullinane - the insulin pump therapy services available to patients with a type 1 diabetes, the number of vacant endocrinologist posts, the average waiting time to see an endocrinologist or diabetes consultant and the number of cardiac patients who are also diabetics at Waterford University Hospital; (4) Deputy John Brassil - an immediate review to increase the limit under the rent allowance scheme announced for County Kerry; (5) Deputy John Curran - the provision of additional home care packages to allow patients who have been deemed medically fit for discharge from Tallaght hospital in Dublin 24 to be discharged; (6) Deputy Jackie Cahill - the closure of the medical assessment unit and critically ill patients being turned away without assessment at Limerick Regional Hospital on 6 July 2016 due to no doctor being available; (7) Deputy Eugene Murphy - the excessive cost of insurance for new entrants into the wheelchair accessible taxi industry, given that no insurance companies will provide a quote, and the ongoing issues with wheelchair users being able to access Bus Éireann coaches in rural Ireland due to a lack of wheelchair accessible bus stops; (8) Deputy Peter Burke - the supports being provided to workers who have lost their jobs at Imperial Tobacco in Mullingar, County Westmeath, including if the Industrial Development Agency Ireland will actively source an alternative industry for the area; (9) Deputy Frank O'Rourke - the projected increase in funding for home care packages; (10) Deputy Catherine Connolly - the urgent need for a public information meeting by Foras na Mara within the extension time given for submissions in relation to its application for a foreshore lease in An Spidéal and Na Forbacha, Contae na Gaillimhe; (11) Deputy Anne Rabbitte - the lowering of the level of the River Shannon from September 2016 so as to prevent winter flooding; (12) Deputy John Brady - the ongoing homeless situation outside the offices of Bray municipal district in County Wicklow; (13) Deputies Paul Murphy, Mick Barry, Ruth Coppinger and Mick Wallace - the publication in the United Kingdom of the Chilcot inquiry report into the circumstances of the Iraq war; (14) Deputy Joan Collins - an emergency meeting of Console staff that has been organised today by the interim CEO with a potential view to winding up the services and what the Minister of Health plans to do to intervene with immediate effect; and (15) Deputy James Browne - the need for the Minister for Health to make a statement on undisclosed payments to executives at St. John of Gods. The matters raised by Deputies Martin Kenny, Martin Ferris, Clare Daly and Niamh Smyth; Eugene Murphy; and Catherine Connolly have been selected for discussion.

7 July 2016

Misuse of Drugs (Amendment) Bill 2016: Second Stage (Resumed)

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

Deputy Eugene Murphy: I wish to share some of my time with Deputy Fiona O’Loughlin.

Acting Chairman (Deputy Alan Farrell): That is agreed.

Deputy Eugene Murphy: As I said last night before the debate on the Bill was adjourned, this Bill is long overdue and, hopefully, it will go some way towards tackling the terrible scourge of drug problems within our society. Unfortunately, we are all too familiar with the devastating effects of the abuse of drugs. It does not only affect Dublin city or other major urban areas, but every corner of Ireland, including my constituency of Roscommon-Galway.

Problem drug use can have a seismic knock-on effect and it is not only the individual drug user who suffers. It also has a devastating impact on the drug user’s family and wider society in terms of vandalism, violence and public order offences. We need to stop and think particularly of ordinary families, where a family member has unfortunately got hooked on drugs. I do not have to tell Members of this House the devastation that has taken place within families in recent times when things went wrong.

Drug use can sever family ties and cut through the very heart of the family, leaving children without fathers and mothers and seeing them taken into care and being thrown into the chaos of the system. Very often the vicious cycle of drug abuse continues on into the next generation. Communities, towns and villages throughout this country also find themselves under siege from the illicit sale of prescription drugs and the so-called Z-drugs which are highly addictive and in some cases can be fatal. There is also a growing crisis with polydrug use and with the abuse of a particularly strong synthetic form of cannabis that can create anxiety, depression and psychosis. It is important to point out that in an attempt to tackle problem drug use, it is vital that we also try to intervene at an early stage to get drug users, their families and those at risk of drug use the support they need. There should be more support for the regional drug and alcohol task forces. Unfortunately, it can be all too easy for former drug users to relapse and fall prey to their devastating addictions. Therefore, strong aftercare structures are vital. I would also like to see more intervention and drug awareness programmes being introduced in schools to children at a young age. In all of these situations, intervention at primary school level is very important. Also, the establishment of family support programmes for the children of drug users is very important in an attempt to break this vicious cycle. If that happened, perhaps we could give some glimmer of hope in what can be a dark, lonely and threatened reality of a life ruined by the chaos of drug addiction.

Another type of drug abuse that we probably do not discuss enough is the growing epidemic of alcohol abuse. The estimated cost of excessive alcohol consumption is €3.7 million a year due to health, crime, public order offences and other costs. I am sure Members would agree it is a staggering figure. I was very much alarmed at the findings of the recent survey from the Galway Healthy Cities Alcohol Forum of 500 adults which found that 55% of those surveyed in Galway city were hazardous drinkers. The survey also found that one in four of those surveyed in Galway city has experienced one or more harms as a result of someone else’s drinking, while 74% were in favour of a ban on alcohol advertising, particularly to young people. Some 62% agree there should be a minimum price below which alcohol cannot be sold. With regard to drug abuse involving alcohol, what is done to families is terrible to witness, yet so many fami-

lies suffer.

I welcomed the Bill and the Minister of State's contribution last night. This side of the House will be supporting the Bill.

Deputy Fiona O'Loughlin: This is my first opportunity to wish the Minister of State, Deputy Catherine Byrne, well. She has a tough task ahead of her. I do not need to tell anyone present or anyone listening that problem drug use continues to be one of the most significant challenges facing our country. It has been thus for a long time. Unfortunately, it has not got any better. Problem drug use undermines the potential of the person involved, devastating the lives of families and causing huge problems for local communities, villages, towns and cities. The delay in this legislation was only adding to the growing crisis not only in our inner city areas but throughout the Twenty-six Counties.

Some people who try drugs are thrill-seekers and some are just curious. Some try drugs because their friends use them or because they want to be perceived as cool. Even more likely to abuse drugs and at risk of falling into addiction are people who are suffering emotionally and who use a drug to cope with the day-to-day difficulties of life.

I recently spent an evening with Mr. Aubrey McCarthy of Tiglin in inner-city Dublin where a group of volunteers from the organisation, many of whom are former addicts, go out every night to support drug addicts, particularly those who are homeless owing to drug addiction, and help them to go to addiction centres to try to restart their lives. Tiglin, Cuan Mhuire in Athy and Coolmine do absolutely excellent work in this area and need to be commended.

It is not all about the hard drugs, however; it is also about the soft drugs. There are so many people who try to self-medicate out of loneliness, low self-esteem, unhappy relationships, stress and many other types of problems. Some drug misusers suffer from a mental illness such as depression, anxiety, bipolar disorder or schizophrenia. We all know drug use does not solve any of these problems and can easily make them worse or create new ones. What the short-term escape drugs provide can be so attractive that the dangerous consequences of misuse can seem unimportant. Communities under pressure are giving very strong signals that they are under siege from these so-called Z drugs and tablets.

Every day in the media, we hear about the devastating effects drug abuse and misuse have on our communities. It is not just a problem for the big urban communities. The epidemic of drug addiction is far reaching and is hitting hard some rural communities in my county, County Kildare. Many voluntary organisations are working to stem the tide but the failure to give sufficient resources to gardaí in Kildare continues to hamper any effort to clamp down on illegal drug use and supply. The absence of any community gardaí probably facilitates the use of drugs among young people. Some of the suppliers are as young as 15, which is absolutely shocking.

Fianna Fáil wants to give the Garda the powers needed to arrest people who are selling prescription drugs on our streets. Support for this Bill is part of the multifaceted approach we have called for to tackle gangland crime. However, this must go hand in hand with having sufficient numbers of gardaí on the streets to make arrests. I have shared with this House on a number of occasions the shocking ratio of gardaí to members of the civilian population in County Kildare. It is the lowest in the country. While I always welcome revised and improved legislation to combat drug abuse, the supply of drugs on the street and its relation to gangland crime, I believe it will be but a paper exercise if it cannot be implemented due to a shortage of manpower.

7 July 2016

We simply must give the Garda the power it requires to arrest those who are distributing tablets and Z drugs right across the country. These powers do not exist and, incredibly, the Garda is not in a position to move effectively on this phenomenon, which is a huge source of revenue to the drug lords and which is damaging young people, their families and communities.

It is important to point out to the House and the Minister of State that there has been a substantial cut to the number of gardaí working to prevent and investigate drug crime. The figures released last year show the number of gardaí assigned to divisions of Garda drug units has been slashed from 359 officers in 2011 to 257 in 2015, representing a cut of 28%. Of course, there is a close link between illegal drug use and the incidence of serious crime. Addictive behaviour is very complex. We cannot legislate for it but we can absolutely legislate for the abuse, and it is not a day too soon.

Deputy Niamh Smyth: I wish the Minister of State the best of luck in her new position.

So-called legal highs are playing havoc in my constituency, Cavan-Monaghan, to the same extent that they are nationally, and they are causing untold damage to families. The families of the young people who have consumed the drugs know only too well the destruction these substances have caused. In my own area, for instance, the difficulty with the policing of these substances is coupled with the unique problems the Border poses and the availability of these substances in the North.

These so-called legal highs are so hard to police because one day they are called “Clockwork Orange” and the next they are called “N-bomb”. It is very difficult when the substances have varying and ever-changing names and compositions. This is making it very difficult to prosecute. The drugs are quickly made and easily disposable. When a ban is placed on a particular drug, manufacturers are able to replace it quickly with another substance that is similar in effect but different in its chemical make-up, thus making it technically legal.

To make the detection of drugs even more difficult in my constituency, Cavan-Monaghan, we have lost our dedicated drugs unit in recent years. Members of the general force are working hard to make up for this loss and combat the issue of drugs in our area. Although they have had some success, is it feasible to have members of the general force dealing with this growing epidemic? I am calling for the reinstatement of the dedicated drugs unit in Cavan-Monaghan. The drug detection rate is down in the Garda division of Cavan-Monaghan and we believe we are entering a new era of drug dealing. Dealers and users are becoming more discreet and secretive, with detections falling as a result.

The Garda has said the drugs scene is forever changing. Legal highs are available in our schools and people are ordering drugs from their homes as if they were takeaways, making it harder to police. Local people are saying it is time to change the legislation to deal with the issue and the hurt being caused by these substances. Lives have already been lost and destruction has been caused among so many families and communities due to the legal loopholes associated with these substances. In 2014, over 200 people turned up for a public meeting in Monaghan to resolve the issue of legal highs. That meeting was prompted following the tragic death of a young local man.

We must equip the Garda with the tools it needs to combat the scourge of legal highs across the country, particularly in my constituency and the whole Border region. I hope this amendment to existing legislation moves swiftly through the Houses, closes the door for dealers of

these so-called legal highs, aids the Garda in tackling the issue, and eases the concerns of our constituents.

Deputy Maurice Quinlivan: Even in boom times, successive Governments have not had enough resources to ensure we can tackle the blight that is drug abuse. My home town of Limerick city, for instance, has no local drugs task force. We have no detoxification centre, yet we clearly have a worsening drugs problem. Limerick, like the rest of the country, needs detox spaces, properly resourced drug treatment services and an end to policies that reproduce deprivation and socioeconomic exclusion in communities. This legislation will do nothing to address this fundamental issue or to stem the increase in drug use. In Limerick, drugs are still a huge factor in the city's informal economy, and criminal elements continue to make huge profits while destroying communities and trading in misery.

It is high time to expand the Criminal Assets Bureau and for the Government to amend the Proceeds of Crime Act to ensure that money seized by the bureau goes back into the communities affected by drugs. If the Government had the political will to fund organisations throughout the State, it could divert funds to local drugs task force projects. The mid-west regional drug and alcohol forum, of which I am a member, has taken cuts of more than 50% since 2008. These cuts have impacted severely on the delivery of vital services which are urgently needed across the region and especially in Limerick city. This Bill will do nothing to assist drug-ravaged communities. If the Minister of State had a bit of imagination, she could redirect money seized from criminals to fund directly organisations delivering vital services in the field. That would be an important step in the battle against drug crime.

We can bury our heads in the sand and pretend in the face of research proving otherwise that criminalising already disadvantaged people will help to solve this very human problem, but it will not. Children in their very early teens and even younger are becoming addicted to anti-depressants like Xanax and other prescription drugs. I know first-hand the effect that abuse of Xanax and other prescription tablets has on young people and I can only describe it as the worst type of addiction to get off. Drug and alcohol councillors have noted that it can take anything up to three years for some of these teenagers to come off this type of addiction properly. They are buying prescription-type drugs online which are not from the most credible sources. In particular, Xanax is a drug used to treat depression but they are mixing it with drink to get high and it is certainly not meant for that.

One of my constituents is a young man by the name of Conor. He is 24 years of age and a former addict from Limerick city. He described the use of prescription drugs by young people as an epidemic that has broken out in recent years. The extent of the problem is evident from the large number of empty Xanax tablet packets that can be seen discarded on streets and in housing estates across the city. Conor went on to say that children as young as ten, 11 and 12 years of age are taking packets and packets of Xanax and that primary school children are taking them regularly. The problem is that these tablets are often sourced online and, because of this, there are credibility issues around their ingredients. Most of them are not manufactured properly and God only knows what is in them. Youngsters are sourcing tablets for a quick and easy hit. Conor was addicted to these tablets. He is on daily medication because of the seizures he has been left with as a result of drug abuse. Conor told me, "I just don't want children growing up and getting into the same situation as I did and I am only 24 years of age."

Conor hopes there will be a greater awareness in 2016 of the need to try and combat the use of what he describes as the new heroin in the city. The Bill, however, shows no signs of aware-

7 July 2016

ness or progressive thinking on the part of the Government on this issue. Criminalising young people who, more often than not, are already disadvantaged is a lazy and bankrupt response to what is an exceptionally serious issue. It is a very middle class response to what is perceived to be an issue which concerns only working class communities. The legislation will not work as it offers nothing to address the root causes of this problem, which are disadvantage, marginalisation and the political indifference of the middle classes.

Deputy Aengus Ó Snodaigh: Measaim nach leor an Bille ríthábhachtach seo. Ba chóir dúinn a lán eile a dhéanamh i bhfad níos tapúla ná mar atá déanta againn go dtí seo. Ní dhéanfaidh an reachtaíocht seo puinn difríochta don fhadhb mór millteanach atá againn inár sochaí faoi láthair. Ní mór dúinn díriú isteach ar bhealach eile.

I have been involved for many decades at this stage in the anti-drugs movements in this city. Nobody can accuse me of being soft on drugs and on drug dealers in particular. Over the years, some might say that I have matured, but that is not it. I came to the realisation that many of those who take and are addicted to drugs are young people who have many other issues. Whereas communities might have taken a simplistic approach to drug dealers in the early 1980s, they soon became aware that those dealers were of their communities in many cases and were often their own sons and daughters. That is a difficult realisation for any parent. How does one address it? How does one address a young man or a young girl who is selling poison to feed his or her own habit?

For years, we were promised that the Criminal Assets Bureau was going to address the big drug dealers, or barons as they were presented to us in this city in particular and throughout the country. I remember the debate on the original CAB legislation, which represented a major change to the legal system in moving the onus away from the legal system onto the person who had accumulated wealth. There were suspicions as to whether it would work and whether it was a step too far. In the communities I represent and have lived in since, there has been major concern about what happens to the confiscated money and assets. At the very least, the demand originally was that the assets seized would be applied to help young people addicted to drugs through the provision of services to prevent them from ending up in addiction, whether physical or mental, to drugs. CAB was supposed at all times to be doing wonderful things. It managed to confiscate quite a lot. However, it is 20 or 25 years since CAB was established and it is strange to see that there are more drug barons than ever now and more wealth concentrated among those who deal in illegal drugs.

This is not just aimed at Government. As a society, we need to figure out how best to tackle the scourge of drugs. It is not just heroin and cocaine but ecstasy and prescription drugs, which is something the Bill before us addresses. Prescription drugs are ending up on the street. A few years ago, my father-in-law died and I took to the pharmacy two full shopping bags of prescription drugs which he had never taken. Every time he went to get one part of his prescription filled, the whole plethora of drugs he was supposed to be on were handed to him. That is true of many people. We have a major problem in terms of prescription drugs as well as with the illegal ones. That has not been addressed.

It is not something new and which is only just emerging. I remember in the early 1990s that this was one of the concerns of the same communities which were also talking about heroin. They were talking about the large number of people who were addicted to prescription drugs. Some doctors were prescribing willy-nilly. People were prescribed whatever they wanted. I acknowledge that there were moves by the Irish Medical Council to address that, but it is ob-

vious that not enough was done if we are now introducing a Misuse of Drugs (Amendment) Bill to make illegal the possession of certain prescription drugs which are not for personal use. These should not be getting to people in the first place. Obviously, the Internet has emerged in the meantime. I am not blind to that or to the significant challenge it poses to our Customs and Excise. I have argued that Customs and Excise needs to be resourced more to tackle not just this aspect of illegal drugs but quite a lot of other contraband that comes through. If that means more X-ray machines to scan trucks and cars in every port in the country, it would be money well spent.

Earlier this week, I presented a report to the British-Irish Parliamentary Assembly specifically on visa systems. One of its recommendations was that smaller ports would be properly resourced. We met An Garda Síochána and immigration officials last week in Rosslare, while Baroness Harris, from the British side, met the equivalent officials in Fishguard. The authorities were happy with the co-operation that takes place, but there was concern about the lack of resources. I know we can scan every single car and truck and every item of post that comes into the country but it still would not address the problem. However, it would show that we are taking this issue seriously.

The scale of the problem with the drugs we are trying to ban with this legislation is significant among young people in Dublin and major urban centres. It is now spreading to rural areas. Banning them is not enough, however. It does not deal with the issue of residual chemicals left in young people's bodies, the psychological effect that some of these drugs will have on young people for years to come, or the chaos these drugs cause in accident and emergency departments week in and week out. I have seen it myself - doctors trying to deal with the effects of these drugs without knowing what they are, how to cope with them or how to counteract them. That in itself is a drain on our health service. If we invest properly in resources in schools, diverting young people away from illegal drugs in the first instance, or any legal drug such as alcohol, tobacco or prescription drugs, at least our health service may save some money. Whatever money is saved could be invested in the capture of more of the products poisoning our young people.

I remember dealing with Mary Harney as Minister for Health when head shops abounded across the country. It was recognised, however, that whatever legislation was introduced, we would still be playing catch-up the whole time. This legislation might be passed in the morning. However, there are drugs emerging that are not captured by the Bill's provisions and will bypass them. Often, we are reflecting developments in Europe and Britain and playing catch-up. Sometimes we are head of the rest of them. The legislation dealing with head shops was examined by many other countries dealing with that problem. It took several years before the British system caught up with our provisions for dealing with head shops. While we can be ahead of the curve in this regard, at the end of the day we are not ahead of the money being put by drug barons into creating new drugs and some unscrupulous industries that discover these substances as by-products which they then sell on. In the past, pseudoephedrine was removed from many prescription medicines because it could be used in the manufacture of other drugs. Do we now start banning all sorts of chemicals that can be mixed to make other drugs? Do we have to introduce legislation when we identify five or six products that need to be proscribed? Is there another way in which all chemical components could be licensed before they can be used? I am not an expert in this. However, rather than just passing this legislation, we should look at how we could prevent - it might have to be on a European or world level - the emergence of new chemical products that affect young people with horrible consequences for them, their families and society around them.

7 July 2016

I am not arguing for the legalisation of drugs. I am arguing, however, that a penal regime is not the best policy for dealing with young people caught with drugs. There should be consequences, but should they prevent people from moving on to a career, enjoying holidays abroad or having a family? Often, young people do not take the consequences into account when they are enjoying themselves. It is not often on purpose that young people take various products that end up causing an addiction.

Some companies in Ireland produce the prescription medicines which are listed in this Bill. They should be asked if they can take greater steps to ensure their products do not filter out onto the open market for sale. There are certain areas in Dublin city where it does not matter what type of drug one wants, as it can be obtained. It is a sad day when we see open drug dealing on our streets, which for a long time had disappeared into the background. In some parts of Dublin, it is like going into a supermarket for drugs. Whatever one wants, one will find. That is not the way it should be. During the head shop era, there were queues of young people outside them. It seems to be cropping up again and needs to be tackled by An Garda Síochána and Dublin City Council. We also need to ensure resources are given to hospitals, to schools and to those investigating emerging trends in drugs. We need to catch the trend before it arrives here and take whatever steps are required to prevent a drug from gaining any type of a foothold. If we know there is a drug starting to emerge in Europe or in the world, then we should take action before it emerges as a drug of choice among young people here and prevent it from even getting onto the streets in the first place.

I hope this Bill is not the only response to this problem. I know the Tánaiste and Minister for Justice and Equality is examining the option of a mini Criminal Assets Bureau. There is no need to change the legislation to deal with that. The legislation that created the Criminal Assets Bureau in the first place gave it enough power to go after those flaunting the wealth they got from drugs, which in turn attracted more young people to a life of crime and drug dealing. I welcome the Bill, but it is not the answer at this stage.

Acting Chairman (Deputy Declan Breathnach): I call on Deputy Bríd Smith, who is sharing time with Deputy Richard Boyd Barrett.

Deputy Bríd Smith: I am puzzled by the framework this legislation is being presented in. The Bill is coming from the Department of Health, and one would have assumed that therefore the discussion would be framed as a health issue, yet the aim behind it, allegedly, is to help the Garda in dealing with gangland crime and the recent terrible scenes in our city. The Minister of State emphasised several times that these measures are being sought by the Garda, but I note the absence from the briefing of those who deal with the health effects of the misuse of drugs. We are told that the Garda regards this Bill criminalising drug users as an important weapon in their fight but we are not told how. It is already illegal to sell prescription drugs, and I note that this year several benzos were moved from Schedule 4 to Schedule 1 under the Misuse of Drugs Act. As heroin is still in Schedule 2, are we to deduce that heroin is now less damaging to health than benzos or Z-drugs, and that if people are going to take drugs they are better off taking heroin than Valium or zopiclone? I fear that making it illegal to possess these drugs will actually give rise to an increase in the use of other drugs such as heroin. In the United States a recent ban on OxyContin fuelled a major epidemic in heroin use because drug users found heroin cheaper, easier and more accessible than the prescription opiates. It will not do anything to stop the gangland killing and it certainly will not do anything to hurt the drug barons' pockets. It will only harm those in need of health supports, who need detox beds and not the sort of response we are providing for here.

I want to take the unusual step of reading a speech that was made in the Seanad by Senator Lynn Ruane. I know Lynn going right back and the Minister of State probably knew her too when she worked in the drugs projects in Bluebell. She has huge experience of dealing with the victims of drugs. She said in the Seanad:

The relentless warfare on drugs has failed. It failed long ago. It fails every time an addict dies from the effects of an unknown substance. It fails every time a parent has to pay the drug debt of a child. It fails every time we imprison an addict for possession and it fails every time we introduce legislation to further criminalise the addict. The addict has become collateral damage in the State's fight to dismantle the drugs trade. Legislation that criminalises possession reinforces the stigma associated with addiction. . . . I have had dozens of conversations in recent weeks with people who both sell and use substances. I refer to two of the contributions which I raise in order to communicate the reality of the amendments and the people they affect. A 34 year old woman from Tallaght said:

Even after I was raped, imprisoned, battered, pimped and hospitalised I have been refused treatments for benzo addiction. Apparently I am not ready, or so some stranger likes to decide. I sell benzos, not a huge amount, just enough to fund my own use and to do some food shopping. I often have boxes of benzos in my possession.

A young 17 year old male from Crumlin said:

My brother and I started taking tablets after weekend sessions. We used to rob my Mam's zimos when we were children and I deliver benzos for my cousin so I can get some for myself.

He would like to join the Army some day but he cannot get off drugs. Both of these use this type of drug. That young boy will never make it to the Army and the woman from Tallaght risks being imprisoned again and again if treatment for her benzo addiction does not become the priority. Currently, she is being treated like a criminal.

This Bill aims to criminalise small-time drug users and will do nothing to halt the use of drugs or to help those who are already addicted. Study after study, report after report and past experience teach us that if we are serious about this issue we need to study the root causes of addiction and have proper treatment for those already afflicted. We need to remind ourselves of the discussions in the north inner city with the community activists and the full-time community workers around the time of the killings there, when they described the alienation and disaffection of young people who had no hope for the future, who felt discarded by society and felt they would never attain dignity, and did not have proper jobs. I want to throw into the discourse the massive cuts to drugs, community and youth projects and family intervention in communities such as these. They have been outrageous. The Minister of State once described this as picking the low-hanging fruit. That is exactly what the last Government went after when it recouped the debt for the European bank bailout. Instead of looking after communities and treating drug misuse as a health issue, this Bill sets out in the opposite direction. While it is under the remit of the Department of Health, the arguments relied on by the Minister of State are not based on health or scientific studies but instead on requests from the Garda and requests and arguments that rely on security rather than drug addiction in the first instance as a health and social issue.

The international experience from Portugal to South America shows that we need to move in the opposite direction - from a crime-oriented approach to a health-oriented approach. This

7 July 2016

Bill is failing utterly to deal with drug misuse as a health issue. The criminalisation of more prescription drugs has no basis in health care. The focus should be on encouraging engagement with services, if they are there. At the moment they are totally inadequate. We do not have enough detox beds and I have just mentioned the massive cuts to family intervention projects, community drug projects and so on. Many of those who use benzos on the street cannot access benzo addiction treatment. This will do nothing to help matters. All it will do is push people into using other harmful drugs such as heroin, and that will push the dealers into upping the price of heroin and selling more of it on the streets.

A government that will not ban advertising for alcohol at sports events such as the Heineken Cup cannot claim to be tough on drugs. All the statistics from the Department of Health show us that alcohol abuse or misuse is much more taxing to health services and results in much more long-term bed occupancy and many more deaths than drug misuse. It also accounts for much more social and family-related problems such as domestic violence. Once again the introduction of injection rooms has been put a year down the road. The previous Minister of State with responsibility for the drugs strategy attempted to bring this in. We need it urgently.

I do not know if it would be the Minister of State's genre, but "The Wire" was an excellent projection of the gangland and drug addiction scene in Baltimore in America. It showed very clearly that every attempt to criminalise drugs further gives the prosecution service, the Ministers involved and particularly the police service better statistics in the form of arrests and prosecutions. It will give the Minister of State better arguments to make on a TV debate or if she goes to the polls again, to say the Government is doing wonderful things about drugs because the statistics show more people are being arrested and being put in prison. That is exactly what will happen: more resources will be taken up in choking our courts with petty small-time dealers and choking the Prison Service with people who should be in treatment rather than being locked up. It will not stop gangland killings. The gangs will just change their product from one thing to another and intensify their sales. It will not stop the tragedies that visit countless families. We are opposed to this Bill. It will do nothing but harm the cause of improving outcomes for our communities, for drug users and their families. It will reinforce the cycle of criminality and push users into the laps of the very gangs that this Bill allegedly attempts to undermine.

Deputy Richard Boyd Barrett: This is a misguided, flawed Bill. It is more of the same failed policy approach that has brought us to the fairly sorry pass we are now at. In a way, it is also the worst sort of opportunism in that it plays politics with deadly serious issues such as drug addiction and gangland crime. The bizarre response to that can only really be explained by knee-jerk political opportunism, combined with a complete failure to understand the flaws in the policies we have pursued to date when it comes to drugs, drug addiction and the associated problems.

The Bill criminalises the possession of certain prescription drugs and the synthetic cannabinoid, clockwork orange. As has already been stated, it is illegal to sell prescription drugs. Why are we now making it illegal to possess them? The Minister spelled out the situation. Following the escalation of the gangland conflict in the north inner city, he felt we had to push things forward and responded to a request from the Garda to take this measure. The Garda is now deciding health policy in response to a fairly awful gangland feud in the north inner city of Dublin, and a political response to that will now dictate policy. I would have thought that the Department of Health and people who are medical professionals should dictate health policy when it comes to the quality of drugs and where they should be scheduled. I would have thought that people who deal with the problems of addiction and young people falling into ad-

diction are those to whom we should listen in terms of how we respond to this issue. Instead, the Garda is dictating health policy. That is a bad start, and things are moving in precisely the opposite direction than that in which we need to go.

We have had the law-and-order approach forever, and it has not worked. It never will work. I heard Deputy Ó Snodaigh say we have to think about how we can stop these substances getting onto the streets. Let me tell the House the answer to that question. One cannot do so and one never ever will. Unless one faces that fact, one is on a hiding to nothing. We have to face the reality of the misuse and existence of drugs, learn how to regulate them and, critically, discourage people from getting involved in their misuse, as well as supporting those who become victims of their misuse. That is the only chance we have of dealing with the devastating consequences of the misuse of drugs. Trying to cut the problem off at the supply level or criminalising people on the grounds of drug possession is an utter waste of time. We would want to abandon this approach because, as prohibition has always done, it will force more people into being stigmatised as criminal criminals and will drive them further into the criminal underworld. One would think we would have learned that from the impact of prohibition in the United States when that jurisdiction tried to ban alcohol. That one measure produced the nightmare that is the Italian Mafia and America has been dealing with the consequences ever since.

We are doing the same in our approach to drugs. We are moving further in the wrong direction. The current approach has not worked with other illegal drugs, and we want to take the same approach to prescription drugs. It is a completely crazy move. We need to start recognising that the misuse of drugs is a health and societal issue, and has to be dealt with as such. We might then have some chance of beginning to grapple with the problem and its consequences.

The most important action we can take in this regard is in the area of prevention. It is an area where the very Department that has produced this Bill, prompted by the Garda, is failing to listen to the people who are doing prevention work. Instead, the Department is cutting funding. I again raise a matter to which I referred in the leaders' debate during the general election. I raised it several times, and I will keep doing so and campaigning on it until we finally get action. The same is happening all over the country.

In my area funding for a project, the Oasis project, was been cut by the HSE, which is linked to the Minister of State's Department. An oasis is a place in the desert where one gets water. It is a lifeline, which is what the Oasis project was, in one of the most disadvantaged areas in my constituency, Monkstown Farm. It cost €40,000 a year and two people were employed. They worked far more than they were paid for with vulnerable teenagers in the Monkstown Farm area. They engaged them with services and provided them with positive alternatives outlets for the energy and activities that teenagers have. If the service had not been available, teenagers might have been led into drugs. It provided other supports when teenagers got into trouble of various kinds and enabled them to engage with services. Every mother, father and resident in the area said it was a brilliant service. The two people who provided the service, one a parent and another who had been a victim of some of the very problems young people face today, such as abuse and so on, provided a brilliant service for which they should have been paid three or four times the amount they received. They did that work because they cared about young people and recognised the pitfalls and dangers they face. The service really worked.

The HSE cut the project's funding and it is now gone. I and, more importantly, the residents of the area will tell the Minister of State that many of the children who engaged with the service over 14 years will now end up in trouble, in prison, addicted to drugs or involved in gangland

7 July 2016

crime. That is guaranteed. Some teenagers who were not in trouble previously have started to get into trouble since the service was cut. I have raised the issue with the Minister many times. This situation can be replicated in disadvantaged communities across the country, where crazy decisions were taken on high by people who do not have the foggiest notion what is going on with young people and disadvantaged communities. They do things that cause real damage and guarantee that people will be pushed into drugs, crime and all the rest, and then they come out with rubbish like this Bill.

I cannot express my anger more directly. The Bill is a misguided repetition of all the failed policies of the past. We need to start listening to young people, those who work with them and those living in disadvantaged communities.

Some young people asked me what we in the Dáil do and whether we have any idea what is going on. They asked me to use some street language. When children are trying to make a positive statement on the street they do a thing called a “dab”. I do not know whether the Minister of State knows what that is. I do not know what it means, but we need to learn what it means, what young people are talking about, what matters to them and what they consider positive activity. We need to support, resource and fund them instead of introducing misguided nonsense like this Bill.

4 o'clock

Deputy Thomas P. Broughan: I am grateful for the opportunity to make a brief contribution today on this important legislation, the Misuse of Drugs (Amendment) Bill 2016, which will amend the Misuse of Drugs Act 1977 by adding new substances to the controlled list, make provision for a number of related matters such as the revocation of some statutory instruments, the transferring of functions on granting licences to the Health Products Regulatory Authority from the Minister for Health and adding the definitions of “registered nurse” and “registered midwife” to those allowed to administer medical prescriptions.

The speedy progression of the Bill through the Houses is part of the Government’s attempt to take some action following the resurgence of gangland crime on the streets of Dublin, on which we had a few debates since the general election. The Bill was originally scheduled for the autumn term and was also intended to provide for the establishment of supervised injection centres, but that is no longer the case, which is regrettable. I understand the centres will be provided for in a subsequent Misuse of Drugs (Amendment) Bill later in the term. The Misuse of Drugs (Amendment) Bill 2016 is expected by the Government to aid An Garda Síochána in its law enforcement duties regarding the possession of drugs and illicit substances. The Minister of State has indicated that the Garda specifically requested those powers as part of the fight against gangland activity. I accept the sincere arguments and points of view that have been expressed by colleagues on decriminalisation. The suggestions in that regard are worthy of very deep thought and the strongest consideration of this House at the next Stage of the Bill.

Section 6, Parts 1 and 2, sets out the Schedule listing substances to be added to Paragraph 1A and 1B of the Schedule to the Misuse of Drugs Act 1977. The types of substances to be added include Z drugs, Clockwork Orange and other substances which have been identified as dangerous under the EU Council Decision 2005/387/JHA. Some of the listed substances such as zopiclone may be in the possession of legitimate users with a prescription and such regulations will be required to allow such possession.

Given that there was another shooting in broad daylight last week we can agree that tackling gangland activity and crime is a priority for the Government and the law enforcement agencies. I recently received a reply to a parliamentary question I raised regarding An Garda Síochána's Operation Thistle, which was set up in direct response to the escalation in gang violence in Dublin earlier this year. It commenced on 19 February 2016 and as of the end of May 2016, €1,794,100 worth of drugs had been seized, 12 persons were arrested on suspicion "relating to the sale and supply of drugs, forged documents and breach of bail conditions" and "9 persons have been charged with 40 separate offences".

The Minister of State, Deputy Catherine Byrne, represents a Dublin constituency, as I do, and she is aware of the horrendous impact of the godfathers of drug-fuelled crime on communities and the necessity to go after them and to disrupt and end their business, and to ensure that they will be brought to account for what they have done to our city and the country. It is regrettable that the Minister of State's colleague, the Minister for Justice and Equality, has been slow to liaise with our EU colleagues in countries such as Spain and Holland and to utilise the European arrest warrant and work with Europol in order to ensure that, literally, the long arm of the State can reach the alleged perpetrators of those incredible and outrageous assassinations on the streets of the city. I again urge the Minister of State to be prepared to take whatever steps are necessary to progress the situation and to ensure that each and every one of the criminals who committed those horrendous crimes are brought to account, especially the directors of the criminality.

While I welcome aspects of the intention of the Bill and certain actions being taken by the Government in an attempt to support An Garda Síochána, the Bill needs to be more than just a knee-jerk reaction that will not make any real impact on the growing terror on the streets carried out by the gangs who have no regard for anyone's life. Some colleagues have been critical of the Bill. It is not surprising that we have seen a resurgence in such crimes given the cutbacks of the austerity years. The negative impacts of the cutbacks are now being felt most acutely by communities in constituencies such as mine and that of the Minister of State, that are among the most deprived and where people have the lowest income.

In May 2015, I asked the then Minister of State with responsibility for drugs, now Senator Aodhán Ó Ríordáin, for information on the cuts in funding to local drugs and alcohol task forces and the regional drugs and alcohol task forces from 2011 to 2015. They are bodies the Minister of State and I have strongly supported over the years. Local drugs task force funding across Dublin reduced from €20.38 million in 2011 to €18.947 million in 2015 and the percentage reduction in 2011 was 2.51%, another 1.86% in 2012, 3.52% in 2013 and 1.82% in 2014. As the Minister of State is aware from her experience in her constituency, we just cannot afford those kind of cuts given the number of positive projects that needed additional funding rather than having to constantly cope with reduced resources. Regional task force funding reduced from just under €10 million in 2011 down to well under €9 million in 2015.

At the end of December 2015, I also requested information from the Minister for Health on the number of persons who availed of public addiction services. The national drug treatment reporting system, NDTRS, data available at the time for 2014 showed that approximately "16,500 cases entered drug or alcohol treatment". Of those, 4.1% were categorised as having received detoxification and a further 1.4% benzodiazepine detoxification. A total of 25% of all cases were treated in inpatient facilities.

Figures provided in the reply to the parliamentary question also stated that at the end of

7 July 2016

June 2015, “there were 249 people nationally on a waiting list in thirty eight HSE Clinics with a mean waiting time of 1.2 months”. That is a considerable waiting time for people who are trying to get assistance with detoxification.

In the previous two Dáileanna we engaged in battles to try to increase the number of beds for that purpose. On 23 June 2016, I received a reply to a parliamentary question I asked about the number of inpatient detox beds available. The HSE reply stated that the number of beds available, including private provision are “787 residential beds, comprising 23 inpatient unit detoxification beds, 117 community-based residential detoxification beds, 4 adolescent residential detoxification beds, 625 residential rehabilitation beds and 18 adolescent residential rehabilitation beds”. The reply also stated, “the HSE is submitting a business case for additional treatment episodes in the estimates process for 2017”. That will be the challenge for the Minister of State, Deputy Catherine Byrne, and her colleagues when the final shape of the budget is decided in late August and early September. Given the tens of thousands accessing treatment according to the NDTRS there is a clear need for extra resources.

Other colleagues referred to the amendments submitted by Senators Lynn Ruane and Aodhán Ó Ríordáin to the Bill when it was before the Seanad recently providing for non-prosecution for possession for personal use. The context is that the Government wishes to bring to an end the criminal activity of major drug dealers. The newly-appointed Minister of State with responsibility for equality, migration and integration, Deputy David Stanton, has also called for the decriminalisation of drugs and advocated that we would follow Portugal’s system of non-prosecution for small amounts of drugs in possession for personal use. I saw the Minister of State recently on a “Prime Time” programme. He has been in the Dáil as long as I have and he is one of the most thoughtful and hard-working Members, and finally he has been appointed as Minister of State. When he was Chair of the Oireachtas Joint Committee on Justice, Equality and Defence an intensive study was carried out of the situation in Portugal. The committee visited Portugal and looked at the impact of the changes introduced there. They found that instead of tying up the courts service in Portugal, persons are instead directed to dissuasion centres to support them to discontinue their drug use. Senator Ruane also recently criticised the Bill as “retrograde and regressive” and stated that it does not target the high-level dealers. The Senator’s progressive amendments were defeated, but I would hope to see the Minister of State with responsibility for communities and the national drugs strategy consider a similar amendment going forward based on the work of the committee chaired by Deputy Stanton in the Thirty-first Dáil. I would like to see whether the Minister of State and Deputy Stanton could bring to the House the data and facts of how the Portuguese situation has developed. We have read a lot about the election of the previous President in Uruguay. It was part of his portfolio to try to reduce serious criminality in Montevideo and in that country’s social life. There are also interesting developments in some of the American states, such as Colorado and Washington. There are data coming forward around young people and drugs in all those jurisdictions. They seem to be very positive data about fewer young people being affected, for example, in the state of Colorado. All that deserves urgent study and consideration by the Government.

I note that the number of gardaí attached to the divisional drugs unit in the Dublin metropolitan region was 113 in 2013, 106 in 2014 and 115 in 2015. The Coolock district, in my own constituency, alone seized drugs valued at more than €3 million in 2014. Statistics from the Central Statistics Office, CSO, on the number of controlled drug offences in which the suspected offenders are on bail show a significant jump in the number of offences year on year from 2003 to 2008. In 2009, the number started to reduce to 2,353. In 2010, it was lower still

at 2,154 and it was down to 1,565 by 2013. However, the increased trend has returned, with the number of recorded controlled drug offences in which the suspected offender was on bail standing at 1,883 in 2014 and 1,940 in 2015. It shows that the so-called war on drugs is far from over and that the prevalence of drugs in prisons must also be addressed. It shows the need for significant new thinking and new responses to try to end this scourge on communities.

At the recent launch at the Jesuit Centre for Faith and Justice of its report entitled *Developing Inside: Transforming Prison for Young Adults*, Fr. Peter McVerry, the long-standing and deeply respected advocate for marginalised groups, spoke on the subject of drugs in prison. Fr. McVerry said that it is becoming more evident that heroin is the older prisoner's drug of choice and that the misuse of tablets has become much more popular. This, of course, is having a considerable impact on the management of prisoners misusing this type of drug as they are much more volatile, aggressive and unpredictable than the previous experience of prisoners who misused opiates and displayed more, as it were, co-operative behaviours. I welcome the Irish Prison Service's implementation of incentivised regimes and integrated sentence management in which those who become drug free in prison and display positive behaviour are moved to enhanced regimes. However, this issue again goes back to the resources we have to address this problem, as Mountjoy Prison has just nine places on the drug-free programme in its medical unit.

The European Monitoring Centre for Drugs and Drug Addiction, EMCDDA, noted that in Ireland in 2014, of the 9,523 persons who accessed treatment, 50% did so for opiate addiction, 28% for cannabis and 9% for cocaine. The average age of those entering treatment was 30 years. Males made up 73% of the clients and just 27% were females. Europol also recently published its EU drugs market report for 2016 which found that Irish teenagers and young adults are the biggest users of illegal psychoactive drugs in the EU. The Minister of State probably saw that report as well. Ireland had a 9% level of use among the age group of 15 to 24 year olds who took part in the survey. That is a very worrying statistic. France and Spain, for example, both had 8% and Slovenia had 7%.

I welcome the efforts which have taken place so far to try to address increased gangland activity. We must insist that that outrageous criminal behaviour is ended in order that the streets of our capital are safe for residents and visitors. Serious action will have to be taken to target the high level dealers who are wreaking havoc on our streets and communities with no regard for life. Most important, a lesson must be learnt from the imposition of the austerity cuts that there are repercussions from such decisions and the longer-term cost can far outweigh the initial Exchequer savings at the time.

It is interesting that yesterday the four nations that are still in the UK were considering the impact of mistaken policy by officials in the very serious matter of the Iraq war. The concern was that there was not accountability. It is likewise for what happened to our country from 2006 to 2009 in both the regime that existed up to 2009, which led our country into an economic crash, and the subsequent very vicious austerity, which was implemented by Governments in the previous two Dáileanna. Again, there should be an accounting for that. We have seen the impact on the streets and in communities. It is a regression from the progress we were making initially. Much of that progress was in this area and in the subject matter of this Bill and was made by valiant community leaders, as we know, in the drugs task force and in all the community centres around our city and in other cities throughout the country.

Deputy Alan Farrell: I will start by mentioning to the Minister of State, Deputy Byrne,

7 July 2016

that a suggestion I have been making for the last number of months seems to be gathering pace on the Opposition benches, which is welcome. That suggestion is for the Department of Justice and Equality and the Department of Health to begin an assessment of the Portuguese model which was the subject of a report of the committee upon which I served during the previous Dáil. I believe it was the 35th report of the Committee on Justice, Defence and Equality, chaired by Deputy David Stanton, and dealt with the Portuguese model. It was about harm reduction and a rehabilitative approach to possession of small amounts of illegal drugs.

It was an eye-opening experience for me. I had been very much against any sort of relaxation in the approach to drug policy. I would have gone in quite the opposite direction. I would have made it even firmer. However, the truth is in the results which that jurisdiction has experienced as a result of the removal of the criminal penalty for first-time offenders for possession of small quantities of drugs that are classified in a very prescriptive manner. Those individuals are diverted away from the criminal justice system and put into health, which is where they should be because it is an addiction. Targeting the end user or the small-time drug user is not really going to solve the problem. What is important is targeting the guys who are bringing it into the jurisdiction or selling it within the jurisdiction.

Notwithstanding that suggestion, which I know is one the Minister of State agrees with, I recognise that in the intervening period, Bills such as the Misuse of Drugs (Amendment) Bill 2016 must be introduced. I support that initiative. We know of the absence of legislation with regard to the classification of certain drugs which has led to members of An Garda Síochána apprehending individuals with, in certain cases, large quantities of such substances only to have to release them. Clearly, if we are providing An Garda Síochána and others with the tools to reduce the consumption of either illegal or illicit substances, that is a good thing. Therefore, this legislation has my full support, with the caveat that we begin the process as soon as we possibly can to look into the Portuguese example.

I believe there are benefits that will outweigh the current investment of funds in the courts system, jails, the mobilisation of An Garda Síochána, and even education programmes. If we divert more funding into the health side of things, we reduce the amount of time that is spent in the courts and the amount of time and money invested in the prison service in transporting prisoners to and from hearings and all the rest of it. There are benefits, therefore, in examining the Portuguese model. I do not expect, for instance, that we could simply pick it up and bring it over here, as it were, because that would not work.

That would be very welcome and it would free up resources in other Departments for us to tackle the people who are bringing in the illegal substances that legislation like this, and its precursor from the 1970s, were designed to tackle, albeit unsuccessfully.

While I rarely agree with Deputy Boyd Barrett, he is always an entertaining and articulate Member of Dáil Éireann when it comes to his contributions. He was absolutely right about prohibition in the United States and other such things. The war on drugs is a complete waste of time and resources because we are never going to win it. Whether it is those in the well-to-do suburbs of this city and other cities who are snorting cocaine as if it was the year 2000, or others - of course, I jest - the people spending most on drugs in this country are not those on the streets with needles; they are those in the leafy suburbs with a premium product. Those are the people we need to target, because the less lucrative the drugs trade becomes, the less likely it is that individual dealers will make a profit, which means they will hopefully move into other areas.

I will speak on the Bill. The legislation will ensure that prescription medicines that do not currently come under the scope of the misuse of drugs legislation are included under it. Such drugs will include benzodiazepine, phenazepam - I should have tried to pronounce this before I got up to speak - and other psychoactive substances known as Z-drugs. In line with both our EU and UN obligations, we must ensure that new psychoactive substances are controlled.

I would like to draw attention to a number of the substances which will be controlled under this legislation. Zopiclone, for instance, has been a factor in a number of deaths in recent years. It was involved in six poisoning deaths in 2007, but this increased to 51 by 2013. According to records from An Garda Síochána, 165 zopiclone seizures were reported in 2014. Another example is MT-45, which was found by an EU risk assessment in 2014 to have been associated with 28 deaths, while MDMB-CHMICA was reported to have been associated with 71 serious adverse events, including 29 deaths, across eight member states.

A piece of legislation that prevents one death is worthy of this House. Our EU counterparts, along with the HSE and the Department of Justice and Equality, have been able to assess this and provide the figures we were given earlier when the Minister introduced the Bill. Other examples were also cited during the course of this debate which warrant this legislation. Given the dangers associated with many of these drugs which will, as a result of this Bill, be brought under the misuse of drugs legislation, we must act with a particular focus on disrupting the activities of gangs dealing in drugs, ensuring they can no longer sow the seeds of discord on our streets and in our local communities. We must continue to support An Garda Síochána in doing this by providing them not only with the tools but also with the legislation to back up their activities.

I am pleased that the programme for Government is committed to delivering a health-led approach to tackling drug use. Although it is a single line in that programme, I know the basis upon which that line was included. As I mentioned earlier, it is the Portuguese model. While a criminal justice approach is necessary to tackle the activities of gangs and dealers who are ensuring the proliferation of drugs on our streets, it does not benefit individuals who are struggling with an addiction. As a member of the Oireachtas Joint Committee on Justice, Defence and Equality during the last Dáil term - and I am pleased to have been reappointed in the current Dáil - I was involved in the analysis carried out by the committee of what we would deem to be the most effective manner of controlling drug use and limiting the societal damage that drugs cause in our communities. In Portugal, the levels of drug use 15 or 16 years ago were defined as serious. However, there has been a significant reduction since then, making Portugal a prime example of international best practice in tackling drugs in our communities. One of the main reasons for the reduction is the transition by Portuguese authorities from treating drug addiction as a criminal justice matter to treating it as a health issue.

We have a responsibility to examine how this approach may benefit our health service, assist those facing addiction and allow for the betterment of society for all our citizens. I understand that in the autumn a further misuse of drugs Bill will be brought before us in order to provide for the establishment of supervised injecting facilities for those who have chronic drug addictions. That was one small component of the committee's report. Unfortunately, it became the main focus rather than the substantive issue, which was the move from criminalisation and incarceration of drug users to health treatment. This, however, became the main focus in the six months before the general election, which was regrettable because it was not the main thrust of the Bill. There will be many benefits from the establishment of these facilities, not just in terms of providing those with chronic addictions with a safe, clean environment but also from the per-

7 July 2016

spective of the health system, and I look forward to discussing that matter further later this year.

I will not go into the specific details of what I saw last night when I was getting the train home at about 8 o'clock. Other examples of needles littering our streets in certain parts of the city centre are already on the record of the Dáil. The DART slowed down just as we were approaching Abbey Street. I looked down and there were four middle-aged people, in their 40s, down a laneway with boxes and litter all around them. They were shooting up. This was around 8 o'clock in the evening and it was still bright outside. It was about four metres from a busy footpath on Abbey Street, not that far from the old Irish Life building. That is a main thoroughfare in Dublin city centre. I am sure that if Members of the House were to go down a few laneways in Dublin 1 or Dublin 2 they would find examples of drug use on our streets. Unfortunately, it is far more chronic in certain other areas. That is why I believe the measures the Government is to introduce in the autumn are worthwhile. We have had deaths as a result of intravenous drug use on our streets, as well as multiple such deaths off our streets. When persons are found in such a way in the city centre with over a million people living around them, society is worse off in terms of protecting citizens who really need our attention and assistance.

In tackling drug use on our streets, we must implement a comprehensive and integrated approach, which will support those facing personal addictions, showing them compassion and providing them with assistance rather than treating them as criminals. Of course, this must be complemented with a justice-focused approach to tackling gangs and drug dealers and preventing them from causing further proliferation of the misuse of drugs in our communities. I hope the Government will continue to work to achieve this and to improve society for all of us. I also hope the Government will listen to the recommendations made by the justice committee of the Thirty-first Dáil, particularly in regard to the potential benefits of implementing the Portuguese system in this State.

I compliment the Minister of State, Deputy Catherine Byrne, who I know is a politician of great conviction and ability. Her experience in this field made her the automatic choice for the junior ministry in the Department of Justice and Equality. I wish her all the very best.

Deputy John Curran: I welcome the opportunity to contribute to this debate on the Misuse of Drugs (Amendment) Bill. I compliment the Taoiseach on the appointment as Minister of State with responsibility for the national drugs strategy of Deputy Catherine Byrne who, in terms of her background and being a Dublin Deputy, is ideally suited to the position. I have every confidence she will be effective in this role and I wish her well in that regard over the coming years. While the portfolio is associated with the Department of Health it is evident from the contributions of other speakers that the level of interaction required across a range of agencies and Departments in coming up with an effective response to the drugs issue is challenging. My only regret is that the Minister of State is not a super junior Minister sitting at the Cabinet table. Given the co-ordinating role required of her across so many Departments and agencies it is the next logical progression.

On the legislation, I acknowledge that the Minister for Health fast-tracked the introduction of this Bill which was to be part of wider legislation in terms of the misuse of drugs. This was done as a result of pressures following particular incidents in the North Inner City. It is important the political system is seen to respond quickly and appropriately. I understand that further legislation on other issues in this area will be introduced later in the year. Fianna Fáil supports this legislation.

The issue of prescription drug abuse has been around for a long time. All of the reports, surveys and findings have indicated the harm that they are causing. I have spoken to people outside of here about the issue of prescription drugs. Some people are of the view that because prescription drugs are made to a particular standard and are certified they are not bad. However, when prescription drugs are taken with other drugs they can have a serious effect on the individual. The Health Research Board report 2015 data on drug misuse is shocking. In the decade 2004 to 2013 there were more than 6,000 deaths from drug poisoning. If that statistic was related to road fatalities, as a society, we would have a completely different attitude in terms of how we deal with it.

In 2013, the last year for which published data is available, there were 387 drug-related poisonings in this country. There were 679 drug-related deaths in 2013, of which 387 were as a result of drug poisoning. They are horrendous statistics. As a society we need to get our heads around this and we need to give this issue the priority, attention and urgency it deserves. According to the report, polydrug use was implicated in 60% of poisoning deaths; alcohol was implicated in 35% of poisoning deaths and methadone was implicated in 0.25% of poisoning deaths. There were 86 deaths in which heroin was implicated. In almost two thirds of poisoning deaths in 2013 polydrugs were involved. Death due to the use of polydrugs increased by 90% over the period. In 57% of poisoning deaths in which alcohol was implicated other drugs were also involved, particularly benzodiazepines. In 94% of deaths in which methadone was implicated other drugs were also involved, particularly benzodiazepines. In 72% of deaths in which heroin was implicated other drugs were also involved, in the main, benzodiazepines. This combination of drug taking is not only affecting people it is killing people at an enormous rate. As I said, in 2013 679 people died from drug-related poisoning. It is important in that regard that our response is appropriate.

When speaking about the war on drugs previous speakers used the phrase, “we’re never going to win”. I do not like that expression. It is the wrong way to look at the issue of drug use and drug addiction. The challenge for Government is to reduce the harm over time, to make improvements year-on-year. Today, are dealing with legislation on the misuse of drugs. Other legislative measures around enforcement and so on will be required. If we are to bring about change in this area we will have to change our behaviour. This will require a huge amount of investment, time and effort in educating young people about the dangers and consequences of drug misuse. We did this in relation to drink driving. When I was growing up it was the norm for people to have a few pints and drive. The advertisements on television at that time quoted “two will do”. Now, there is zero tolerance in that area. There has been a cultural shift; drink driving rates have reduced, our roads have improved and our cars are of better quality. While the number of cars on our roads has doubled the number of fatalities has halved. If we are to bring about significant behavioural change, we will need a constructive educational programme on drugs which the whole of society can buy into. There will always be drug experimentation and drug use but we now have an opportunity to radically change how we deal with the issue. This will require change in our behaviour, our education and our awareness. In my view, this should be the focus of any new national drugs strategy.

Earlier when speaking about drug-related deaths I indicated that in terms of poisonings alcohol was involved in many cases. The Minister for Health, Deputy Harris, referred recently in the Seanad to the development of a new national drugs strategy. The Minister of State, Deputy Catherine Byrne, will be aware that the national drugs strategy introduced in 2009 included specific elements on alcohol, which subsequently led to the introduction of a national substance

misuse strategy. I am hoping that alcohol is included and that we will have a national substance misuse strategy not just a drugs strategy. It is important the strategy is what we determined it should be. It may be that I misunderstood what the Minister said. It is important, based on the two strategies that have emerged, that we have a national substance misuse strategy.

I understand the new strategy will be published some time this year. From the Minister of State's point of view, that will be a difficult task. It may be the case that because it took a while for a Government to be formed she is now playing catch-up. There is a consultative process to be gone through. Members of the Dáil and Seanad had an input into the previous national drugs strategy. There were two specific Oireachtas meetings on the issue and a discussion on it in the Seanad. I hope that in advance of publication of the national substance misuse strategy Members of both Houses will have an opportunity to be involved in its development.

I heard a number of Members speak about the Portuguese model and so on. I believe that any changes to legislation must be evidence-based. It is easy when looking at an issue to take a narrow look and to form the view that a particular treatment works in a particular situation. However, issues must be addressed in the wider context. In other words, does it have a consequential effect in terms, perhaps, of prevalence, use and so forth? I have an open mind on all of this. The decisions that we make in this House need to be evidence-based. As, I said there has been much talk about the Portuguese model; I believe we need to look further afield than that. I do not have an ideological hang-up in terms of injection rooms and so forth but I would like to see the medical evidence that they work for that particular cohort and to know if in that regard there are any unintended consequences for society in general or other users. That is important.

A number of Members said earlier that this legislation will not be effective but it is only one element of a programme to deal with drug addiction and the problems associated with it. During the passage of legislation through this House on head shops the common line was that even though the head shops would be closed people would still be able to get the drugs and, therefore, the problem would not be tackled. The subsequent reality was that people did continue to get the drugs but fewer people got them. That is the evidence from the accident and emergency departments and the consultants. According to them it was like switching off a tap over night. There continue to be problems with substances known as legal highs but not of the previous scale and level. Each measure we introduce must be incremental in improving the situation. This Bill will not solve the problem and it does not pretend to solve it but it is one step in tackling the cohort of prescription drugs that are doing harm. I distinguish between addicts who are using them themselves and those who peddle prescription drugs for profit. The Bill allows us to deal with the latter. I genuinely wish the Minister of State well and look forward to the development of the drugs strategy over the remainder of the year.

Deputy John Brassil: I welcome the opportunity to speak on this Bill. At the outset, I will declare my interest. I am a practising pharmacist and have been in a position to legally dispense these products over the past number of years. They have a significant role to play when prescribed and dispensed in the correct manner. Unfortunately, over the past number of years, they have been significantly abused. Their cost is very attractive to people as they can be acquired quite cheaply. A drugs worker in Kerry recently informed me that a standard Friday night's entertainment for a teenager who wants to partake of them would be four or five Zopiclone tablets and a couple of cans of beer. This is a sad reflection on our society.

I agree with Deputy Curran and I welcome this Bill because it is one step of many that are needed in tackling a huge problem. I do not agree with Deputy Boyd Barrett that we will never

win the battle because we must continue to fight, legislate and enforce. We will never solve any problem 100% but we cannot give up and accept defeat. We must continually fight and this is what I will do as long as I have breath in my body.

While welcoming the Bill, which will help in respect of the abuse of Benzodiazepines and other drugs, the issue goes back to resources. Speaker after speaker has made the same point, namely, that unless we resource the communities to fight the issues, we are going nowhere. I will throw out a few suggestions for the Minister of State. We must start educating at a primary school level. We must make children in fifth and sixth class aware of what is out there once they enter secondary school because once they enter secondary school, they come into contact with 15, 16 and 17-year-olds who have already partaken of drugs and they have no clue what they are getting themselves into. Somebody experiments at a young age and before we know it, they are caught in a vicious circle. This is something we need to look at very seriously. We need to educate our young people at the appropriate time.

The second thing I would like to see is our gardaí resourced to the level that is needed. I have figures in front of me stating that there has been something like a 28% cut. This was in the time when we had to go through the very difficult cutbacks during the recession in which we found ourselves. We are out of that now and must resource and reflect the position we are in and give gardaí the resources they need to tackle this problem.

The drugs task forces set up in the past were extremely beneficial and did wonderful work. Again, their budgets have been cut to shreds and they need to be reinstated. I will give the Minister of State an example. Kerry has its problems, although they are not as significant as those in larger cities. However, it still has its problems. There are three people in the entire county of Kerry working for the drugs task force as full-time officers to help and counsel people, give them assistance and refer them. There is one in north Kerry, one in Tralee, which has a population of 30,000 people, and one in south Kerry. I know those three individuals and they do wonderful work but they could do with at least three more. I ask the Minister of State to look at the funding for the southern regional drugs task force to allow for this. An extra three people would make a huge difference and go a long way towards counselling and helping those young people who need their assistance.

Web security is another issue with which we need to deal. The ability to deal in drugs online is frightening. As a practising pharmacist, it is even more worrying. People can go online and get more or less what they want. People do not understand the dangers in getting online prescription drugs because there are no controls over them. They have no idea where they come from or what is in them. This issue needs full-time attention.

The drug market evolves and changes. The problem we are talking about today will have moved on in 12 months' time and it will be a different one so it is a constant battle that needs constant resourcing and monitoring. We need to work on it, allow ourselves to move with the times and not react. The problem around Benzodiazepines goes back ten or 15 years and we are dealing with it now. We need to be far more proactive in dealing with the issues.

I reiterate the points made by Deputy Curran. The deaths per annum as a result of this far exceed other areas that get far more attention and far more funding. We need to collectively ensure this area is resourced properly so that we can deal with the challenges facing us. We should not give up. I know the area represented by the Minister of State and how passionate she is about this issue. I look forward to working with her to tackle this growing problem so that at

least we can control it and, hopefully, improve on it in time.

Deputy Anne Rabbitte: I thank the Minister of State for being here to discuss this Bill. I also welcome the Bill. My story is a bit different. In contrast to Deputies Curran and Boyd Barrett, I am from the west of the country. We cannot give up. We must have a very positive and collective approach because we must work together. We know how bad the situation is. We see it every day on the television, hear about it on the radio and see it on our streets. I come from a wee village called Portumna in east Galway. It is on all the streets throughout east Galway. Parents are talking about it. As Deputy Brassil said, Friday night involves a fix of a few tablets and a few beers. Unfortunately, that is where it is at. It is unfortunate that society has reached this point but we must reel it back in and see how we can move forward.

I think the approach is simple. As party spokesperson on children and youth affairs, I believe we must start with education. Regrettably, we must go back to education in national schools because we must ensure children are educated by the time they enter secondary school. The reason for this is because they are exposed to some 16 and 17-year-olds who are already hardened to drug use. All of a sudden, new prey is entering first year. They are seen as easy targets and become their runners. They are involved in a circle before they even get to third level. I thought that my young children would never be exposed to this and was praying that they would not be exposed to it until they reached third level but I must be realistic in this day and age because it is coming to them quicker and quicker every time. It is back to education. We need to support our teachers. This is where the guidance counsellor role will have to kick in. I will tell a little story I came across once. A little child said in company one evening that a classmate had brought Tic Tacs to school. They had brought them in to dispense them to play at being drug dealers. They were doing that in sixth class with Tic Tacs and they role played correctly because they were seeing it at home. It is a case of monkey see, monkey do. We have to protect the children and we need to educate them that what they are doing with the Tic Tacs is not acceptable. They obviously see it at another level, probably at home. We need to support and educate the teachers. We need to educate kids in the classroom, who might not be exposed to it, about the difference between right and wrong. We need to support guidance counsellors and get that service back in again. Guidance counsellors are required because they are the helping hand needed in school if a child is having a hard time or under peer pressure. They can take time out and talk to them and understand what is going on.

Family resource centres in the country play a huge role because they provide support to the mother, father, aunt or uncle who wants to talk to somebody about it or who is looking for direction and support. There are approximately 100 family resource centres in the country. They are diverse; there are 12 or 13 in Kerry and ten in Galway. When one looks at the country as a unit, they play a vital role. That is where we should be putting in our counselling services. That is where we should be having that time-out to provide space for the families affected.

We have to look at how we are dispensing drugs and filling prescriptions. Do we need to fill everything on the prescriptions for the granny or whoever it is in the house? Unused drugs are now a target if they are lying around for kids who see they can make some money from them or who see their mates making it. It will involve a whole culture change to change the entire system. When one goes into collect drugs, they should only collect what is required so there is not a build-up in the presses at home. The build-up in the presses at home is becoming cash quality drugs for a generation to go and sell to prey. That is the reality.

The drugs task force we mentioned plays a vital role. Its members go out to communities

and educate the community as a whole. It also gives a community an opportunity and safe space to discuss what they see going on day in, day out. It is an opportunity for the gardaí to come in to discuss it and share information in a safe space without naming anybody. I never realised that if one sees somebody with a jumper that was a little bit frazzled it could be because they were smoking drugs or something like that. That shows how inexperienced and not exposed to the real world I was. I learned that at a drugs task force meeting one night in a local community hall. They educate parents on what signs and symptoms to watch out for in their kids and if they are getting a bit down at home. These Z-drugs are creating huge pressure for the simple reason that children are getting high. Mental health issues are a knock-on effect of that. It is a never-ending story but one which we have to halt at some stage. It starts with education and how we support educators, parents and the family resource centres. We then have to look at how we are dispensing. That falls under the Department of Health and how we work with the pharmacies and make people responsibly aware that it is far more than a prescription they are collecting and that it has a huge effect on the person it is not meant for. It is a marketable product that can be sold on the market and which puts children's lives at risk, bringing down full families, devastating communities and it does not seem to end. If we do not stop it, it will continue to the next generation. I go back to the story of the child with the Tic Tac. The child with the Tic Tac is the child who has seen the parents dispense. We need to stop it. I wish the Minister of State the very best of luck. She will have all our support on this side of the House because we see it in all our communities and we do not want it to continue. We want to protect the future.

Deputy Brendan Smith: I wish the Minister of State every success in her very important work and we welcome this legislation. As a party, we have been highlighting the need for this legislative improvement for some time. I echo the words of my colleague, Deputy Rabbitte, in her excellent contribution regarding the need for awareness. The local voluntary centres and organisations must be supported in the very good work they do in our communities. I will refer to alcohol and drug abuse in my constituency. Unfortunately, Cavan and Monaghan have a serious problem with addiction to heroin and other psychoactive substances. I recently had the opportunity to meet with the chairman and manager of the Cavan and Monaghan drug and alcohol service, a voluntary organisation which is given some support by the HSE but not enough. That is an issue I will be following up with the Minister. I have done so already through parliamentary questions. The funding it gets from the drugs task force has been static for quite a number of years and unfortunately the problem and the number of people it is treating is increasing. It badly needs additional resources to carry on even the level of service it has at present. A small number of people are doing excellent work trying to provide a service with the support of some pharmacists and GPs. I welcome the work of those clinicians. It is an area that has not had the provision of a good statutory service to deal with drug and alcohol addiction. We need to make progress in that area and I hope the Minister of State will be given the additional resources to distribute through the HSE and other fora to ensure the work of these voluntary groups is supported in a meaningful way so they can provide the services that are needed.

What was clear to me at the meeting I had with those people and from ongoing contact with them is their concern about the growth of the problem. It is a very serious issue. I heard other speakers during the course of this debate refer to the proliferation of psychoactive substances which are a real problem. It must be taken into consideration that my constituency, which is made up of the two southern Ulster counties, has a long border with Northern Ireland. For historical and other reasons, it is not easy to police that area. Criminals can cause damage in our jurisdiction and be quickly gone from it. They are not apprehended to the extent we would like to see. There is that additional problem in the area. One of the issues brought to my at-

7 July 2016

tention by members of this group was that while they primarily see adults, they do their best to make a part-time counsellor available for those under 18. One other issue they feel strongly needs to be addressed is the lack of residential homelessness support services. When they are trying to support a homeless person, they often have to try to access accommodation in a local B&B. That can be fine in the short term but proper residential services for people who have particular addiction problems are needed. There are so many areas that need to be tackled and given additional resources if we are to have meaningful progress and try to counteract these addiction issues. My local newspaper, *The Anglo-Celt*, published an editorial that tried to create an awareness of the difficulties with heroin in rural counties like Cavan and Monaghan. In the past, those of us who live in rural Ireland often thought wrongly that drugs are a problem of major urban areas.

5 o'clock

Sadly it is in every rural parish, village and small town today. I suppose not all of us accepted that for quite some time. Unfortunately, it is only in recent years that the realisation is coming to all of us that those problems that were associated with the major towns and cities, particularly in some disadvantaged urban areas, are right throughout our rural parishes today.

In that leading article - I commend the editor, Ms Linda O'Reilly, on the depth of thought that was put into it and the awareness it has created - she referred in particular to the initiative of the parents' associations of the second level schools in Cavan town. They came together and published an information leaflet on drugs for the parents of the 2,500 students who attend those four second level schools in Cavan town. They did that in conjunction with both An Garda Síochána and Cavan Drug and Alcohol Awareness. In producing that information leaflet, they educated themselves on the drugs available in the Cavan marketplace, the effects of these substances on their children, the telltale signs of use and abuse, and support services locally for any parents or young people who may require them. There is an onus on parents to read the leaflet and to ensure they have as much knowledge as possible to identify a problem, if one is emerging in a house, in an estate or in their own locality.

Another issue I have raised on numerous occasions in this House during questions to the Minister for Justice and Equality and in other debates is that Cavan-Monaghan is the only Garda division in the country that does not have a dedicated drugs unit. Considering that it is a Border area and we have, unfortunately, a growing and escalating problem with drug abuse in the area, I would hope that the Minister of State, Deputy Catherine Byrne, could consult with An Garda Síochána and the Department of Justice and Equality at senior level to ensure additional resources are provided to that Garda division to enable the chief superintendent to re-establish a dedicated drugs unit. If we are to be serious about tackling the scourge of drugs, we must have dedicated officers whose sole remit is to deal with those criminals who are peddling and spreading those substances.

I sincerely hope that effort can be made if additional resources become available to the Minister of State. There is always pressure on resources but we must try to ensure that we take an approach that will tackle effectively the scourge of drugs. All of us have a duty to highlight the difficulties and serious issues surrounding the use of drugs and their availability. I hope the Minister of State can highlight to the Minister for Justice and Equality and to the officials in the Department the need to provide those additional resources because over the past five years, in particular, Garda numbers have been reduced dramatically in the Cavan-Monaghan area. Thankfully, there was the need to reduce numbers going back a number of years ago when the

peace process was advanced, but now they have gone below the level badly needed to ensure we have a proper policing service.

Deputy Aindrias Moynihan: I understand the legislation is aimed at giving the Garda powers to arrest those who are selling prescription drugs in our communities and that the big driver was the concern about Z drugs and tablets in north inner-city Dublin. I understand the powers are not there and, incredibly, the Garda is not in a position to move effectively on that particular phenomenon. It is a phenomenon that is a significant source of revenue to drug lords and is damaging many young people throughout the country.

When we are dealing with drug misuse, it would be a mistake to focus entirely on security. It is not the silver bullet. It is not the answer. There needs to be a multifaceted approach and an energy and drive behind awareness programmes and supporting families, as well as the users themselves, who are already trapped in drug use because the effects will be felt so much more widely throughout the family and the community.

From my own involvement with the drugs task force locally, I have seen at first hand the significant work that the drugs worker and those around him or her can get done supporting families through programmes, such as Strengthening Families, and their efforts to get drug users back on track again, but time and again their resources have been cut to the bone. They are struggling to be able to put in place those programmes, to support those families and to support the users. We need to ensure that the likes of the drugs task force and so many other voluntary groups that operate in our communities are adequately resourced and are able to help and direct people to alternatives.

A significant step forward is the realisation that it is not only an issue in cities, such as Dublin or Cork, and that it has come right into every rural community and down every bóithrín. That merely reinforces that having a garda on every corner, however helpful, is not the solution. Emphasis must be placed on education and on support to the community drugs task forces and youth clubs, through schools and various voluntary groups.

The decision on career guidance teachers was a blow to schools and it really needs to be examined and reversed so that such support is there for students who are in distress and who may be tempted to go that route. Also, for such small money as the youth club grant that so many education and training boards, ETBs, would have been distributing, those voluntary groups were active in many communities and providing alternatives to younger people. They also provided people with leadership training and the confidence and skill to be able to stand up, rather than be sucked in, to that sphere of drugs. Small sums of money would make a positive impact in many communities.

There is also a need to examine accessibility, not only on the street and on the side of the road, but over the Internet. Many of these prescriptions drugs are not being delivered by a drug dealer. Unfortunately, they are being delivered by the postman and the courier to the door. If ever there was proof that the Garda is not the silver bullet, there it is.

It is important that there would be a wider strategy. While this piece of legislation will be helpful for the Garda in tackling part of the situation, it is not the whole answer. There needs to be emphasis on a wider strategy with a key role for education and for supporting community and voluntary groups that are working throughout our communities.

Acting Chairman (Deputy Eugene Murphy): I thank Deputies Aindrias Moynihan, Dep-

7 July 2016

uty Brendan Smith and Rabbitte for their contributions and their co-operation with the Chair. The next speaker on my list who is in the Chamber is Deputy Clare Daly.

Deputy Clare Daly: No doubt the communities which have been ravaged by crime and addiction have been clamouring for a number of the measures in this Bill to be implemented out of desperation at the blight that has been imposed on their communities which see the most vulnerable exploited by those who want to profit from their misery. The support for these measures comes out of desperation and we must stand back. I understand people saying that we need to bring this in now and then we can look at the bigger picture and tack on policies later, but we cannot put off that debate. We must change our approach now.

The very fact that we are even looking at a Bill which lengthens a list of medication to add to another list of medication that is already prohibited is an indication that this type of approach sadly does not work because the reality is that people with addictions will find other drugs. If we add to the list, in a couple of weeks there will be another list and some other concoction within reach after that. These people will find other ways to get high using whatever means are available. In many ways, it could be argued that lengthening the list increases the risks associated with drug abuse. All of us would agree that drugs destroy lives and communities - that is unquestionable - but so does bad policy, unemployment, cutting funding to schools and closing crèches, libraries, swimming pools and so on. We must look at the big picture. Sadly, criminalising people and demonising working class communities does not work either. There is no doubt these measures are going to be implemented in working class communities as economic and social problems are a factor.

This morning, a couple of us had the privilege of going to Cloverhill Prison where we met some offenders involved with a really innovative and internationally award-winning programme with the International Red Cross. It deals with a community-based health care model, with prisoners delivering it in the prison community, working in close conjunction with medical and prison staff in the facility. We should certainly try to get them to come here and give a presentation in the Oireachtas as all the people ended up in there, one way or another, through drug related crimes. There may have been a tragedy or something in their lives that led them to a path of drug abuse and perhaps it involved criminal behaviour such as theft etc. Their incarceration impacts on spouses or partners who may engage in crime to deal with economic issues. We must take in all these factors when we consider how to deal with drugs.

Our prison population would be entirely different if the drug issue were dealt with and we would have a fraction of the size of prison population that now exists. In that sense, the starting point for me must be a health issue rather than a criminal justice matter. There is a widespread consensus across the medical profession and those specialising in addiction that this is a disease, so we must look at dealing with stigma, reducing harm and tackling the issue as an illness. We cannot arrest ourselves out of the problem but that is really what we are doing. In an Irish context, when people are put in prison, they are being put into the path of further drug use. Sadly, drugs are rife in the prison community and we know of cases of people trying to rebuild their lives upon release who have been encouraged by dealers on the outside or by debts to which they have been tied to break the conditions of their release in order that they can return to jail loaded with drugs. People who want to move on with their life are being dragged back into the cycle because we continue to deal with this through the criminal justice system rather than giving people the opportunity to develop their full potential as citizens.

The lads we met worked very closely with staff in prison and do a really good job. They

acknowledged they had done wrong in their lives and none begrudged being in prison. All of them had got to a place where they saw it as an opportunity to rebuild their lives and re-engage with the community and society. That is what we should be doing. We must treat people as people, give them respect and understand their humanity and dignity. That is a far better approach.

One might look at this Bill and see it as an immediate issue in order that we can deal with the bigger picture afterwards, but that is not good enough. With these regulations we are just taking the war on drugs to a local level, criminalising the most marginalised. Sadly, it will not have any impact on the big players who live the affluent lifestyle and prey on the vulnerable. Anybody working with people with addictions or family members would agree the answer is not punishment but treatment. The Department of Health should be leading a progressive approach in this way, with education and support for programmes to combat addiction and the taking up of drugs by young people. Sadly, as the measures in the Bill are one-sided, it is a repeat of bad policy, meaning drug barons will get richer and the poor will get prison.

I again laud the Portuguese model, which we have discussed a great deal over the past while. Portugal took the steps 14 years ago to treat possession and use of small quantities of drugs as a public health issue rather than one of criminality. If somebody gets caught with a small amount of drugs in Portugal, that person will not end up in jail or with a criminal record. That is the case if a person is found with less than a ten-day supply of anything, including marijuana, heroin or anything else. The person is sent to a three-person commission for the dissuasion of drug addiction, typically comprising a lawyer, a doctor and a social worker. The commission recommends treatment or a fine or otherwise the person is sent off without a penalty.

The facts prove this approach. In 1999, nearly 1% of the Portuguese population was addicted to heroin and rates of drug related AIDS deaths were the highest in Europe. Portugal decided to decriminalise the issue in 2001 and complimented the policy with the allocation of resources to improve prevention, treatment, harm reduction and socially integrated programmes. The level of drug abuse decreased as a result and it is now below the European average. Drug use among young people has declined, along with deaths, the number of people in the courts, offenders in prison etc. We know this is not the only example and 25 other countries have removed criminal penalties for personal possession of drugs.

This could be combined with the freeing up of Garda resources, as many of the communities most afflicted would seek extra resources. It would be far better to focus on health improvements as prison does not deal with it now, despite some great programmes in the prison system. People in prison may engage with programmes that provide leadership skills and a sense of self-worth that they may never have received on the outside, but when they return outside to the same conditions they experienced before, it makes such people prey to drug abuse. It is human nature and very understandable.

This is one of a number of measures we will discuss in the House in the next period. There is no quick fix but we must be careful in implementing measures, as what we try to do with the best will in the world can sometimes end up causing more harm to some of our most vulnerable young people. It can bring them into the criminal justice system when we should be working with them to keep them out of it. It is not a case of dealing with this now and the good stuff later, as the direct experience of other countries is that we must deal with this as a health issue first, with a serious alternative and integrated approach.

7 July 2016

Acting Chairman (Deputy Eugene Murphy): We will now return to the Minister of State. I thank her for being here for the debate today and yesterday evening.

Minister of State at the Department of Health (Deputy Catherine Byrne): I begin by thanking the 27 Deputies who took the time to come to the Chamber to speak on this issue. It was the same with the Senators last week. The drugs issue is beyond politics or political parties. It is about people's lives. It is in every town and village throughout the country so it is not just relevant to the capital city. It knows no boundaries. It can affect people who are very wealthy or poor and it can affect the marginalised. The issue goes right across the board.

I have taken many details about what people have said. I intend to read through them thoroughly and I have picked out certain issues that people have raised as well, including the issue of decriminalisation. I stated in the Seanad last week that I do not want to criminalise any young person. Sometimes, when young people get into a criminal activity for whatever reason, it can be difficult for them to shake off that black mark throughout their lives. It can lead to a life of criminal activity rather than escaping such activity. We must consider that in the long run, although this is not the appropriate time for that. I will explain the reasons for that.

A number of people made clear their deep convictions and understanding of the drugs issues in areas they represent, such as parishes and towns. I have taken a great deal from what they have said and I will look at the issues in more detail. I want to quote one or two people who spoke, particularly last night. Deputy Jack Chambers said, "It is an area in need of major reform in terms of our approach" and he is right. The whole area of drug addiction and the way we look on people who take drugs needs to be reformed and we need to look at it in more depth. I was struck by something Deputy Maureen O'Sullivan said. She has a wealth of experience not only in education, but also in dealing with people in the community in which she has lived and worked all her life. It is only a small line, but she said "I really feel that we need to look at prevention education in a different way". She is correct. Just as Deputy Chambers said, we need to look at it in a different way.

I visited Ballymun last week and listened to a report that was done there. I cannot remember the name, but Deputy Róisín Shortall mentioned her last night. She very much welcomed the publication of the Bill and said that it is a long time coming. Last week, I visited the local Ballymun task force, where this document was produced. It gives information on the people who use the services but more so the people who give the services and what happens to them. The pressure that is put on them both emotionally and physically can even get to the point that some people who are involved in dealing with drug addiction and chronic users burn out. I have read the document and I intend going back to them about some of the points that were raised.

I have not been hiding in the grass for the past 60 years. I was born and reared in the area where I still live. From an early age I was very active, working in the parish and the community, on local summer projects, youth clubs and everything else. In our community, where I have lived and worked, we have had our fair share of devastation because of drugs. Deputy Maureen O'Sullivan described it last night as a nightmare and it was a nightmare when one brought one's children out of the house in the morning to see somebody in the front garden with a syringe stuck in their arm, injecting themselves. Senior citizens could not go to the local shops and had to change the post office where they collected their pension because they were afraid to pass by people who were either openly selling methadone or injecting themselves. It was a serious crisis.

However, there are two sides to every story and there are victims. There are victims right across the country, in all our families, in our neighbourhoods and in our extended families. I have had my fair share of dealing with victims in my own extended family, where people who, for whatever reason, got involved in drug addiction and were used to distribute drugs as well ended up with their lives being threatened and other people having to step in to try to get them out of trouble. I know many grandparents locally who come to talk to me about having to go to the credit union and borrow money just to pay off the debts of their grandsons, granddaughters and family members because of the state they have got themselves into. This is not news to anybody. Everybody here in this Chamber knows what I am talking about because they probably hear those people as well.

Deputy Catherine Connolly asked me last night whether I had read the report that was done by Deputy David Stanton and the Joint Committee on Justice, Defence and Equality. I have read it in depth and I cannot find in its conclusions anything with which I would disagree. However, we live in our own country and we need to examine not only the Portuguese model, but also other models and we need to come up with something that suits us as a nation. I intend in the time I am in this position, whether that is long or short, to look at this issue. I intend to find an effective way to help those people who, for whatever reason, fall into crime through drugs, and particularly young people, because a blight on a young person's passport so that they cannot go away on a holiday or cannot get a job is something that could lead any of us, if we were in that situation, to a life of crime.

I had time to read a few bits and pieces around our own drug treatment court and from reading about it and the people involved in it, and talking to them, I was impressed. It does not tick all the boxes, but there is something there that can be built on. It may not be like the Portuguese model or the model in Sydney or other places people have spoken about, but once we have something to start from, it is something we should look at.

I just want to go to one or two other things, and I promise the Acting Chairman that I will not go over time. He can shout at me if I do.

Acting Chairman (Deputy Eugene Murphy): The Minister of State has plenty of time left.

Deputy Catherine Byrne: Many people have spoken about the drugs task forces and I am very familiar with the drugs task forces in my area and the work they do and do not do. I have concerns, like everyone else who has spoken, about the loss of funding to drugs task forces down through the years. I am not going to stand here and repeat what I have said before, that is, that money was not there. When there is no money at home, one has to choose what one wants to pay and does not want to pay. It is like a household budget in many ways - one has to reduce certain things. I have concerns about the drugs task forces. I have made this very clear in my own constituency. Some of them are doing great work and others are doing the work they should be doing. We have to find out why. Is it all about funding? If it is, then no matter how much money we pour into them, they will not achieve what they are supposed to. I think it is about the organisations themselves. When they started, in 1996 or 1997, I remember going to one or two of their meetings and just sitting there, listening and looking at the work that was going on outside. I was very impressed. I hear people criticising drugs task forces - I have heard them here - and I have heard them say how well they are working. I am of the same frame of mind. I believe some of them are working very well and others are not and we need to find a balance somewhere to see why that is not happening.

7 July 2016

I have concerns when people are trying to do good work in communities. I have been a member of a community hall for a long time and we have to have cake sales just to run bits and pieces. We should be supporting voluntary community workers out there who are contributing to keeping children out of harm's way. That is why I have great respect for the scouts, the guides, the GAA and the football teams, and the men and women who run football teams every weekend, because they are living in the heart of the community and they want to help the children because they know that if they do not the children are going to find themselves in deep trouble.

This is a new job to me. I am looking for as much help as I can get. I am looking to consult with as many people as I can, within the House and outside, on how the national drug strategy should be formed in the coming months. I have spoken to some people in here and in the Seanad. I have sat with Deputy John Curran and got his knowledge of his time in this job and I have taken on board much of what he said to me. I have spoken to Pat Carey and hope to meet him again and to have an in-depth discussion with him. This is a problem for all of us. It is not down to one individual or one Minister, it covers a wide range of Departments, two of which I am attached to. I want people to take the opportunity when we come to the open consultation process to put forward their ideas about what was good in the last strategy and what needs to go into the next one.

I am going to refer to part of the speech, if that is okay with the Acting Chairman, and he can stop me if I go over my time. I thank all the Deputies for their deep understanding of what drugs mean to their communities. I mean that sincerely. Every one of the contributors to the debate raised issues that have a real sense of value and should be part of the national drug strategy. All of us seek to prevent the misuse of dangerous substances by controlling the availability of those substances to the public, and deterring those who seek to make them available in an unsafe way. Problem drug use continues to be one of the most significant challenges facing our country. Somebody said to me, and I agree, that the drug problem has not really been taken seriously by any political party in this country, either now or in the past. We have to change that and face up to the challenges because this affects people's lives. I am a firm believer that people with addictions are human beings. They are citizens of this country and have not fallen out of the sky like aliens. We have to look at drug addiction as an illness because if we do not we defeat the whole purpose of putting money into communities via drugs task forces. We have to treat people as individuals as tomorrow it could happen to my son, daughter or grandchildren or anybody in this House. Only when we start believing this to be a health issue and that the solutions must be led by health will things start to change.

Significant challenges face our country. Drug use results in damaging consequences for the individual concerned and for their families and also impacts the wider community and society on multiple levels. Directly or indirectly, every community is affected by drug abuse and addiction. Those struggling with drug problems are often the most marginalised in our society, and the word "marginalised" is a word I have heard many times. They may have multiple, complex, interlocking needs such as those related to poverty, housing, poor health and education which require multiple interventions involving a range of different agencies.

A number of Deputies have raised concerns about criminalising addicts and have suggested the decriminalisation of the possession of small quantities of drugs for personal use. The Portuguese drug model has been mentioned as a model which Ireland might follow. In Portugal, it remains illegal to possess drugs for personal use. However, the offence is not a criminal one but is dealt with through the commission for the dissuasion of drug addiction, which can impose a

range of sanctions. Persons addicted to drugs may be admitted to drug rehabilitation facilities. Every Member who has spoken in this debate has mentioned the lack of drug rehabilitation facilities.

Under the new drug strategy we will examine the approaches to drug policy and practice in other countries. We must look at the models of Portugal, Australia, Canada and European countries and take what we can from them. The development of the national drugs strategy will include a comprehensive consultation phase with key stakeholders, including key Government Departments, agencies, the community and voluntary sector and family networks. Consultation supports greater transparency, which is an important principle of good governance. It helps to ensure that the operation of Government is conducted with greater clarity and openness. For these reasons, my preference is for an inclusive consultation process which will give people the opportunity to engage and will allow for their views to be heard on this important issue to help define the strategy and the steps that should be taken to tackle drug problems in the coming years.

All interested parties will be invited to make written submissions regarding the shape and content of the next national drugs strategy. There will also be a number of special events to hear the views of the key stakeholders and those using the service and their families, as well as those living in communities directly impacted by the drug problem. I am particularly keen to hear from the ordinary members of the public and those whose voice may be seldom heard on this subject such as young people, Travellers, the Roma community and the LGBT community.

The Department of Health is in the process of planning the arrangements for the consultation. It is expected that this phase can be initiated by early September and feedback from the process will be written up in a report which will be considered by a steering committee which has been set up to give guidance and advice on the development of the strategy. I was struck by Deputy Curran's suggestion that we come back into the Dáil for a further debate when the report is ready.

This legislation is not the Government's sole response to tackling the drug problem. I remind Members of the commitment in the programme for Government to a health-led response to drug problems and to legislate for supervised injecting facilities. It is my intention to publish the necessary legislation in the autumn. I thank all those who have participated in the debate on this Bill. It is most helpful to me to hear their ideas on the challenges and possible solutions to addressing the drug problem in this State.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister and all Members for their contributions. I was moved by the fact that everyone seems to want to achieve the goal of tackling this issue and helping people who are in trouble with drugs.

Question put.

Acting Chairman (Deputy Eugene Murphy): The division will take place next Thursday, 14 July 2016, in accordance with Standing Order 70(2).

7 July 2016

Message from Select Committee

Acting Chairman (Deputy Eugene Murphy): The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Single Resolution Board (Loan Facility Agreement) Bill 2016 and has made amendments thereto.

Ceisteanna - Questions

Priority Questions

National Heritage Plan

1. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage and the Gaeltacht when she expects to publish an updated national heritage plan; and if she will make a statement on the matter. [20106/16]

Deputy Niamh Smyth: It is good to see the Minister in the House. We have had quite a few outings this week. Please God we are coming near the end of it. When does the Minister expect to publish an updated national heritage plan, and will she make a statement on the matter?

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I thank the Deputy for tabling this question. As outlined in A Programme for a Partnership Government, it is the intention to develop and publish an updated national heritage plan. I am currently considering how best to approach its development in the context of ongoing policy priorities across the heritage sector, both built and natural.

The National Heritage Plan 2002-2007 was the first integrated plan that sought to conserve and protect all aspects of our national heritage. Over the course of more recent years, my Department's responsibilities for the protection and promotion of our built and natural heritage have been met by a range of policy developments that sought to respond to the challenges arising in different sectoral areas within my heritage remit.

Clearly, the scope for funding for the management of our built and natural heritage was constrained significantly by the major reduction in the public finances. Nonetheless, the competing priorities regarding the preservation and enhancement of the national heritage continue to be kept under ongoing review, having regard to the resources available to my Department.

As the Deputy will be aware, the heritage sector is composed of many different sub-sectors with differing needs. Given the breadth of the sectors involved and the ongoing resource constraints, initial consideration will focus on how best to develop the strategy with a view to availing of the opportunities and dealing with the challenges in the context prevailing. In this regard, work has been initiated by my Department regarding the scope and terms of reference for the process. A formal engagement with the Heritage Council will also commence shortly.

Deputy Niamh Smyth: When does the Minister hope to have a full board in place again? Fourteen out of the 15 positions on the board are vacant and if we are to have a national heritage plan, we must ensure there is strong strategic leadership in the sector.

We all know that the arts sector believes it has been neglected and undervalued. That feeling is shared on the heritage side also. The Minister will be aware of the strong case made by the Heritage Council which claimed that for every euro spent by the council, the Irish tourism industry generates €4.40 through an increase in tourism revenues. More than 75% of the Heritage Council's annual budget is allocated to creating and supporting employment in the heritage sector. Will the Minister pledge today that the national heritage plan will be accompanied by a multi-annual funding commitment, and will she commit to regular increases in funding for the council?

Deputy Heather Humphreys: I was not in a position to make Heritage Council board appointments for a number of months this year due to the general election and the period that followed before a Government was formed. I have appointed boards to the National Concert Hall and to the National Museum of Ireland in recent weeks, and I will be appointing the new board to the Heritage Council very shortly.

Board appointments are only made after applicants have been vetted and short-listed by the Public Appointments Service. Some concern was expressed regarding four vacancies on the board that had not been filled for three and a half years, but it was agreed with the Heritage Council that 11 members would be appointed and I have put a Bill before the Oireachtas that is consistent with that view. That is the reason four vacancies were not filled, and the Heritage Council was consulted as part of that process.

Deputy Niamh Smyth: I draw to the Minister's attention some challenges facing our national cultural institutions which it would be critical to address in the new heritage plan. I understand a significant portion of the National Library of Ireland lacks modern fire protection for its collections. Will the plan address that critical issue of protection?

The National Museum of Ireland is seriously understaffed, yet the collections continue to expand as it has legal responsibility for all retrieved and acquired archeological material. Does the Minister agree it is only natural that the staffing levels should rise accordingly? Are there any plans for the full implementation of the convention on architectural heritage?

Three pictures from the Alfred Beit collection are due to be auctioned at Christie's later today. Will the Minister ensure the new heritage plan addresses issues such as that?

Deputy Heather Humphreys: With regard to the National Library of Ireland, earlier in the year I was delighted to announce a €10 million project in the National Library, which is a magnificent building but needs a good deal of upgrading. Those plans are under way and funding has been provided to the library.

Regarding the National Museum of Ireland, we work very closely with the museum and I was pleased that I was able to get a small increase in funding. It is what it is. As the economy continues to improve, I want to see further investment in our cultural institutions.

There is a major investment currently in the National Gallery of Ireland. We have the new Dargan and Milltown wings, which have been restored. A good deal of money has been invested in that and we are hopeful it will be open at the end of this year. We were also able to an-

7 July 2016

announce investment of €8 million to upgrade the facilities in the National Archives and increase its storage space.

Acting Chairman (Deputy Eugene Murphy): Question No. 2 is in the name of Deputy Peadar Tóibín. Is Deputy Cullinane taking this question?

Deputy David Cullinane: Yes.

Western Development Commission

2. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht her plans to replicate the Western Development Commission, WDC, model in the other regions; and when the capital fund assigned to the WDC for its strategic regional development office will be accessible to the organisation. [20159/16]

Deputy David Cullinane: The question relates to the Western Development Commission, which is seen as a successful model that is working. We have problems in other regions in the State with very high levels of unemployment. The Minister might be aware that unemployment in the south east is at 12.5%, which is double that of our capital city, Dublin, and much higher than the national average of less than 8%. Does the Minister have plans to replicate in other regions a model that seems to be working well in one part of the country?

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Michael Ring): The Western Development Commission was established in 1997 as a response to the severe population decline of the west and it was put on a statutory basis in 1999 under the Western Development Commission Act 1998. The aim of the Western Development Commission is to promote, foster and encourage economic and social development in the western region, which covers counties Donegal, Leitrim, Sligo, Mayo, Roscommon, Galway and Clare.

The Western Development Commission continues its work in respect of five strategic goals, namely, to contribute to balanced regional development by ensuring that the western region maximises its full potential for economic and social development; to promote the benefits of living, working and doing business in the west; to support the sustainable economic and social development of the rural economy; to provide risk capital to small and medium enterprises, SMEs, and social enterprises; and to operate the Western Development Commission as a competent and effective organisation. My Department currently has no plans to roll out a replica Western Development Commission model in other regions.

With regard to the capital fund allocated to the Western Development Commission to support regional economic development in the west, it recently submitted proposals, which I am currently considering, on how the additional capital funding might be best utilised to advance economic development in the region. I have arranged to meet the Western Development Commission in the next week to discuss its proposals in detail.

Deputy David Cullinane: I thank the Minister for the response. He set out the commission's statutory role, which I accept. The Minister of State sets out the rationale for putting in place the commission, which is to contribute to balanced regional development to ensure we have social and economic development in the west region, to provide risk capital and also capital investment. I do not dispute that all of these measures are necessary in the west region

but the current unemployment levels in the south-east region are five percentage points ahead of the west. I had this conversation with the Taoiseach recently and I have put a Topical Issues question to the Minister for Jobs, Enterprise and Innovation on the matter. It is simply not good enough that unemployment levels are 12.5% in one part of the State when the national level is 8%. It shows that there are very real structural problems in the economy.

A jobs forum which was established for the south-east region by the previous Minister for Jobs, Enterprise and Innovation is not on a statutory footing. Will the Minister of State with responsibility for regional economic development give a commitment that he will look at this model and replicate it for the south-east?

Acting Chairman (Deputy Eugene Murphy): Even though he said he needed just two minutes, I cannot let the Deputy away with it.

Deputy Michael Ring: Deputy Cullinane is quite correct in the question he has raised and it is a very valid point. In fairness to the last Government, the jobs forum was one of the very good things it did. The forum was effective and up to recently some 135,000 extra jobs were created in the State. There are black spots that remain to be examined at Government level. There are other agencies that also need to start looking at these jobs black spots. This was one reason for setting up the Western Development Commission. We are trying to achieve balanced regional development, to get people to come in to the west, the south and the north regions.

The Deputy was correct when he said that while there is major employment in Dublin the regions do not have the same chances. This is why the Western Development Commission was set up. While it is not my Department the Department of Jobs, Enterprise and Innovation did a good job with regard to the jobs forum. A Cabinet sub-committee was formed which met on a regular basis and it certainly got the jobs. However, we now want to see balanced development happening in the regions. We do not want all the jobs to go to one particular area. We want to see them in the south, east, west and north regions.

Deputy David Cullinane: I have heard all the spiel about jobs. I recognise that jobs have been created and I accept that unemployment levels are down but every time issues are raised which need addressing, I do not need the Government rehashing what it has done and boasting about its credentials on providing jobs. I am asking the Minister of State a very simple question.

The situation we have is not just a black spot. There are black spots and then there is an entire region. An entire region of the State - which is 500,000 people - has an unemployment level of 12.5%. Within that region - in Waterford city for example - unemployment is at an even higher level which illustrates the structural problems in the region that can only be addressed if there is a statutory body similar to the one in the west region. Will the Minister of State commit to doing for the south-east region what has been done for the west region regarding a development commission?

Deputy Michael Ring: At the moment, in my own Department, this is a new area being set up. Of course we will look at ways of creating jobs in every part of the regions. However, to be honest, there are a lot of agencies out there now including State agencies such as IDA Ireland and the local employment offices. This is not really within my portfolio, it is more the jobs arena, but there are many State agencies that cover this, even in the west region. I am looking at the numbers of agencies to see if some could be amalgamated. Sometimes if there are too many

7 July 2016

agencies it can result in nobody doing what they should be doing or there can be duplication of effort. I am looking to review the number of State agencies.

I am glad Deputy Cullinane acknowledged the many jobs that have been created but I would like to see more jobs in the regions. It is my job, as Minister of State, to ensure that the Department of Jobs, Enterprise and Innovation does this. I will be meeting with the Minister in the coming weeks and I will be putting pressure on every Department to look at valid regional development and spreading jobs out to the regions.

Seirbhísí Aeir Fóirdheonaithe

3. D'fhiafraigh **Deputy Éamon Ó Cuív** den an Aire Ealaíon, Oidhreacht agus Gaeltachta céard iad na socruithe atá déanta lena chinntiú go mbeidh aersheirbhís chuig Oileáin Árann as seo go ceann cúig bliana agus an ndéanfaidh sí ráiteas ina thaobh [20107/16]

Deputy Éamon Ó Cuív: Tá a fhios agam théis domsa an cheist seo a chur síos gur phléigh muid an cheist seo ag cruinniú a d'eagraigh an t-Aire Stáit sna Forbacha. B'fhéidir go bhféadfadh sé a rá liomsa agus leis an Teach an bhfuil aon dul chun cinn déanta idir an dá linn agus cá seasaimid i láthair na huair maidir leis an seirbhís aeir go hOileáin Árann.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Seán Kyne): Phléigh muid an cheist seo Dé Luain, mar a dúirt an Teachta. Tá a lán den eolas seo aige cheana ach [an píosa deireanach?] Sa phróiseas tairisceana atá ar siúl ag mo Roinn faoi láthair, tá tairiscintí a lorg do sheirbhís aeir d'Oileáin Árann don tréimhse 1 Deireadh Fómhair 2016 go dtí 30 Meán Fómhair 2020. Is é Aerfort na Mine amháin atá luaite mar phointe imeachta ar an mórthír san iarratas ar thairiscintí atá eisithe. Tá mo Roinn, i láthair na huair, ag iarraidh teacht ar chomhaontú le bainistíocht na saoráidí sin a chiumseoidh rochtain ar na saoráidí mar aon leis an leibhéal táillí a bheidh iníoctha. Ní mór, mar a luaigh mé leis an Teachta i m'fhreagra ar Cheist Uimhir 29 uaidh ar 1 Meitheamh 2016, na rialacha maidir le tras-fhóirdheonú agus Státchabhair a shásamh sa phróiseas seo uile.

Tá spriocdháta de 15 Iúil 2016 leagtha síos chun tairiscintí bheith faighte don tseirbhís aeir. Ar ndóigh, murar féidir teacht ar chomhaontú le húinéir Aerfort na Mine roimh an spriocdháta sin, ní bheidh ar chumas mo Roinne-se dul ar aghaidh leis an próiseas tairisceana.

Táimid fós ag plé na ceiste seo le húinéir Aerfort na Minne. Tá a fhios ag an Teachta go bhfuil mo Roinn ag déanamh chuile rud a theastaíonn. Tá siad ag plé na ceiste seo leis an úinéir le trí mhí go leith anuas agus táimid dóchasach go mbeidh sí socraithe ach níl sí socraithe faoi láthair. Is é 15 Iúil an spriocdháta agus beidh an Conradh mar atá ag críochnú ag deireadh Mheán Fómhair. Níl mé in ann a rá go mbeidh an cheist socraithe agus táimid ag obair uirthi agus táimid dóchasach go mbeidh sí.

Deputy Éamon Ó Cuív: B'fhéidir go bhféadfadh an tAire Stáit a chur ar thaifead na Dála go bhfuil an ceart agam gurb é an staid ina bhfuil muid ná go bhfuil tairiscint déanta ag an Roinn chuig comhlacht bhainistíochta an aerfoirt, nár ghlacadh leis sin agus go bhfuil comhairle ag an Roinn nach féidir léi dul níos faide ó thaobh tairiscint níos fearr a dhéanamh agus dáiríre go gcaithfidh lucht bainistíochta an aerfoirt cinneadh a dhéanamh an bhfuil siad sásta glacadh leis an tairiscint nó ab é nach bhfuil siad sásta an t-aerfort a chur ar fáil. Ón méid atá an tAire Stáit ag rá, creidim - agus b'fhéidir go bhféadfadh sé é seo a dheimhniú - go bhfuil an t-am ag éirí

an-ghearr agus go bhfuil gá le socrú anois agus nach féidir leis seo leanacht ar aghaidh.

6 o'clock

Mar is eol don Aire Stáit maidir le na táillí atá molta, tá go leor daoine den tuairim agus bheadh mise den tuairim go mbeadh sé thar a bheith daor do na hoileánaigh teacht agus filleadh ar sheirbhís aeir.

Deputy Seán Kyne: Tá mé sásta breathnú ar na rudaí sin. An rud is tábhachtaí ar dtús ná go mbeidh sé socraithe go mbeidh Aerfort na Mine ar fáil. Ina dhiaidh sin, beimid in ann breathnú ar sin. Tá sé sin pléite agam le na hoifigí sa Roinn. Ag breathnú orthu, tuigim nach bhfuil muintir Árann nó na Teachtaí eile sa Dáilcheantar sásta leis agus beimid ag breathnú ar sin. Faoi láthair, níl socrú déanta ó thaobh an aerfoirt. Mar a dúirt mé, táimid ag fáil comhairle oifigiúil. Más rud é nach bhfuilimid in ann teacht ar réiteach le húinéirí an aerfoirt, casfaidh mé le feidhmeannaigh ó Oifig an Ard-Aighne sula mbeidh aon chinneadh déanta, mar caithfidh mé comhairle dlí a fháil maidir leis an gceist fíor-thábhachtach seo.

Acting Chairman (Deputy John Lahart): As Deputy Michael Healy-Rae is not present we will move to Question No. 5.

Question No. 4 replied to with Written Answers.

Environmental Policy

5. **Deputy Catherine Martin** asked the Minister for Arts, Heritage and the Gaeltacht why she is proposing to de-designate 46 Natural Heritage Areas, which were designated as Natural Heritage Areas, in order to satisfy the ruling of the European Court of Justice against Ireland in Case C-392/96; and the alternative steps she will take to protect these valuable conservation areas from destruction by drainage and peat extraction. [20156/16]

Deputy Catherine Martin: This question relates to the Minister's announcement last week that the drafting of legislation has been approved as a matter of priority for the de-designation of 46 raised bogs. I am appalled that this Minister of all Ministers as the one who is supposed to have a special responsibility to protect and promote our heritage would under her watch allow, permit, and actively facilitate the destruction of an irreplaceable part of our heritage, allegedly as a matter of governmental priority when the patent truth for all to see is that this decision which was set in stone in the recent programme for Government, on page 51 to be exact, would appear to be singularly motivated by a lust for power at any price even if that means sacrificing or destroying part of our country's heritage.

(Deputy Heather Humphreys): The Review of Raised Bog Natural Heritage Area Network was published in January 2014. It sets out a series of measures to ensure that Ireland meets its obligations under the EU Habitats Directive to maintain or restore raised bog habitat to favourable conservation status, as well as its obligations under the EU Environmental Impact Assessment Directive relating to the regulation of turf cutting on natural heritage areas, whilst at the same time avoiding unnecessary impacts on the traditional rights of landowners and users and minimising the cost to the State of compensation payments. The review concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focused protection and restoration of a reconfigured network. This will entail the phasing out

7 July 2016

by 1 January 2017 of turf cutting on 36 existing natural heritage areas, which will remain designated - this includes seven sites to be divided, with part to be conserved and part de-designated; the complete de-designation of 46 natural heritage areas, including the relevant areas of the seven sites to be divided, where it has been judged that their contribution to the attainment of the national conservation objective for raised bog is expected to be marginal and-or restoration would be prohibitively expensive for the conservation benefits achieved. Domestic turf cutting may continue on these sites, while larger scale or commercial turf cutting will continue to be regulated through other consent systems; and, the designation as natural heritage areas of 25 currently undesignated raised bogs, which are in public ownership or where there is reduced turf cutting pressure, so as to compensate for the loss of habitat within the sites where it is proposed that turf cutting can be allowed to continue.

Deputy Catherine Martin: In 2005 the then Government committed to designating these raised bogs as NHAs as part of the compliance with an ECJ judgment. An inevitable part of that designation was ending turf cutting on them. This Government is rowing back on that commitment and claiming that the fact that it is going to do less than it said it would is some sort of success story.

Our raised bogs are among the best examples of raised bog habitats left in Europe. In addition to their obvious biodiversity value, peatlands are very important carbon sinks. They also act like large sponges helping to protect us from flooding. After the many recent catastrophic floods does this Government not get how crucial it is to take preventative action and not the exact opposite? Worse still, when drained and harvested these bogs will go from being carbon sinks to very large carbon sources. The Minister can dress this up whatever way she wishes today but to the Green Party and to many others it is nothing more than a shameful destruction of our heritage all for the sake of a promise to support and keep this Government in power. Most unfortunate of all, there was an alternative solution for all which would have protected our heritage. Raised bogs can be traced back to the Ice Age, some 10,000 years ago and 10,000 years of heritage is now being bartered and traded for votes to keep the Minister and this Government in power. The way it is going this Government might not even see a few hundred days.

Deputy Heather Humphreys: To reassure the Deputy, this process started in 2004. I am very conscious that I have to respect the environment and the European directives. This is a win for the people it impacts and it is a better outcome for the environment. We brought in consultants to examine 79 bogs. It was all done scientifically and the worth in heritage and environmental terms of the designated bogs was considered. It is considered that there is a much lower impact in terms of cutters than the newly identified bogs. Designating the newly identified bogs has a bigger impact on the environment.

Currently the area of active raised bog on the existing NHA network is 284 ha and when the new designations are brought in we will have 290 ha of active raised bog.

Deputy Catherine Martin: Are there management plans in place for those NHAs where turf cutting is due to end from 1 January 2017? If not, why is the Minister pressing ahead with de-designating 39 and partially de-designating seven in advance of arrangements being made to ensure that conservation objectives will be met on the reconfigured network of raised bog habitat recommended in the Review of Raised Bog Natural Heritage Area Network in 2014? Our raised bogs and other parts of our environment are in jeopardy because successive Governments have tried to be all things to all men and made concessions they should never have made. These bogs are over 10,000 years old and are our heritage. They should never have been used

as bargaining chips in Government negotiations. In simple terms, with this decision the Minister is setting fire to our past, our present and our future.

Deputy Heather Humphreys: I do not agree with the Deputy on that point. I am certainly not trying to be all things to all people. I am trying to find a balance which ensures there is an appropriate network of NHAs which would better contribute to the protection of raised bog habitats and related habitats and species as required under the EU nature directives and wildlife Acts. Drafting of the Wildlife (Amendment) Bill is ongoing. The general scheme of the Bill has been submitted to the Oireachtas Joint Committee on Regional Development, Rural Affairs, Arts and the Gaeltacht and the legislation is an important step forward in terms of securing a long-term resolution for turf cutters. It will implement the recommendations of the Review of Raised Bog Natural Heritage Area Network which was approved by Government in 2014. The review concluded that Ireland could more effectively conserve threatened raised bog habitats through focused protection and restoration of a reconfigured network. There will be better outcomes for the environment here in changing these designations.

Acting Chairman (Deputy John Lahart): The next question is the name of Deputy Martin Heydon but I understand that Deputy Neville will speak on it.

Other Questions

Commission for the Economic Development of Rural Areas

6. **Deputy Martin Heydon** asked the Minister for Arts, Heritage and the Gaeltacht her views on how the town and village renewal scheme can be utilised for the benefit of rural Ireland; and if she will make a statement on the matter. [19844/16]

Deputy Tom Neville: It is no secret that small towns and villages across rural County Limerick were affected by the financial crash in 2008. What are the Minister's views on how the town and village renewal scheme can be utilised for the benefit of rural Ireland?

(Deputy Heather Humphreys): The Commission for the Economic Development of Rural Areas, CEDRA, has shown that rural towns have felt the impact of the economic challenges of recent years more acutely than cities and larger urban centres. This significant deterioration of many small towns and villages throughout the country is clearly visible in the form of empty shops, abandoned buildings, vacant lands and a generally poor environment to live in or visit. Targeted action is needed to arrest this decline and instead harness the regeneration potential of our towns and villages to support a now recovering economy. The introduction of a new scheme to support town and village regeneration is part of a concerted effort to support the development of rural towns and villages not only as a component of a broader approach to rural development, but also to improve the environment of rural dwellers in a way that will increase their quality of life and simultaneously enhance their potential to support economic activity in their area in the future.

7 July 2016

I will shortly launch the 2016 town and village renewal scheme, which will be delivered by local authorities, in conjunction with local communities and development organisations. The type of projects to be funded under this initiative will primarily be a matter for local authorities to identify in partnership with their communities. However, the overall intention of the funding would be to focus on public spaces, thereby increasing the attractiveness of the town or village as a local commercial and social centre, enhancing its environment and tackling minor physical infrastructural deficits and land assembly issues. The 2016 scheme will be strategically focused on the rural towns and villages that require assistance to stimulate new development and regeneration locally. It will specifically target small towns and villages with populations of 5,000 or less.

Deputy Tom Neville: I welcome the town and village renewal scheme. It is a welcome development. In my town, Rathkeale, local city and county councils invested in the town quite considerably. There is municipal building capital and a major new employer has come into the town in the past two years, which is indicative of the economic recovery. The town also has the main GAA pitch. It is welcome that we have a renewal initiative, involving streetscapes, etc., to rejuvenate the town and pull everything that is already in place together. Development is happening in spots in the town, but it needs to be harnessed and pulled together. Will the Minister consider prioritising towns based on socio-economic as well as population factors, given the socio-economic challenges faced by some towns?

Deputy Heather Humphreys: Applications for the scheme will be open to all towns. I want to run the scheme through local authorities, in conjunction with local community groups. It will be up to towns to identify their priorities, in terms of what they feel is best suited to improve them. A REDZ programme was rolled out last year and a number of towns benefited. Some towns had different ideas about how they wanted to improve. Some wanted to assist shop owners to improve the appearances of shop fronts and others wanted to develop more public spaces and amenity areas. The funding is in place and I want to work with local authorities and communities, which can identify their priorities and what best suits their towns.

Deputy Tom Neville: In terms of marrying this development from a cultural and heritage perspective with the commercial development side, will the Minister consider providing some information for people on how to marry this scheme with commercial development and give towns a sense of unique identity, similar to what was done with the digital hub in Dublin, or Adare which is synonymous with tourism? Will the Minister consider such an educational outlet to help people develop a unique identity or rebrand towns?

Deputy Heather Humphreys: As I said, I very much want this to be a bottom-up approach. I am quite happy to consider the different initiatives local authorities bring to me. Some local authorities have established town teams and they will establish their priorities. Under the REDZ pilot scheme that was introduced last year, Limerick received €192,000. I am familiar with a project in my county, where funding of €75,000 was made available. The local authority was able to add €125,000 from its resources, which meant a total investment in the town of €200,000. One could call this seed funding, and it can often leverage funding from other sources. Any suggestions that come forward in regard to how we can improve our towns and villages are something to which I am willing to listen.

Dáil Éireann
Film Industry

7. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage and the Gaeltacht the supports she provides for the indigenous film and television production sector; and if she will make a statement on the matter. [19836/16]

Deputy Niamh Smyth: I asked the Minister to outline the support she provides for the indigenous film and television production sector, and if she will make a statement on the matter.

Deputy Heather Humphreys: The Irish Film Board has primary responsibility for the support and promotion of film-making in Ireland, in respect of the indigenous sector and inward productions. Its aim is to help film-makers to make Irish films and provide production and development loans for features, television programmes, animation projects, documentaries and short films. The board supports and promotes the Irish screen industries at major international markets and festivals, promotes inward investment, the use of Ireland as a location for international production and provides support for companies filming in Ireland. The film board also liaises with IDA Ireland and Tourism Ireland in terms of maximising joint opportunities for the promotion of Ireland as a location for film productions. Examples of this could be seen during Ireland's success at the Oscars this year and the promotional activity around the shooting of Star Wars in Ireland.

Film-making in Ireland is also supported by the section 481 film tax credit system, which incentivises film investment in Ireland. This incentive was enhanced in the budget for 2016, when the cap for eligible expenditure on film projects was increased from €50 million to €70 million.

Clearly, funding across the public service was severely impacted by the economic crisis, including the funding that could be provided for investment in culture and the arts. Since my appointment as Minister with responsibility for the arts, I have succeeded in securing increased funding for the sector year on year. The allocation to the Irish Film Board in 2016, at almost €14.5 million, shows an increase of 3.6% from last year. I am pleased I have already been able to provide some additional funding support to the film board this year, with additional current funding of €500,000. This increased investment will help to maximise the benefits brought about by the enhancement of the section 481 film tax credit system to which I have referred.

The programme for a partnership Government contains an ambitious agenda of priorities to achieve a stable, sustainable and secure funding model for the arts, in line with improvements in the economy and the public finances.

Deputy Niamh Smyth: I thank the Minister. We all agree that the indigenous film and television production sector has a significant cultural and economic impact in Ireland. Indigenous producers preserve Ireland's rich cultural heritage and chronicle what it means to be Irish. The sector has enjoyed many successes in recent years and competes well on the world stage. However, there is a growing belief that assistance is needed, in particular in the form of increased funding for the Irish film board and the introduction of a film policy for RTE.

Does the Minister have any plans in regard to this? Is there a key area in the forthcoming culture 2025 proposals? The Minister will be aware that this allows us to create and preserve our artistic heritage in a format that has mass appeal and is viewed by large audiences across home and abroad. It is imperative that the funding and tax credits for this vital sector to which

7 July 2016

the Minister referred are preserved and increased so that indigenous producers may continue to capture and promote our national identity and attract foreign direct investment to provide high-quality jobs. Is that the commitment the Minister can and will make?

Deputy Heather Humphreys: The success of the Irish Film Board is tremendous in terms of the level of funding it receives. The Deputy is correct. It supports productions. It secured seven nominations at this year's Oscars. Lenny Abrahamson was nominated in the best director category for "Room". "Room" and "Brooklyn" were nominated in the best picture category and Emma Donoghue who was nominated in the best adapted screenplay category for "Room", which she adapted from her award-winning book. Nick Hornby was also nominated in this category for "Brooklyn". Brie Larson and Saoirse Ronan were nominated in the best actress in a leading role category for "Room" and "Brooklyn", respectively. The board does tremendous work. I will seek the support of the Deputy in terms of the budgetary process. The money we invest in the film board is well spent and we get a great return for it.

Deputy Niamh Smyth: The Minister will be aware that independent producers and production companies employ several thousand people and foster a habitat for the type of creative talent that attracts big-budget productions. An analysis by the Revenue Commissioners showed that the estimated expenditure on employment for projects availing of section 481 in 2015 was €97 million and that approximately 1,200 jobs were supported. A further €70 million was spent on goods and services. In 2014 the Irish Film Board invested just over €10 million in production activities which enabled Irish producers to leverage funding, thereby generating production expenditure of more than €42 million for the funding of IFB projects in that year. Increasing IFB funding could have a significant multiplier effect, and I urge the Minister to give that active consideration.

The Minister is not responsible for RTE, but broadcasting should be part of the arts brief. In contrast with many European countries, Ireland has no legislative or regulated commitment from its national broadcaster, RTE, to spend a minimum amount on locally produced films. Could the Minister raise the issue with the Minister for Communications, Energy and Natural Resources, Deputy Naughten, and have the matter examined?

Deputy Heather Humphreys: I have met with the chairperson of RTE and we had a very positive meeting. RTE wishes to work in a collaborative manner. We had significant collaboration with RTE for the 2016 commemorations. I note what the Deputy said about the expenditure by film companies, which is very good news for this country. The tax value of the Government's support for the film industry is €85 million per annum. The aggregate value in 2015 was €70 million in tax credits - this is real taxpayers' money to support and encourage investment in this country and to support indigenous film makers and the industry as well.

I would like the film board to focus also on rural areas, because when a town is chosen as a location for a film it is of major significance to the local economy. "Star Wars" is a powerful example of that. I remember when "The Butcher Boy" was filmed in Clones, and "The Playboys" and "The Run of the Country" were filmed in Redhills. We should work to get the film industry to locate in such places as Monaghan and Cavan.

Dáil Éireann
National Monuments

8. **Deputy Maureen O’Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht her plans for the task force on Moore Street, Dublin 1, including its composition, chairperson, terms of reference and power to make decisions that can be implemented. [1986/16]

Deputy Maureen O’Sullivan: Could I ask the Minister to outline her plans for the recently announced task force? I am inquiring about the composition of the task force, the chairperson, the terms of reference and whether the task force will have the power to make decisions that can be implemented.

Deputy Heather Humphreys: I fully understand that Moore Street is a location of great importance for many people and for many different reasons. There is a range of views about what is the best way forward for the street and what can be done to retain its historic character and to reflect the part it played in the events of Easter 1916. In a bid to bring together those views and seek positive progress on the future of the street, I have announced that I am establishing a consultative group on Moore Street with an independent chairman. My intention is that the group would not be given fixed terms of reference but would have the freedom to examine and discuss the range of relevant issues within the framework of this broad objective. The independent chair of the group will be Mr. Gerry Kearney, former Secretary General of the Department of Community, Rural and Gaeltacht Affairs. It is intended that the group will include cross-party Oireachtas membership as well as representatives of relevant stakeholders, including Dublin City Council, the 1916 relatives and the street traders. The group will be given administrative support by my Department. I look forward to its formation as soon as possible so that work can begin on charting a way forward. I acknowledge the work of Deputy Ó Cuív in this matter.

Deputy Maureen O’Sullivan will also be aware that the works approved by the High Court to safeguard Nos. 14 to 17 Moore Street started yesterday. The works are urgent and essential and are solely intended to preserve and protect the buildings until such time as a more permanent solution is identified.

Deputy Maureen O’Sullivan: The date we celebrated the Rising and the actual date of the Rising have both passed, and the derelict site looks as though it will probably remain for another 100 years. I do not know how the Minister can set up a task force while she is appealing a High Court decision. In the meantime, there has been a transfer of loans from Mr. O’Reilly of Chartered Land to a foreign-owned company, Hammerson. Has the Minister had any discussions about this with Dublin City Council, especially given the request to extend the planning permission for Chartered Land far beyond the expiry date? The Minister has already purchased No. 18 Moore Street, but I have not been able to get many details on it. A number of issues arise that have not been answered. How can someone be described as an independent chairperson if he is from the Department, and how soon is “as soon as possible”?

Deputy Heather Humphreys: The High Court decision has much wider implications than Moore Street. I took advice from a number of Departments and brought a memo to Cabinet, where it was decided that it was necessary to appeal the decision.

To clarify, I will ask Dublin City Council to nominate a representative councillor to sit on the stakeholders’ group. I also intend to have representatives of the 1916 relatives and the traders and cross-party representation from the Oireachtas. Mr. Gerry Kearney is a former

7 July 2016

Secretary General of the Department of Community, Rural and Gaeltacht Affairs and he left the Department many years ago. The Department was a very different one at the time with a different set of responsibilities compared to what it has now. I also hope that the Dáil-----

Acting Chairman (Deputy John Lahart): I will stop the Minister there. She is well over the time.

Deputy Maureen O'Sullivan: I do not accept that there is a range of views. I think there are two opposing views: one favours major development of what is a battlefield and historic site and the other view favours the preservation of the site as an historic and cultural quarter. It looks as if the task force will kick the issue to touch for another while. The task force needs a set timeframe within which a decision will be made on the best way forward. From my perspective, that means the decision will be based on what is for the good of the city. It should not be about what is good for a developer. We have had enough of that. The good of the city is to preserve an area of great historic significance to which so many ordinary Dublin people and Irish people are very committed.

The High Court judgment was very much welcomed by so many who have concerns about our heritage and who want to preserve those sites and not leave them at the mercy of whatever developer comes along. I accept that in the meantime we must protect what is there, but I urge the Minister to outline when the task force will finish its job and what power it will have to make recommendations that can be worked on. Would it not be wonderful if the close of the centenary year brought a satisfactory conclusion for the battlefield site?

Deputy Heather Humphreys: The committee will be formed and a meeting will be held within the coming weeks. A chairman has been appointed and we will work with the Dáil reform committee to assist in the selection of Dáil Members to sit on the forum. I anticipate that Members who have an interest in the issue will put themselves forward to the consultative group. This is a genuine attempt to get all the views and for people to sit around the table and find a solution to go forward. I wish to bring people together. I accept it is a very emotive issue but I want people to work together to find a solution.

Arts Funding

9. **Deputy Mick Barry** asked the Minister for Arts, Heritage and the Gaeltacht her plans to increase the existing funding to the arts, given that the European average for arts funding is 0.6 per cent of Gross Domestic Product; and if she will make a statement on the matter. [19895/16]

Deputy Mick Barry: Many statistics have been produced in this session so far. Let us focus on the most important statistic, namely, the average European spend on arts funding of 0.6% of gross domestic product, GDP. The equivalent Irish figure is 0.1%. That is one sixth of the European average. What steps does the Minister intend to take to bridge this shameful gap?

Deputy Heather Humphreys: The programme for a partnership Government contains a very important commitment to work progressively to increase funding to the arts, including the Arts Council and the Irish Film Board, as the economy continues to improve. I assure the Deputy that I will be engaging with my colleagues in Government and with the Oireachtas to seek to advance this commitment in the context of the forthcoming Estimates and budgetary processes.

I understand that the figures quoted by the Deputy are from a Council of Europe project called “Compendium: Cultural Policies and Trends in Europe”. I understand that many European countries are not included in the figures, including ten EU member states. The data for the compendium project are provided by independent researchers and it is not a standardised system for the collection of statistics.

I further understand that the compendium project itself warns that data provided by the researchers are not comparable across countries because each researcher includes different elements in the definition of culture and these elements are reflected in the figures for public expenditure. For example, local authority expenditure on the arts, artists, exemption tax relief, expenditure on public service broadcasting and the Irish language are all examples of elements not included in the Council of Europe figures for Ireland but included in the figures for some other countries.

Expenditure on the arts in Ireland comes from multiple sources, both public and private. I understand that the CSO does not produce national statistics that capture the totality of this expenditure as a percentage of GDP. The issue of a definition of culture and of capturing public expenditure on culture is one that was discussed in the public consultation process held for the purpose of developing Ireland’s first national cultural policy framework, Culture 2025.

Deputy Mick Barry: The Minister does not accept the figures that I have quoted so I ask her to produce her own figures. What are the Minister’s figures? Does she calculate that our 0.1% of GDP might be greater than the European average? Does she calculate that our shameful figure of 0.1% might be equal to or the same as the European average, or does she calculate that it is very close? If it is not equal, what is the Irish figure compared with the European average? Is it a half or a third? I say it is a sixth of the European average. What is the Minister’s figure? I would like to know.

Deputy Heather Humphreys: What I can confirm to the Deputy is that almost 50% of my entire budget in arts, heritage, regional, rural and Gaeltacht affairs is for the arts. As I said in my reply, the programme for a partnership Government commits to increasing funding for the arts, including the Arts Council and the Irish Film Board, as the economy improves. This is the most effective way to provide support for artists and other creative workers. Ireland has a reputation for being supportive of artists through the provision of the tax exemption for artists. I was pleased that the previous Government introduced a 25% increase in the artists’ tax exemption in 2015. This important measure recognises the invaluable contribution which arts and culture practitioners make here at home and abroad. The feedback available to me indicates that artists very much welcomed the increase in the exemption limits. The Arts Council provides income supports for members of Aosdána who require it in order to allow them to work on their artistic output. In addition, my Department, through Culture Ireland, plays a major part in promoting Irish arts and music on the world stage.

Deputy Mick Barry: I take it from the Minister’s reply that she is unable to produce the figure that I have asked for. I will move on and look at the issue of words rather than figures. I quote the Minister the following words: “There is anger, disquiet and disbelief about the effective dilution of the arts as a Cabinet portfolio.” That is taken from a motion which was unanimously passed in this House just a couple of weeks ago. Given that anger, disquiet and disbelief, can the Minister, instead of talking about what is planned in a programme for Government over the next five years, give us an indication as to what increase she intends to deliver for arts funding in this year’s budget? The National Campaign for the Arts is looking for a trebling

7 July 2016

of funding to 0.3%. Is the Minister going to deliver that trebling? If not, will it be a doubling or what?

Deputy Heather Humphreys: I have met the National Campaign for the Arts. We had a very positive meeting and I look forward to working with them. I recently met the Arts Council and had another positive meeting there. Everybody who comes into my Department is looking for increases in budgets. I would like to give everybody the increase they want. However, that is a matter that I will be pursuing in the budgetary and Estimates process for 2017 and I will be seeking the support of my Oireachtas colleagues in that process. In terms of the figure that is spent on the arts, as I said, I cannot give the Deputy the exact figure. What I can tell him is that the figure that was produced by the compendium project is incorrect because it does not include all of the money that is spent on the arts in this country. It is in the Culture 2025 policy that we need to look at how we measure the investment that we put into our arts sector. That is something I will be pursuing.

Rural Recreation Policy

10. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht her plans to develop rural recreation; and if she will make a statement on the matter. [19880/16]

Deputy Éamon Ó Cuív: As Deputies know, there was quite a bit of work going on in the development of rural recreation up until 2010. Reading reports that we have received at the committee, it is a bit like Pompeii: nothing has moved since the minute the Government came in. What we are told is happening is exactly the way it was when I walked out of the Department. They say a new brush sweeps clean. Maybe the new Minister of State could outline the dynamic he is going to bring to this sector.

Deputy Michael Ring: I certainly will be trying to do what the Deputy did in the earlier years. We were in more difficult times in 2010, as the Deputy knows. The Deputy knows what we inherited in 2011.

My Department's walks scheme is currently operating on 39 trails supported by 1,908 land-owners and is being managed by 16 local development companies around the country. The programme for a partnership Government includes a commitment to double the scheme during the lifetime of the Government and these matters will be addressed in the context of the forthcoming Estimates and the budgetary process. Officials in my Department are continuing to work closely with a number of State agencies to agree a national outdoor recreation plan for public lands and waters. A successful outcome to these discussions will provide the basis for a co-ordinated development of State lands for recreation and tourism purposes into the future.

My Department continues to be a main funding partner of Leave No Trace Ireland, which promotes responsible recreational use in the outdoors. It encourages all those engaged in outdoor activities to act responsibly and to do their part to protect lands used by the public for the benefit of the environment and for the future generations.

In the context of access to Ireland's uplands for hill walking and similar activities, two pilots have been developed, one at Mount Gable in Connemara and the other in the Macgillycuddy's Reeks area in County Kerry. A management committee is now in place in the pilot in Kerry to provide guidance on issues associated with further roll-out of the scheme.

In addition to the development of trails and supports for use of the uplands, it is also important to ensure visitors and landowners protection as part of the development process. In this context, officials in my Department are working closely with the State Claims Agency in relation to the development and implementation of a national indemnity scheme, which would indemnify private landowners against claims from recreational users for injury or damage to property.

Deputy Éamon Ó Cuív: I have heard it all before. I set up the group that looked at the public lands and waterways to make sure that they were all made available. Can the Minister of State say what progress was made on that in the past five years?

As regards the uplands, Binn Shléibhe - what the Minister of State knows as Mount Gable - and the MacGillycuddy Reeks were picked. That was progressing and in fact we put in the car parks in 2009. Living right beside Mount Gable, I know that nothing has really happened since. Perhaps the Minister of State could give an outline of what he thinks happened.

We were looking at the indemnity issue which has become much more critical since a rather strange court judgment was given on it. That was also on the table in 2009 and early 2010 when I left office. Will the Minister of State admit that nothing happened in the past five years? Will he make up for lost time? Giving back to me what I had in place and saying that it is exactly where it was, is really too weak.

Deputy Michael Ring: As the Deputy knows, this Department did not have responsibility for the legality of it. Since I came into office, great progress has been made, although I am concerned about some things. It is unfair on landowners if the general public are using their lands and a landowner has to go to court to defend himself. My Department is talking to the State Claims Agency and we have made a lot of progress. I intend to make an announcement on that in the coming weeks. If at all possible, I intend that the landowners will not be liable. If there is a problem, the State Claims Agency will defend such cases in the courts. It is wrong if a landowner makes his land available and then somebody goes up a mountain and is injured. We saw that in a recent court case and I am glad the case is being appealed because the original judgment will frighten farmers and other landowners over their lands being used by the public.

I assure the Deputy that we have made substantial progress in recent weeks and I am happy with it. I will revert to the Deputy in the coming months. I am delighted with the two pilot schemes, particularly the one in Kerry. We have the same problem with Croagh Patrick because everyone wants to climb it, yet nobody wants to take responsibility for it. That is because they are all afraid that whoever takes responsibility will have to go to court and pay. I hope that in the coming weeks we will have good news concerning my Department's proposal.

Deputy Éamon Ó Cuív: The Minister of State might explain what his colleagues were doing for the past five years. He seems to be bringing a little bit of energy to this matter, which was missing before now. Does he agree that if they would only give him responsibility for marine leisure as well as rural recreation, he could create 6,000 jobs in five years in this sector? The possibilities for pot-holing, cliff-climbing and other activities are limited only by a person's imagination. We have the perfect playground for those who want to get involved in marine or countryside activities. Will the Minister of State be given responsibility for marine leisure? Does he agree that 6,000 jobs could be created in five years if the effort and investment were put in? That would be the equivalent of many IDA Ireland factories spread around rural Ireland.

7 July 2016

Deputy Michael Ring: I would love to take all the responsibilities I can get because the more responsibility one has, the bigger budget and the better chance one has of spending it.

Deputy Éamon Ó Cuív: Good on the Minister of State. Keep going.

Deputy Michael Ring: I agree with the Deputy. When I was Minister of State with responsibility for tourism, I remember people condemning me about the Wild Atlantic Way. They laughed and said it was another gimmick that would never work. It did work, however, and it created jobs.

Deputy Éamon Ó Cuív: It worked well.

Deputy Michael Ring: It is one of the greatest tourism projects we have ever had in the west. We will now continue with the blueways plan for inland waterways. I will be working with Fáilte Ireland to ensure it rolls that out. The Deputy is correct that there are many jobs to be created in the outdoor activity sector. People want to get involved in such pursuits and are healthier and fitter as a result. The Government and Fáilte Ireland are committed to promoting such activities, as well as investing major funding in the sector. It is the Minister's job and mine to get as much of that funding as possible. I know that the Deputy will, both in committees and here in the Chamber, make a plea to the Taoiseach and the Minister for Finance to give us the money.

Deputy Éamon Ó Cuív: We have.

Deputy Michael Ring: The Minister, myself and the Minister of State, Deputy Kyne, will create those jobs. There will be so many people working in the west of Ireland that they will give us the required support and money. All Departments should be more biased towards rural areas which have been neglected for too long. We need to revitalise them.

Deputy Éamon Ó Cuív: I look forward to that. The Minister of State mentioned Mount Gable and I am sure he is aware that the Tuatha Dé Danann met at the top of the mountain before they fought the Fir Bolg over in Magh Tuireadh.

Leader Programmes

11. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht when she will sign contracts with successful bidders to deliver the Leader programme to facilitate the commencement of work on delivering projects; and if she will make a statement on the matter. [19877/16]

Deputy Éamon Ó Cuív: I believe there will be another launch of Leader programmes tomorrow. Have the contracts been signed? When will the Leader companies be open for business in terms of taking applications? That is what people really care about, rather than the official launch.

Deputy Heather Humphreys: I thank the Deputy for raising this matter. I am pleased to note that I will launch the Leader programme at an event in Virginia, County Cavan, tomorrow morning. My Department has issued funding agreements to local action groups in 21 of the 28 sub-regional areas designated under the Leader programme and I expect that most, if not all, of these local action groups will be in a position to finalise their respective agreements at this

event.

The delivery of Leader will commence immediately in these areas and the local action groups can begin receiving applications starting from Monday morning. I am aware that a large amount of work has been ongoing behind the scenes in each area since the closure of the old Leader programme, aided with funding from my Department, and I expect that these groups should be able to hit the ground running in terms of receiving and approving applications.

I am also confident that funding agreements will issue in the remaining seven Leader sub-regional areas in the coming weeks as the local action groups provide the additional information and clarifications requested by the independent selection committee established to review and select the strategies submitted in each area. The independent selection committee met today to review progress and will meet again in early August to facilitate the finalisation of strategies. I met the committee members for the first time today.

There is also the possibility of an appeal in two of the competitive areas where more than one strategy was submitted and that process must be allowed to run its course before a funding agreement can issue. I can assure the Deputy that funding agreements will issue in all of these remaining areas as a matter of urgency once all of the outstanding issues have been resolved.

I am pleased to note that Leader funding can now begin to flow into communities throughout Ireland. I look forward to providing funding to the many fine Leader projects that will undoubtedly emerge in the coming months and years.

Deputy Éamon Ó Cuív: Despite the fact that there is €40 million in the Estimate, there is always a big delay between getting an application approved and actually spending the money. Even allowing for the administration money that will be taken out of that €40 million, and whatever legacy funding is left over from the previous programme, the Minister is likely to have an underspend of €30 million this year. Will she use that money for other purposes within the Department? There will be a massive underspend, or what used to be termed a cash cow, in the Department. Will the Minister seek permission from the Department of Finance to reallocate that to priority rural areas within her Department's remit, to ensure that that money is used this year? There is no way it can be spent on Leader this year.

Deputy Heather Humphreys: The Deputy mentioned funding that we have set aside for Leader this year. As savings emerge, it is my plan to build on the success of the rural economic development zones pilot scheme. I hope to announce details of a REDZ scheme to facilitate the initiation of the new REDZ project. If there are savings I will be keeping in close contact with my colleague, the Minister for Public Expenditure and Reform, Deputy Donohoe, to manage the pressures within my allocation.

I want to see funding being allocated to rural Ireland. There is no doubt that that is where it is needed. The Deputy will be aware that my Vote crosses many different areas and as such it is complex in terms of management. There will be demands on the Department in terms of the budget but if there are opportunities in this space I will be happy to look at them, particularly those in the rural development area. I want to spend as much as I can of this funding. I am keen to ensure that these funding agreements are signed without delay. Like the Deputy, I want to see the money being spent in the communities, because that is what makes the difference.

Deputy Éamon Ó Cuív: I accept that, but we all know there is a time lag on the spending of money. The money could, for example, be transferred to the CLÁR fund, which is under

7 July 2016

the responsibility of the Minister's colleague, the Minister of State, Deputy Michael Ring. It would benefit greatly from a transfer of €10 million, €15 million or even €20 million, but the transfer would have to be done quickly because it takes time even for the Minister of State, Deputy Ring, to spend money and he does not have to go through the same convoluted process of a Leader application. The money needs to be redistributed early. There will be an under-spend; I can see it a mile away. We need to put more money into rural Ireland, particularly rural infrastructure. We should not be handing money back to the Exchequer. Will the Minister confirm that the commitment made to Fianna Fáil, when the supply arrangement was made with it, to increase Leader funding over the period between now and 2020 will be honoured and that funding over and above that provided in the rural development programme will be provided in next year's budget?

Deputy Heather Humphreys: I will be seeking an increase in Leader funding under the budgetary process, as per the commitment in that regard in the programme of Government.

There are many good schemes in rural Ireland. The Minister of State, Deputy Ring, and I will review the schemes and we will do all we can to ensure this funding goes to rural Ireland. The regional employment development scheme piloted last year was very successful and could be developed further. During a recent visit to Tubbercurry I opened a project funded under the regional employment development scheme under which an old building vacated by a creamery was adapted into office space and provided with broadband and so on. I would like to see more projects of that type because they revitalise our rural towns and rural areas.

Commemorative Events

12. **Deputy Martin Heydon** asked the Minister for Arts, Heritage and the Gaeltacht her views on the legacy of the 2016 commemorations; her plans for the remainder of 2016; and if she will make a statement on the matter. [19843/16]

13. **Deputy Tom Neville** asked the Minister for Arts, Heritage and the Gaeltacht her views on the success of the 2016 commemorations; her plans for the remainder of 2016; and if she will make a statement on the matter. [19841/16]

Deputy Tom Neville: We are now more than half way through 2016. I would welcome the Minister's views on the legacy of the commemorations and her plans for the remainder of 2016.

(Deputy Heather Humphreys): I propose to take Questions Nos. 12 and 13 together.

I am delighted with the success to date of the Ireland 2016 centenary programme, which I was very pleased to launch with the Taoiseach last year. The citizens of Ireland and our young people in particular have engaged with the programme in huge numbers through its various elements. The programme particularly resonated at local level and I am delighted that so many local community groups and organisations, with support from their local authorities, are continuing to hold a wide range of exciting events and commemorative initiatives.

Easter weekend saw more than a million people on the streets of Dublin for a series of commemorative, reflective and celebratory events, which were a great source of pride for all of our citizens. Feedback from members of the public and the media indicated the very positive engagement of the general public with the commemorative events, as well as the extent to which

citizens felt a great sense of national pride and respect during this historic time.

I have no doubt that the Ireland 2016 centenary programme has already facilitated a heightened sense of shared identity and pride of country, but there are still a significant number of events planned for the remainder of the year, including some major national cultural and academic events as well as many local events. My Department will also be placing a special emphasis on the Re-imagine phase of the programme over the coming months to consider the long-term legacy of 2016, building on the momentum and very positive public responses to the programme to date.

My officials and I will be engaging with our partners in the arts community, the national cultural institutions and local communities over the coming weeks to build on the work to date and to ensure that the positive lessons from the Ireland 2016 centenary programme are harnessed and built on for the future. I am also committed to ensuring that the ambitious capital programme will be implemented in full and that the permanent reminder projects funded under the Ireland 2016 centenary programme become a lasting legacy for all our citizens.

As I said earlier, the Ireland 2016 centenary programme is a year-long programme. The commemorations continue across the seven strands of the programme, with a particular focus on the Re-imagine element. A State commemoration will be held in Glasnevin on 3 August to mark the anniversary of the execution of Roger Casement, similar to the ceremonies held in Kilmainham during April and May. On that day a free family open day and UN Expo will be held at Casement Aerodrome in Baldonnel, focusing on Ireland's role in peacekeeping and the role of Irish Aid.

On 3 and 4 September the annual Electric Picnic festival will have a special Ireland 2016 theme, including an exploration of future possibilities. My Department will conduct a series of structured consultation meetings with Ireland 2016 partners, including other Departments and agencies, to discuss the legacy of the Ireland 2016 centenary programme and also with the local authorities to discuss the experience of the programme to date and how they can build on this positive engagement for the benefit of future community initiatives.

Deputy Tom Neville: I thank the Minister for her extensive response. I am fortunate to have been elected to this House in 2016. I am privileged and humbled to be here to represent my county in this centenary year. The commemorations have helped to create a sense of healthy patriotism in a new generation of Irish people, particularly younger members. I visited many primary schools across County Limerick for the raising of the blue flag. The promotion within their speeches of multiculturalism and inclusiveness, including their pro-European rhetoric, was welcome.

As a returning emigrant of the economic crash of 2008, I would like to know if, in the context of the diaspora, there are any plans to put in place for 2017 and 2018 initiatives along the lines of The Gathering and the Ireland 2016 centenary programme and so on, which were very successful in that regard.

Deputy Heather Humphreys: Yes. We had a successful diaspora programme within the 2016 commemoration programme which I would like to build on. It gave us an opportunity to showcase our tremendous wealth of culture and arts abroad. I want to continue that engagement, which was overseen by Culture Ireland, which developed the *Mise Éire/I am Ireland* programme. A huge amount of work was also undertaken by our embassy network, which al-

7 July 2016

lowed our diaspora to reconnect with Ireland. Feedback on the programme from the embassies has been very positive. Inspiring Ireland is a collaborative online project developed by Ireland 2016 and the Royal Irish Academy.

7 o'clock

It will produce a programme of fresh and innovative online exhibitions rolling out this year. This will enable the diaspora to connect with our cultural heritage.

Deputy Tom Neville: I reiterate that when members of the diaspora, be they in Bondi Beach in Australia, Brooklyn in New York, London, Canada and many other places, see these events on the web at 4 a.m. or 5 a.m., it is extremely important that they really connect with them. We need to keep that connection with the diaspora. I welcome the Minister's comments and initiatives, hope to see them over the lifetime of this Government given the economic recovery we are experiencing and hope that the funding would be married with that.

Deputy Heather Humphreys: I agree with the Deputy about the schools programme. This was a very successful programme where our national flag was delivered to every primary school in the country by a member of the Defence Forces. I acknowledge the role the Defence Forces played in the commemorations. There was a great sense of pride on Easter Sunday when we saw our Defence Forces march down O'Connell Street. They delivered flags to all primary schools. Secondary schools came to Croke Park to deliver their flags. As the Deputy noted, the children set out their vision for the future on Proclamation Day. He is right. It was about inclusivity and the acceptance of diversity and was very pro-European. The children's vision for Ireland in the future augurs well for this nation. It was surprising to see how in touch the young people were with the various issues. We have a legacy from 2016 on which I want to build because there is a sense of civic pride and national identity that has not been expressed in a long time. This is something I want to work on in terms of the legacy of 2016.

Questions Nos. 14 to 16, inclusive, replied to with Written Answers.

National Heritage Plan

17. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage and the Gaeltacht the progress made on producing an updated national heritage plan; and if she will make a statement on the matter. [19837/16]

Deputy Niamh Smyth: Will the Minister outline the progress on updating the national heritage plan?

Deputy Heather Humphreys: It is my intention to develop and publish an updated national heritage plan. I am looking at how best to do this. The plan has a number of different components and a lot of work has gone into it, including the national landscape strategy, the peatlands strategy and the national biodiversity plan. I will consult stakeholders and I want to work very closely with the Heritage Council in terms of this plan.

Deputy Smyth mentioned investment in our cultural institutions. The investment in the National Gallery is in the order of €33 million. The historic Dargan and Milltown wings of the gallery are near completion and it is hoped that they will be opened to the public in early 2017. I also mentioned the National Library and omitted to say that I visited the library to see its stor-

age facilities. The building goes back to the 19th century and badly needs investment. This is phase one of that investment where we were able to provide it with €10 million to get it started because the National Library does tremendous work. It is a tremendous asset in terms of our cultural institutions along with the National Museum, including the museum here on Kildare Street, the museum at Collins Barracks and the Museum of Country Life in Mayo. Huge numbers of people visit those cultural institutions and the number continues to grow. Some people forget they are all free of charge. They are tremendous assets.

The one thing I want our cultural institutions to do is to start loaning material to local museums. There is a magnificent local museum in Ballyjamesduff in County Cavan. I know the tremendous work that has been done there. Last year, I increased the budget for the loaning of items to local museums because it is important that cultural institutions based in Dublin share their material with rural Ireland.

Deputy James Lawless: I have a supplementary question. I thank the Minister for that update. I have an interest in the national heritage plan, particularly the Heritage Bill, which I believe is imminent. I represent Kildare North, which has probably more kilometres of canal than perhaps any other county in Ireland with the possible exception of Dublin. I recently met representatives from the inland waterways group and some canal users and canal dwellers. I am aware that canals have a section in the Heritage Bill. I think it is the first or second section in the new Bill. There is a view among users of the canals that the canals are difficult to navigate and have problems in terms of supporting structures and the development of tourism. Blueways and greenways are being promoted but canal traffic itself - pleasure cruising, barges and recreational and tourism usage - is not being promoted to the extent that it could be.

Where is the Heritage Bill in the legislative programme? Will the Minister consider a separate canals Bill dedicated to the management of canals, the by-laws and the conditions around same? Will the Minister consult the stakeholders prior to making that decision?

Deputy Heather Humphreys: The Heritage Bill was ready to go into Committee Stage during the term of the previous Government and stopped in the Seanad on Committee Stage. I have requested of the Seanad that we recommence the Bill there. I am waiting on a date to continue with the Bill. It covers the canal by-laws, about which there has been consultation. Other Deputies have raised this with me. It is on Committee Stage in the Seanad and must then come back to the Dáil. I will be happy to discuss it with the Deputy when it goes through committee but this is where it stands at the minute. The Bill was raised in the Seanad so that is where it is.

Deputy James Lawless: I thank the Minister for that update. From what she said, my understanding is that the Bill is on Committee Stage in the Seanad. Is it likely to come before the House or progress before the summer recess? Has the Minister given consideration to producing a separate canals Bill? A number of stakeholders have requested that this be done, arguing that the canals are a sufficiently important infrastructure in their own right to merit a Bill dedicated to them. It is a significant issue to the users of canals and everyone involved in tourism, boating and living on the canals, as I do myself. Will the Minister consider a separate canals Bill that involves taking that section out of the Heritage Bill and putting it into a stand-alone Bill? Does she think that is likely to come before the House or progress before the summer recess?

Deputy Heather Humphreys: It is part of the Heritage Bill, which addresses many of the issues raised with me. I do not have any plans to produce a separate stand-alone Bill. It has yet

7 July 2016

to come to the Dáil and go through Committee Stage in the relevant select committee. I will be happy to hear the Deputy's views on the Bill at that stage. It falls under my remit under Waterways Ireland and a tremendous amount of work is being done on the waterways in terms of developing blueways along the towpaths and as a tourist amenity. Recently, I was at the launch of a programme on the Shannon-Erne waterway. It does not take an awful lot but when the waterways are developed for recreation, there will be young people out kayaking on the water. It is a tremendous asset to any town. The one I was in was in Ballyconnell and it was powerful to see the young people out on the waterways. Waterways Ireland is particularly good at working with local communities and local councils to develop the waterways. That is something I would like to see and support. I was happy I was able to give them some additional funding in the 2016 budget to carry out more of the good work they do because there is so much more interest in getting out and having a healthy lifestyle. To see the young children out on the water kayaking was powerful and it is something we need to do more. One of them was supported by the rural economic development zones, REDZ, scheme. That is something I want to work on.

Acting Chairman (Deputy John Lahart): I thank the Minister, Ministers of State and Deputies for an energetic session. The Minister earned her salary today.

Written Answers follow Adjournment.

Topical Issue Debate

Debt Collection

Deputy Martin Ferris: Over the past two days, like many Deputies, I have been inundated with calls from around the country from people who are disgusted by the disgraceful actions carried out against five Limousin heifers in County Monaghan. The killing of these heifers by marksmen from the Defence Forces is unjustifiable. Coming from that type of background, I am quite aware of some difficulties, especially with suckler calves because they are a bit wild. I never had any difficulty and I do not know anyone who had difficulty once they had a small bit of expertise and cop-on.

I want to know if this was sanctioned by the Department of Agriculture, Food and the Marine and the Department of Defence. The owner said that all his cattle passed tests in December 2015. The newspapers quote Chris Lehane, if it is true, saying the cull had to be done because the cattle had failed TB tests. Coming from an agricultural background, I know that TB tests are carried out after slaughter. How could they have failed TB tests? One could have a reactor, take her to the abattoir, have her killed and do a proper test. That is how it is done. It is not done by observation. Mr. Lehane said there were positive tests. How many positive tests were there on cattle taken from Mr. Hoey's lands? I understand 30 cattle were taken last month. Of these 30 cattle, how many failed the TB tests? How many of them went into the food chain? If they pass the TB test, they go into the food chain. Prior to the removal of cattle from Mr. Hoey's land, was his land restricted? Was he restricted? Was he locked down? Of the five Limousin

shot, how many failed a TB test? Will the Minister of State give a commitment here to get independent testing analysis of all the animals that were taken from Mr. Hoey's lands in order that we can all establish whether what was said in the newspapers was true or untrue?

These type of actions during repossessions and attacking people who are in a very bad state financially, many who are bankrupt as a result of it, are not happening in isolation. There is the case of Tommy Collins in County Clare. On 20 May 2016, gardaí brought people wearing masks to try to evict Tommy Collins from his home. There was a car present with four masked heavies in it. It had no tax or insurance and was in full view of the gardaí, yet nothing was done about it. What is happening now regarding evictions and repossessions is completely over the top. People who are in dire financial straits, whether it is because of a family home, family farm, cattle, machinery or house, deserve dignity and respect and to be treated properly. This is not what happened with the five Limousin heifers shot dead on a man's farm. The people removing them said they were not able to remove them so they had to shoot them. It is unjustifiable. As I said at the start, I have never had more calls or more people contacting me than I had regarding this terrible incident. I would like the Minister of State to clear up these questions.

Deputy Clare Daly: This is an incredibly serious situation. I am quite prepared to hear that we do not have the full facts because the facts as they are being presented at the moment are utterly outrageous, bizarre and stretch the boundaries of credibility. It has now become an international talking point. Five cattle were shot dead by members of the Defence Forces in an open field, allegedly with the sanction of the Department of Agriculture, Food and the Marine and the gardaí, at the behest of an assignee in a bankruptcy situation allegedly because the debt collection agency could not get them into a truck because they were wild. It is beyond belief. I have heard, as we all have, the family members involved saying the assignee did not go to every length and did not talk to them, and that there would have been no difficulty in cajoling the animals into the truck. I do not know if that is true. It seems unbelievable that these events could be as they are presented. There is so much information out there now that it is in the public interest to answer questions all these issues and make sure such events do not happen again.

As Deputy Ferris said, the argument that they were wild and dangerous would not appear to stack up. The argument was made that they were infected with TB and were a public health risk, but if that was the case, to test them they would have to have been rounded up and taken away to be put in a chute twice to be tested. If that was possible then, why was it not possible to do it later on? I look at these issues very much from the point of view of a vegetarian and someone who is involved in animal rights and welfare issues. I do not believe in killing animals but I realise that traditionally the slaughter of animals is done with a single bolt to the head as the most humane way possible. The idea that members of the Army were firing shots at animals that were galloping around a field in terror and not with a single bolt to the head but randomly shooting at them in the middle of the day just beggars belief.

It poses a couple of troubling questions that we need to get to the bottom of. Is it appropriate that State bodies are acting as debt collectors? Why would the Defence Forces agree to act as aid to the civil power in these situations? Sometimes the Garda calls in the Army in issues of national security or a major emergency. How in God's name could the Defence Forces perceptibly have any role in a private debt collection situation? It seems incredible.

We are told the Department of Agriculture was involved. I would like to hear more about that. What personnel were present when these exercises were carried out? Was the State vet there? What Department of Agriculture, Food and the Marine officials were there? Who gave

7 July 2016

the sanction for those animals to be killed in this way? It is bizarre that anybody could possibly sanction that. It seems to me that the Animal Health and Welfare Act must have been breached. We passed legislation in the House on these things. It seems that what happened would not be in compliance with what is outlined in the Act. For example, was there an offence of reckless discharge of a firearm under the Firearms Act? As it seems the activity was reckless, could this be a possible charge? There are significant issues of public concern. The incident has caused considerable trauma for many. In the public interest, we need a lot of answers to these questions.

Deputy Niamh Smyth: Being a Deputy of the constituency of Cavan-Monaghan, I, too, have received a number of phone calls over the past few days from distressed citizens, some of whom are farmers who find themselves in similar financial difficulty. As the House will be aware, this is an issue for farmers not only in my constituency, but right across the island. The big concern after yesterday's events is that this has set a precedent. There are citizens right across the country facing evictions and repossessions. What is the protocol? Is this behaviour, which I could only describe as Wild West behaviour, to be adopted with citizens and their families in the community in the future?

As the House will be aware, farmers are on their knees due to many issues such as pricing, which affects them and their income. Most of them are put to the pin of their collar and find it difficult to survive, and many of them, as I said, find themselves in financial difficulty in trying to deal with the banks. Today, they need reassurance that this heavy-handed Wild West conduct will not be adopted in the future. I am looking forward to hearing what the Minister has to say, in particular, about the events that happened in my constituency in Monaghan yesterday.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality, who cannot be here this evening due to official business, I thank the Deputies for raising this matter on the floor of the Dáil.

Deputies should be careful in rushing to judgment about this case or operating on the assumption that the various agencies involved - the official assignee, the Defence Forces, the Department of Agriculture, Food and Marine and An Garda Síochána - would have undertaken the action in question as anything other than as a matter of last resort and in the public interest.

The House will appreciate that it would not be appropriate for me to comment in detail here on the affairs of third parties who have been the subject of proceedings. The inevitable consequence of this, unfortunately, is that I cannot put on the record of the House the full facts surrounding the case. However, I can say that some of the public comment about the case, particularly offensive suggestions made about the role of the Defence Forces, has no basis in reality.

The Defence Forces carried out the humane cull of five animals on a farm in County Monaghan due to a significant concern for public safety. It is not correct, as has been alleged, that the cattle were treated inhumanely or that this case involved the operation of debt collectors. This operation was carried out at the request of the official assignee in bankruptcy, who is responsible for the herd of cattle on that farm, and it was done in conjunction with An Garda Síochána and with the Department of Agriculture, Food the Marine, as well as with the Defence Forces. While there is a long history to this particular case, I can inform Deputies that following failed efforts to round up the remaining five animals and in view of a significant concern about public safety, on 4 July, and at the request of the official assignee, a decision was taken involving the Garda, the official assignee and the Department of Agriculture, Food and the

Marine that the optimal course of action was that these animals should be culled. The protocol between the Department of Agriculture, Food and the Marine and the Department of Defence was invoked and the animals were culled by Army personnel in line with the protocol.

I am aware that the official assignee has said publicly that the decision to proceed in the way he did with regard to the cattle was made very reluctantly and was made in the interests of the public safety of the local community. It should also be noted that this was a tuberculosis-restricted herd. The Minister for Agriculture, Food and the Marine has confirmed that the carcasses of the five cattle have been removed and are now excluded from the food chain.

For the information of Deputies, it is relevant to recall the status of the official assignee and the specific statutory duties that he has to discharge. The official assignee in bankruptcy is an officer of the court, as provided at section 60(6) of the Bankruptcy Acts, and as such is independent in the performance of his duties. However, in doing so he is required under the Bankruptcy Act 1988 to observe and obey such directions as are given to him by the court. Obviously, the bankruptcy assignee is also subject to all laws of the State.

The official assignee also has specific statutory responsibilities and duties under the Bankruptcy Acts. First, when a person is adjudicated bankrupt, all of his or her assets transfer to the official assignee under section 44 of the Act. The primary duties of the official assignee, under section 61(2) of the Act, are to get in and realise the property, ascertain the debts and liabilities, and distribute the assets in accordance with the provisions of the Act. However, the transfer of the assets to the official assignee also has the important consequence that the duties as well as the rights of the bankrupt person transfer to the official assignee along with the assets. The assignee, for instance, can be sued for any breach of legal obligations arising from those assets, just as the bankrupt person could have been. For example, when a person who owns a herd of cattle becomes bankrupt, the ownership of the cattle transfers to the official assignee. However, the duties associated with those cattle also transfer to the official assignee, including responsibility for their registration, testing for tuberculosis, and compliance with Department of Agriculture, Food and the Marine certification required for removing cattle. The House will, therefore, appreciate that the official assignee has particular legal responsibilities to discharge.

It is clear that very specific and difficult circumstances arose in this case and that it was a matter for the official assignee to discharge his legal responsibilities as best he could in those difficult circumstances. In doing so, he relied on the services of other State agencies which performed their functions in accordance with their remit. It is clear from the comments that he has made, and after consulting with various agencies, that he did not believe any alternative viable strategy could be adopted. This House will, moreover, appreciate that cases where the official assignee is discharging his legal responsibilities as an officer of the court are not ones in which it would be appropriate or open to the Tánaiste to intervene. I accept, of course, that it is a matter of regret that it did not prove possible to dispose of the cattle in another manner. I hope Deputies can appreciate that the actions taken in this case by the various agencies involved would not have been taken lightly or where realistic alternatives existed.

Deputy Martin Ferris: I thank the Minister of State for his response. I have to say at the outset that it is what I expected. I had no doubt coming in here that the response would be one that answered none of the questions asked.

The Minister of State stated that “the optimal course of action was that these animals should be culled”. Five Limousin heifers were shot dead by the Defence Forces at the request of the

7 July 2016

official assignee, and it was done under the pretext of safety. One could tell that to people who know nothing about farming, but the Minister of State comes from a rural area and he knows well I speak the truth here. Anybody worth his or her salt who lives on a farm or has worked in farming cannot tell me that one cannot get five animals into a yard and loaded onto a cattle truck. That is the reality of it.

The Minister of State stated in the reply that the herd was a TB-restricted herd. Was the person who owned the land, Mr. John Hoey, served with a restriction order? We need to know that. John Hoey states that his farm was not locked down. He tested the cattle in December last, they passed the test, and all of a sudden he is restricted. Does that restriction come from the 30 cattle that were taken previously and that had been tested, killed and, obviously, retested?

I have been sitting here thinking about this - a family farm and armed men coming into it and shooting five of his cattle dead after confiscating 30 of his herd before that - along with what happened to Tommy Collins in Clare, where the State is being used as an agent of the assignee in order to implement what the assignee wants done. That is what is happening here.

If I am not getting answers, I want to see an independent investigation into this - the Minister can appoint a Garda superintendent or whatever - to ascertain the facts here, because this not acceptable. It is wrong. It was wrong in Tommy Collins's case in County Clare and it is wrong here.

Deputy Clare Daly: The Minister of State might be surprised but I appreciate his comments and where he is coming from on the issue. I am prepared to say that I find it unbelievable that the information in the public domain is the full story. The whole issue is entirely unsatisfactory but I have heard what the Minister of State has said about the legal responsibility of the official assignee that he or she must discharge his or duty and he or she has certain legal obligations. I have heard his comments to the effect that he did that and that he would not necessarily have anything to gain by wilfully destroying cattle in this way.

However, and I genuinely make these points, this information is in the public domain and it has caused enormous disquiet among farmers, people being threatened by the banks, animal lovers everywhere and people who are concerned by the manner in which the State discharges its duties. Those points must be answered. The Minister of State indicated the so-called offensive suggestions made about the role of the Defence Forces have no basis in reality. I do not know what are those so-called offensive suggestions. The information is that these animals were shot while running around a field in a wilfully unco-ordinated way rather than in the proper manner. The only humane way to kill cattle is with a single bolt to the head. The information is there and if it is true, it is not offensive. It amounts to inappropriate action by the Defence Forces that must be investigated.

We have spoken about a protocol between the Department of Agriculture, Food and the Marine and the Department of Defence, but we need more information on that. We need answers about the health of the herd and the state it was in. It is a very important issue. What were the public safety issues called into being that we needed to send in the Army? How often is the Army sent in with such cases? These are very valid questions that must be answered. The issues are out there and will not go away. I support Deputy Ferris's call for some form of independent investigation into this and into the wider use of State forces in these scenarios.

Deputy Niamh Smyth: I accept most of what the Minister of State has said, but I take issue

with the conduct of those involved. I do not like to repeat myself but I am doing so. I accept the Minister of State's comments about the role of the agencies, etc. The problem is the manner in which these animals were culled. I do not come from a farming background but I am sure I should have heard about something like this happening before. I have never heard of the manner in which this was done. The media reported that there were family members within earshot of the gunshots fired on the farm. I heard the man's son may have been within earshot.

Deputy Martin Ferris: That is true.

Deputy Niamh Smyth: It is not acceptable for a child to be in earshot of gunshots being fired, with people racing around a farm. It paints a very poor picture of society in Ireland in 2016.

Deputy David Stanton: I thank the Deputies for raising this matter and I acknowledge the concerns expressed by them. We are all concerned that cattle should be treated humanely. Some inaccurate comments in circulation have undoubtedly contributed to the level of public concern about this. I underline, however, that it is clear from the facts that this is a very exceptional case, where five cattle from a herd restricted due to tuberculosis were culled as a last resort due to very specific circumstances.

The cattle at the time were in the ownership of the official assignee in bankruptcy into whose name the herd had been transferred. The official assignee was responsible for health and safety matters relating to the cattle and for compliance with relevant Department of Agriculture, Food and the Marine regulations, including those regarding tuberculosis. The culling was carried out by trained Army personnel in the presence of An Garda Síochána and in accordance with the detailed protocols in operation between the Department of Agriculture, Food and the Marine and the Department of Defence. It followed extensive and ongoing consultation between the assignee, the Department of Agriculture, Food and the Marine, the Garda Síochána and the Department of Defence.

As I indicated, it would not be appropriate for me to comment here on matters relating to third parties and, in particular, an individual involved with this case. I note that in previous comments, the assignee indicated there were reasons it was not possible to remove the cattle or contain them by other means. I underline that the culling of cattle is considered as exceptional and a last resort by all the public bodies concerned, and that this is an exceptional and complex case with particular facts.

Insurance Costs

Deputy Eugene Murphy: I appreciate the Minister being in the House to listen to the issue I am raising and give me a reply, as I know he has an extremely busy schedule. I am not bringing this up to have a go at the Government in any way but because we need to tackle the insurance business, as the Minister knows. We recently had a major discussion in this House about the cost of motor insurance in particular. There was widespread agreement on the motion brought forward by Deputy Michael McGrath and that something needed to be done. The Government did not oppose it.

Recently, I was contacted by a constituent with a serious problem gaining an insurance quotation for a new wheelchair-accessible taxi. Last December, he was quoted €1,250 and he

7 July 2016

applied for a grant scheme made available by the Government to enable him enter the business and provide a badly needed wheelchair-accessible taxi in the Roscommon-Leitrim area. He recently tried to gain insurance after being granted the public service vehicle, PSV, licence but found that no insurance company in the country was willing to insure a new wheelchair-accessible taxi or a new PSV licenceholder. I will not name companies but I am told one of them is the sponsor of the Irish Paralympic team, which makes the story worse. That company is not willing to quote a driver of a new wheelchair-accessible taxi. It is important to point out the gentleman in question has an impeccable driving record, with no blemish whatever. His history is second to none.

I spoke to the Irish Wheelchair Association about this and it confirmed that the problem of a lack of insurance for vehicles is causing untold hardship for wheelchair users. My constituent contacted the Irish Insurance Federation and, with the help of my constituency office, forced an insurance provider to give him a quotation. In December 2015, the man was quoted €1,250 but after much effort, he received a quotation of €12,100. That is so great, the man can only pay it with monthly instalments.

The Irish Wheelchair Association told me there are 30% fewer wheelchair-accessible taxis on the road now because of an untenable insurance cost. On the one hand, we give a grant for people to enter the wheelchair-accessible taxi business to provide a better service for wheelchair users but, on the other, we are letting insurance companies away without providing insurance for badly needed taxis.

A side issue arose while we investigated this. Bus Éireann has invested quite considerably in wheelchair-accessible buses but there is no wheelchair-accessible bus stop outside Dublin. I appreciate that the Minister's office has given me a comprehensive answer on that issue. The main issue is the scandalous way insurance companies are carrying on. I was told recently that the claims issue has reduced considerably over the past year or so. It should not, therefore, be a major factor. I await the Minister's reply and thank him for it.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Eugene Murphy for raising this very important issue. It is very useful to get specifics in the way the Deputy has given them. I share the Deputy's view of the insurance industry, if my understanding of his view is correct. Its behaviour in certain areas is inexplicable, as is the way companies are putting up premiums for reasons that are not quite apparent. The reasons they are giving for this are less than convincing. It is very helpful to talk in specifics like that. I am not sure whether the Deputy was talking about the same person when he spoke about someone whose premium was €1,250 being subjected to an increase that brought it straight to €12,100-

Deputy Eugene Murphy: Yes.

Deputy Shane Ross: ----but if that is the case it is absolutely outrageous. I assure the Deputy that, while I know there is a task force looking at it, the Department of Transport, Tourism and Sport is also looking at it, consequent to a meeting, although this is basically a finance matter. The Minister for Justice and Equality and I are also planning to meet Insurance Ireland and the insurance industry to challenge them on issues such as that. I would be very happy to bring that along to our first meeting if Deputy Murphy would give me the example. It is a stunning example, with the price being multiplied by ten, so it is something we can challenge them on. If we could use the name in the example, I would be grateful, but if we cannot, we will just use

the example. I do not doubt the Deputy's bona fides at all and it is very useful to get something quite so personal and obviously unjustifiable. One cannot possibly justify putting up insurance premiums by ten times in such a short period, whatever has happened in the meantime.

Let me first discuss the motor insurance issue which is affecting all drivers and having a particular impact in the taxi and hackney market. The Deputy will be aware that the Minister for Finance has established a task force to review policy in the insurance sector. As part of its work, the task force is examining the factors that have led to significant increases in motor insurance costs in recent times and will be recommending steps to influence the situation. The Deputy may also be aware that Insurance Ireland operates a declined cases agreement and that the Central Bank requires all motor insurers in Ireland to sign up to this agreement as part of their authorisation process for running an insurance business. Insurance Ireland also operates a free insurance information service for people who have queries or difficulties in obtaining insurance. If someone cannot get a motor insurance quotation or feels that the premium proposed or the terms are so excessive that it amounts to a refusal to provide motor insurance, he or she should contact Insurance Ireland. I do not know whether the person did so in this case, but it would be interesting to know what happened if so. This is a case of charging so much that it is akin to refusing insurance.

The National Transport Authority, NTA, as the statutory regulator of the taxi and hackney industry, is aware that the rising costs of motor insurance for drivers generally are also affecting the taxi and hackney industry. There are reports of large increases for existing policy holders and significant difficulties in obtaining insurance for new operators. The NTA understands that some insurance companies are seeking that drivers have a number of years' experience operating small public service vehicles as a policy condition, which creates a major impediment for new entrants. In addition, the information available to the NTA suggests that quotes for new policies, where available, can be several thousand euros. According to the NTA, the issue does not relate to the vehicle type but relates instead to new drivers who wish to enter the industry. As practically all new taxi or hackney licences are issued for wheelchair-accessible vehicles, most intending new operators will be looking to insure a wheelchair-accessible vehicle. The number of companies providing insurance to the taxi industry in Ireland is low and there are fewer than existed some years ago. A UK entity commenced issuing insurance policies in the taxi area earlier this month on a pilot basis, and this is a welcome development, as it will add competition to this market and provide an additional insurance option. I suspect that is on a very small scale at the moment, but I do not know. The implications of the current insurance difficulties are of concern. The State has invested in a grant scheme to support more wheelchair-accessible vehicles in the fleet, so the difficulty experienced by new operators in obtaining insurance is very unhelpful. I will finish up. Can I go on?

Acting Chairman (Deputy Bernard J. Durkan): The Minister has half a minute, because we are over time.

Deputy Shane Ross: I am sorry. I will take half a minute. I welcome the confirmation by my colleague, the Minister of State at the Department of Finance, Deputy Eoghan Murphy, during a Dáil debate on a Private Members' motion in June that the issue of motor Insurance for taxi and hackney drivers will be addressed by the task force. That task force will carry out its work in consultation with bodies such as the Central Bank, relevant Departments, and other stakeholders. My Department is arranging for the NTA to provide all relevant information on the taxi sector and assistance to the task force in its work.

7 July 2016

Deputy Eugene Murphy: I welcome the Minister's honest and frank answer here this evening. I also welcome his use of the word "challenge" in respect of the insurance industry, because that is what we need. The Minister is correct. The client who was quoted €1,250 in December 2015 for a wheelchair-accessible taxi is the same guy who, a few weeks ago, was quoted €12,100, after serious pressure from the Irish Insurance Federation. I will have no difficulty in handing this over to the Minister to use at whatever meetings he will be attending.

To repeat what was said on every side of the House when this debate came up in recent weeks, we have an enormous difficulty with the insurance business. The Minister knows this himself. I am sure he has constituents who are being quoted outrageous figures for insurance. Young people, in general, go through a very rigid test in this country. They have to do their theory test and their driving lessons and then they have to sit their test. Before they ever have an offence, they are being quoted €4,000, €5,000 or €6,000 to insure a vehicle. It is outrageous when these are people who do not have a blemish on their record. That is something that should be challenged as well.

Also, the wheelchair-accessible taxi insurance business is being very badly hit. I have no doubt that the Minister will pick this up, fight it and seek changes, but in one respect the Motor Insurance Advisory Board that was there did a pretty good job, and maybe when we get this debated a situation could arise whereby we could get that board back in place. We need to do something with the insurance companies. They are out of control. In respect of wheelchair-accessible taxis, one of those insurance companies is the sponsor of the Paralympics and it still will not give a quote for insurance to a wheelchair-accessible taxi. It is outrageous.

Deputy Shane Ross: The Deputy has pointed out a very interesting and telling second example. If that company is the sponsor, it is quite extraordinary. It is a good discovery. I am not quite sure what we can actually do with that except publicise it and ask them about the inconsistency in their position, which is obviously true. I will take that example from Deputy Murphy, or he can send it to me, and I will certainly use it, because it is such a stunning example. The insurance industry does give plenty of reasons as to why it puts its premiums up so much. Many of them look to me like camouflage and that is why the Government has set up a task force. It is imperative that we get to the bottom of this and find the real reasons, because they seem to be confusing. Nobody has been able to put his or her finger on one reason and say "This is it", which makes one very suspicious that there is something not particularly acceptable going on.

The Deputy also asked about accessible bus stops. Accessibility improvements to public transport services are being advanced in the context of my Department's sectoral plan under the Disability Act 2005, Transport Access for All. I understand the Deputy's point about the need to increase the number of accessible bus stops on the network, particularly in rural areas. It is a fair point: accessibility is far better in the cities than in rural areas, and we will have to address that gap. This is something the NTA and Bus Éireann are working on to deliver now that a very high proportion of the bus fleet itself has been made accessible. During 2016 the NTA is beginning the installation of wheelchair-accessible bus stops across the Bus Éireann network. The long-term objective is to install a wheelchair-accessible bus stop in every town in the State. The NTA is rolling this out on a route-by-route basis. The first routes are Bus Éireann routes 30, Dublin to Donegal, and 32, Dublin to Letterkenny. More generally, on public transport accessibility, there has been considerable progress in upgrading the infrastructure and facilities, including the fact that full accessibility is built into all new public transport infrastructure projects. One hundred percent of the Dublin Bus fleet is wheelchair-accessible; 100% of the Bus Éireann city fleet is wheelchair-accessible; approximately 80% of Bus Éireann PSO coaches are

wheelchair-accessible by lift, and this will increase as the coach fleet is replaced; and 79 of the 143 railway stations have received accessibility upgrades, with ongoing work at four stations and a programme to improve accessibility across a further 54 stations.

Foreshore Licence Applications

Deputy Catherine Connolly: I welcome the extension of the time for a public consultation until 1 August. However, my request is for the Minister to ensure a public meeting is held within that time. There was one public meeting on a Tuesday night, of which residents were aware. Some turned up and expressed their complete dissatisfaction at the time limit whereby submissions had to be in by the Friday of that week, three days later. Since then they have contacted all Deputies in the area, something of which the Minister will be aware. I ask the Minister to ensure a public information meeting is held because of our obligations under the Aarhus Convention, which we have signed and ratified and whose three pillars are access to information, public participation in decision making and access to justice. There has not been compliance with that convention in terms of access to information or full participation in the decision making process. I met with the Minister for Communications, Energy and Natural Resources, Deputy Denis Naughten, recently on the subject of renewable energy, and I support the concept as I think it is the way forward in Ireland. However, we cannot do this without consultation with the people and without having them on board. We need real consultation, not just a meeting.

The first lease was just for ten years but the current application is for a 35-year lease. The original ten-year lease was an application for a foreshore lease for the construction and operation of a demonstration offshore electricity generation station. That has now changed into an application for a foreshore lease to construct an offshore electricity generating station. It has changed from wave energy to include wind energy and windmills. The fact that one application gave a 60 m height for the wind turbine but the revised application by Foras na Mara had lower heights has not helped the process of trust. In these circumstances, the minimum requirement is that a public meeting be held to give out the maximum information and so that we can explain to the public what is involved and hear their views. It will also enable us to comply with our obligations under the Aarhus Convention.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): I was in Galway on Friday, where this issue was raised with me. In March 2006, the Marine Institute was granted a foreshore lease for a period of ten years for the purpose of developing and operating a national quarter-scale test facility in Galway Bay, which I went out to see by boat, for the testing of wave energy devices in accordance with plans and drawings submitted at that time. That lease expired in March 2016 but, to ensure the test site continued to meet key objectives set out in the offshore renewable energy development plan, *Harnessing our Ocean Wealth*, the then Minister consented to a lease extension of 12 months, bringing the expiry date to March 2017.

The test site is required to underpin the Government's stated objective of producing 50 gigawatts of energy from the ocean by 2050. It provides a test facility where wave energy converters can demonstrate their survivability in harsh ocean conditions. This testing is a necessary phase before commercial-scale ocean energy development can proceed. The consent to extend the lease allows the Marine Institute to operate and utilise the test facility to the extent permitted

7 July 2016

under the original lease only until such time as a new application to extend the scope and nature of the facility has been determined or until March 2017, whichever is the earlier.

In March 2016, my Department received a fresh application for a lease under section 2 of the Foreshore Act 1933 from the Marine Institute in respect of the project. The application for a new lease is for the purpose of testing prototype wind, wave and tidal energy devices and does not relate to a commercial site, whereas the current lease permits the testing of wave energy devices only. The application was originally put out to public consultation on 19 May 2016 with a closing date of 17 June, a period of 21 working days. Where a foreshore application is not accompanied by an environmental impact statement, EIS, or an EIS is not required, the standard duration of the public consultation period is 21 working days. However, following representations, including from the Deputy, in respect of the public consultation deadline, I decided to extend the deadline to 2 August 2016, which is more in line with the consultation period required in EIS cases. Notices in both Irish and English advising the public about the extended consultation period were placed by the applicant in several newspapers, which I have given in my written answer. All application documents continue to be made available to the public in paper form at Salthill Garda station, Spiddal public library and other places.

This is about increasing the capacity for test projects, on a site that was purely for wave energy, to include wave, tidal and wind, but it is only a test facility. It is not about building full-scale commercial projects on that site. I take the Deputy's point about public consultation, but the point of extending the deadline was to allow an opportunity for people to ask questions about the project and to hear from the Marine Institute what it is all about, which hopefully will allay concerns and fears. The research that has been taking place in Galway Bay relating to quarter-scale wave energy test models is very exciting and I would like to see Galway Bay continuing as a test bed into the future. However, I will not make any comments on the specific application, though I will read and listen to any objections that come into the Department about the site and we will take them seriously. We will make a balanced and reasonable decision on the foreshore application in due course.

Deputy Catherine Connolly: I am very disappointed with the Minister's answer. My specific question related to a public information meeting as the most basic requirement in a consultation process. The Minister has not answered that, so I ask him again to confirm that it will happen.

There are serious concerns in the area about a number of matters and, while the documents may well be available now, they were certainly not available in totality before this. Nor were they available in Irish, although this is a Gaeltacht area. There are serious concerns that certain structures have gone up without a licence. Finally, there are serious concerns that project splitting is taking place. Galway Bay has many areas of special designation and there is also an application for an extensive development of the docks. I am reluctant to use the word "mess," but that is what has been made of the consultation process. Can the Minister at least confirm to the Dáil tonight that a public information meeting will take place? This should happen even if it is for no other reason than to rectify the damage that has been done to public confidence in this process and in the project generally.

The changes and extensions were given because Deputies exerted pressure. I thanked the Minister for the extension, but the pressure came from the people in the area, who are seriously concerned at what is going on. It is necessary so that we can go forward and so that people can bind into this project. I do not know why a 35-year lease is necessary, as it is a big jump from

ten years. A public meeting in our official language in the Gaeltacht is the least we require at this point, so I ask the Minister to confirm that this will be held.

8 o'clock

Deputy Simon Coveney: It is important to say to the Deputy that I am not the applicant. An applicant for a foreshore licence has the responsibility to ensure that proper public consultation takes place and that if meetings are appropriate, they also take place. I am the person who has to make a decision on the application so I cannot become involved in determining what is and is not appropriate in terms of trying to assist the process of getting the application done. My role is to ensure that a process is followed, that an appropriate decision is made at the end of that and that I take account, using the expertise available to me in my Department, of people's concerns, objections and observations. If the applicant fails in terms of its responsibilities regarding notice, consultation and so on, that has to be factored in when we make decisions. However, it is not my decision as to whether they apply for ten years or 35 years. That is up to the applicant - the Marine Institute - to make that decision. If I was to be involved in that choice, I would be accused of trying to manage a process and have an outcome determined before the application was considered. As the person who must make the decision on whether the application should be granted, I need to stay separate from the process.

The Deputy is right that people must have their say. There is a need for reassurance here. The test site has been in that location for some years and I am sure many of the questions people have can be answered and reassurance given, but that is a matter for the applicant. My job is to ensure that the law is enforced in terms of the role I have as an independent decision maker on the basis of an application. The Marine Institute, which is State-owned, is making the application but that is all the more reason I do not try to micromanage this.

I take the point the Deputy is making. I expect the Marine Institute will be listening to this debate and will respond to it but it would be dangerous for me to start getting involved in telling it what it should do in respect of an application on which I have to make a decision. I hope the Deputy understands where I am coming from on this.

Deputy Connolly rose.

Acting Chairman (Deputy Bernard J. Durkan): I am sorry, Deputy Connolly, but we must move on to the next business.

Report of the Committee on Housing and Homelessness: Motion

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy John Curran to move the motion.

Deputy John Curran: I move:

That Dáil Éireann shall consider the Final Report of the Committee on Housing and Homelessness, copies of which were laid before Dáil Éireann on 17th June, 2016.

7 July 2016

It is my pleasure to commence the debate on this report. It is somewhat unusual in that many items that come before this House do so either as Opposition or Government-sponsored items. This report is clearly different as it has the support of members from all parties and none who sat on the committee.

In April, this House agreed to establish a special committee, the Committee on Housing and Homelessness, to review the implications of the problems of housing and homelessness and specifically to make recommendations in that regard. The committee held its first meeting on 20 April and worked intensively within a tight timescale to meet the requirement to complete the report and have it laid before the House on 17 June. It is worth noting that the committee met every Tuesday and Thursday, morning and afternoon, and on most days had a double session in the morning and in the afternoon. The committee met more than 40 individuals or groups - 40 witnesses - and received more than 80 written submissions.

It was abundantly clear, even prior to the committee commencing its deliberations, that tackling the shortage of housing and the related problem of homelessness constitutes one of the greatest challenges the country faces. The factors contributing to the problem are diverse and deep-rooted and affect a variety of sectors, including central and local government, the financial sector, the building industry, the private rented sector and the voluntary sector. The issues involved are complex and inter-linked. Importantly, the problems are causing severe hardship and distress to large numbers of households across the country. It is essential, therefore, that all bodies and stakeholders involved assume responsibility and co-operate fully and generously in responding to this immense national challenge. I am pleased that the Minister is in attendance with us this evening as we review the report.

As I stated, the committee met more than 40 witnesses who attended on Tuesdays and Thursdays. We went through the work programme on a sector-by-sector basis. I will reflect on how the report is structured shortly, but it would be remiss of me not to specifically acknowledge one of our visits, which was to Focus Ireland. Much of the time we talk about numbers, planning, housing units and so forth but the visit to Focus Ireland was something very different. We met a group of people who were experiencing different forms of homelessness and their stories made the work we were doing very real. Instead of talking about a housing unit or whatever, we were talking about people's homes and the challenges they were facing in their lives. Those who were present that day, including some Members in the Chamber, could not fail to have been touched by the problems people are facing. I came away from that meeting determined that we would complete a report that would be meaningful and that any recommendations it contained, if implemented, would also be meaningful.

I want to acknowledge the work of the members of the committee, which was established before the Government was formed. We had members from all sides of the House and, to reiterate what I said earlier, we worked collectively as colleagues. In so far as was possible, there was a large degree of consensus and while the meetings were busy, they were well attended. I want to specifically acknowledge the members of the committee: Deputy Colm Brophy, who replaced Deputy Catherine Byrne on her promotion; Deputy Mary Butler; Deputy Ruth Coppinger; Deputy Barry Cowen; Deputy Bernard J. Durkan; Deputy Kathleen Funchion; Deputy Michael Harty; Deputy Kevin Boxer Moran, who replaced Deputy Seán Canney; Deputy Eoin Ó Broin; Deputy Fergus O'Dowd; Deputy Maureen O'Sullivan; Deputy Brendan Ryan; and Deputy Mick Wallace. As Chairman of the committee, it was a pleasure and a privilege to have worked with all of them. I genuinely felt it was very much a collective exercise where the members of the committee sat together to try to bring forward recommendations they felt

would be effective.

The committee's report has been laid before the House and many people have had an opportunity to read it. Like most reports, there is an executive summary in which approximately 23 of the key recommendations are set out. I have not counted them but there may be 80 or 90 individual recommendations.

My opening remarks are not from a party point of view but purely to outline the work the committee did, the issues it addressed and some of the recommendations it made. As we established a work programme, we looked across this issue under nine specific headings: social housing; the private rented sector; private housing; mortgage difficulties; housing finance; the National Asset Management Agency, NAMA; homelessness; meeting specific housing needs; and legal issues. I will briefly outline the key issues that arose in some of those areas and some of the key recommendations the committee made. I have no doubt that members who sat on the committee will develop some of those in their contributions but, as an overview, I will go through it in that order because that is the way the report was structured.

The first area the committee examined was social housing. The issues identified by the Irish Council for Social Housing was that State social housing in Ireland is low at only 9% of overall stock compared to an EU average of 17%. A lack of building by local authorities combined with over-reliance on provision by the private sector has led to a shortage of supply. Estimates by the housing agencies suggest that up to one third of the population will need State housing supports. The lack of residential building in the private sector means there is little social housing coming through the Part V process. Targets for social housing set out in Social Housing 2020 rely heavily on the provision by the private rented sector of 75,000 of total units to be provided through the rental accommodation scheme, RAS, and the housing assistance payment, HAP, scheme. However, this sector is seen by some stakeholders as being a poor provider of secure accommodation for low income groups. One of the most striking recommendations the Minister will be familiar with is to increase the social housing stock owned by local authorities and the approved housing bodies by at least 50,000 units, an average of 10,000 per year, through a programme of acquisition, refurbishment and new build.

Another key recommendation on which there was significant discussion was that the Minister should consider the establishment of a national housing procurement agency, with staff from the Housing Agency, the National Treasury Management Agency, NTMA, the Department of Housing, Planning and Local Government and the Department of Finance to assist local authorities and approved housing bodies to deliver their social housing programmes through supports including funding and procurement.

We also recommended that Part 8 of the planning process would be reduced from eight to six weeks and specifically, as recommended by the Housing Agency, the Government should develop an overarching national two-year strategy to reduce vacancies in the general housing stock. Based on the national strategy, each local authority should perform an audit and produce an empty homes strategy that contemplates the objectives, aims and actions needed to tackle the issue and with a view to acquiring significant numbers of vacant houses for local authority use in order to clear the housing waiting lists.

The second chapter of the report covers the private rented sector. The committee noted that the profile of renters in Ireland is broadly in line with that in other European countries, with the majority of tenants here under 35 years of age and single. Most homeless families are coming

from the private rented sector. There were just 3,082 rental properties on the market nationwide at the start of May 2016, the lowest number on record, with just 1,100 properties available to rent in Dublin. There was an increase in the average rent of 9.3% in the year to March in Dublin. Average rent nationwide has risen 34% since the lowest point in 2014.

Some of the key recommendations to deal with issues relating to the private rental sector are: a national strategy specifically for the private rented sector should be developed and published in order to address long-term uncertainty; there should be an increase in affordable supply; the quality of accommodation should be improved; professionalism within the industry should be improved; rent certainty should be introduced by means of linking reviews to an index such as the CPI and this should be reviewed annually; rent supplement and housing assistance payments need to reflect current market values; and consideration should be given to increasing security of tenure and offering tenants protection from eviction.

The third chapter of the report examines the area of private housing. Issues highlighted include the fact that the number of houses built nationally by the private sector had declined by 85% between 2004 and 2014, with a national decline of 90% in the social housing sector. The number of new house completions peaked at 93,000 in 2006 and has declined significantly in subsequent years.

The recommendations include a national policy on land use to identify and plan for the correct quantity, mix, tenure and size of housing to meet need and to examine measures to increase the supply of land. This could include the use of tools such as land mapping, as undertaken by the Housing Agency. The report also recommends that provision be made for the necessary infrastructure to develop land in the four Dublin local authority areas. The figure suggested in respect of that measure is €160 million. Further recommendations are: to identify sites which have planning permission but which are not built upon; to introduce a stronger vacant site levy in budget 2017; and to implement a tax on vacant homes as discussed by the Housing Agency.

The fourth chapter looks at mortgage difficulties. Approximately 62,000, or 8.3%, of private residential mortgages for principal dwellings were in arrears of more than 90 days at the end of December 2015 and 23,344 residential mortgages for buy-to-let properties were in arrears for more than 90 days over the same period. Some 120,739 principal dwelling house mortgages were classified as restructured at the end of 2015, of which 86.4% were deemed to be meeting the terms of their current restructuring arrangement.

I will now turn to some of the recommendations which were considered for implementation regarding mortgage difficulties. Before the summer recess, and as a matter of urgency, the Government should, at a minimum, implement fully and quickly the programme for Government strategy to deal with mortgage arrears. Subject to the advice of the Attorney General, the Government should introduce legislation for a moratorium on home repossessions until its proposals are in place for dealing with distressed mortgages. This would be a temporary moratorium as it would not be meant for a long duration. The Government should also seek to acquire or facilitate the acquisition of distressed buy-to-let properties and maintain the occupant in the property on an affordable rent, differential rent or affordable mortgage. The code of conduct on mortgage arrears should be amended on a statutory basis to include an offer of a split mortgage and a mortgage-to-rent scheme. When dealing with those who are in mortgage difficulties, banks should, from the outset, make the services of the Insolvency Service of Ireland known to the borrower. The Government should also provide the necessary funding for legal aid and advice to be provided to those in danger of losing their homes.

Chapter 5 relates to housing finance. One of the main recommendations is that the Government should urgently seek flexibility from the European Commission on the application of the EU fiscal rules for the financing of social housing. A further recommendation is that the Government should provide the maximum possible direct Exchequer investment in the provision of social housing in the capital programme. The Government should also establish an off-balance-sheet funding mechanism to provide additional investment in social and affordable housing. Considerable debate took place at the committee when the National Asset Residential Property Services, NARPS, model used by NAMA was examined and advice from Department of Finance and the NTMA was sought. The Government should seek to mobilise, as quickly as possible, all available sources of finance, including funding from the Housing Finance Agency, the Ireland Strategic Investment Fund, the Irish League of Credit Unions and Irish pension funds, to increase the supply of social and affordable housing. There appeared to be a bit of red tape at this stage between the Financial Regulator and the Central Bank regarding the proposals emerging from the Irish League of Credit Unions.

A further recommendation looks at extending the threshold of the single-stage approval process for social housing from €2 million to a higher threshold of €5 million, with local authorities allowed to explore additional funding if required. The committee also recommended a review of this process to examine why local authorities do not appear to be engaging in the stimulus stage process. It was interesting that while everybody spoke highly of this process it is not actually being used. It appears that local authorities are reluctant to take additional risk.

When the committee considered the role of NAMA, it emerged that it has a target to fund 20,000 housing units by 2020. However, the only legal obligation on NAMA is to provide 10% of these units for social housing. While NAMA states that these will be starter homes at market rates, they would be out of the reach of many first-time buyers. NAMA has the ability to borrow money off-balance sheet through its NARPS special purpose vehicle but this can only be used to deal with NAMA debtors. A number of recommendations were made in respect of NAMA but one in particular I wish to draw attention to is that the Part V requirement relating to NAMA housing developments should be increased to 20% in exchange for fast-track planning approval. These would go hand in hand - it would not be 20% across the board, but it would be in return for fast-track approval.

Chapter 7 deals with the issue of homelessness. The number of homeless households has more than doubled in the past 12 months. Most homeless households were previously living in the private rented sector and many families are being accommodated in emergency accommodation such as hotels or bed and breakfast accommodation which is simply not suitable for family living. A range of proposals and recommendations were also made in respect of this matter. The Housing First initiatives throughout the country should be resourced and no homeless shelters should be closed until alternative accommodation is available. There should also be a review of the legislation around bed-sits and pre-1963 accommodation, including the bathroom regulations. At this point in time it would seem that they should not be enforced until alternative accommodation.

I do not have time to complete my summary of chapters 8 and 9 but they referred to meeting specific housing needs, legislation and legal issues. Many of the legal issues are referred to in previous chapters but one relates to the right to housing. The committee received a number of submissions and presentations in that regard. In light of the time available to it, the committee could not adequately conclude its recommendations. However, it did recommend acknowledgment of: the submissions and evidence provided to the committee; the provision in

7 July 2016

the programme for Government; and the work of the Constitutional Convention with regard to enshrining the right to housing in the Constitution. The committee also recommends that the new Oireachtas committee - which has been set up - should bring its deliberations on the latter to a conclusion as quickly as possible and should bring a recommendation in respect of it to Government

That is the overview of the report. I hope that colleagues who sat on the committee will use this opportunity to explore some of the recommendations in more detail.

Minister for the Environment, Community and Local Government (Deputy Simon Coveney): I thank the Deputies for affording us the opportunity to discuss the report of the Committee on Housing and Homelessness and, perhaps more importantly, to debate in this House how we can all work towards addressing the many issues regarding homelessness. I will also use the opportunity to set out the Government's priorities and intentions for the forthcoming action plan on housing.

I want to place on the record of the House the fact that I welcome and commend the excellent work of the committee. Its evidence-based report represents a valuable and informative input into the work of my Department in putting together the action plan. The broad, open and inclusive approach adopted by the committee in its engagement with some 40 stakeholders gives the report real significance and credibility. I recognise the role of the Chairman and the non-party political nature of most of the debate that took place at that committee, which was very constructive. That is not to say that I agree with everything in the report but it has become a reference document for our process of putting together a Government response to the overall issue and to our report, which the committee will see in a couple of weeks.

The programme for Government rightly puts the homelessness and housing challenge front and centre of the Government's ambitions. That programme outlines a range of actions that need to be taken as a matter of priority. These will be drawn together in a systematic, multi-faceted and, I certainly hope, well-resourced action plan for housing, which is at an advanced stage. We will, I hope, have an opportunity to publish it and Deputy Ó Bróin has asked for an opportunity to debate it as well before we break up for the summer recess. We are trying to work towards that deadline to allow that debate happen.

Once the economy collapsed, Ireland stopped building houses, private and social, for the best part of the past decade, apart from finishing out some schemes and once-off housing. This under-provision of housing, whether by low level of construction of new housing or existing housing not being used to its full potential, such as vacant properties, is one of the final legacies of the crash that has yet to be tackled. While many important actions have been taken in recent years to boost supply and address affordability, it is clear that such actions have not been sufficient in scale and ambition to resolve a crisis in this sector. This lack of housing supply in the right locations is the critical factor underpinning the crisis. Just over 12,600 housing units were completed last year, almost half of which were once-off houses across the countryside. As I said at our stakeholders engagement today, we are only building approximately one third of what we need to build. Much of that figure last year was finishing out estates and apartment complexes that were unfinished and half of those, 6,000, were once-off houses which is not really responding to housing need where it is most acute in our cities.

We need to build in the region of 25,000 housing units per annum to meet the need. We must ensure that these are in the right locations and of the right type to meet our evolving household

formation and demographic patterns. Furthermore, many of the active sites in the Dublin area are delivering houses at prices which are simply not affordable for the majority of first-time buyers. We have discussed this before, there is not a house for sale for less than €300,000. That is simply out of reach for approximately 40% of people looking for mortgages, many of them first-time buyers. If ordinary people are spending more and more of their income on rents and mortgages that leaves less for the many other demands of life. This affects the real economy and people's quality of life. It also puts many working families in a more precarious financial position and some of the more vulnerable at risk of homelessness. The housing situation affects every sector of Irish society and puts at risk hard-won gains in terms of employment, recovery of competitiveness and the attractiveness of Ireland as a place to work and live. Some people think that a total focus on public housing programmes will solve the problem. While I agree that we need to do much more on the social housing side quickly, I do not think anyone really believes that only social housing needs to be built. We must also focus on the other parts of the housing sector, including doing all we can to keep people in their homes in the first instance and ensuring that the rental and private housing construction markets function properly and deal with the backlog of a decade of under-supply so that people do not get squeezed into homelessness and onto social housing waiting lists.

Accelerating delivery of housing for the private, social and rented sectors is the key priority for Government. Ensuring sufficient, stable and sustained provision of housing that is affordable in the right locations, meets people's different needs and has lasting quality is the challenge we are all trying to address. The solutions to this challenge are wide-ranging and require several immediate, medium and long-term actions to increase delivery and address underlying structural issues that up to now have been obstacles to creating a more stable and sustainable housing market. The response to current housing challenges must be of sufficient scale to address both the pent-up demand from years of under supply of new housing and the projected needs in the coming years.

In the next two years Ireland will, I hope, welcome approximately 4,000 refugees under the refugee resettlement programme. When their families come with them, as they will in many cases, that figure could be somewhere between 10,000 and 12,000. Next year, the Economic and Social Research Institute, ESRI, is predicting that we will have net immigration into Ireland because of economic growth and job creation of approximately 10,000 people, most of them Irish people coming home, which is great but those figures combined are more than all of the houses completed last year, alone. Unless we have a dramatic ramping up of supply in a combination of social, private, new build, vacant properties coming back into the system, increased rental market opportunities we will go backwards quickly in terms of the pressures many families face and will face. That is just the growth story for the next year or two. On top of that we have population growth, which the Members will get detail of as we work towards putting a new national planning framework together which we also hope to have done by the middle of next year. This is a big challenge. That is why the all-party committee's report is so important.

It is important, however, to recognise that we are not starting from scratch. The measures contained in *Construction 2020*, a strategy for a renewed construction sector, and the *Social Housing Strategy 2020*, both of which were published in 2014, include key commitments, objectives and actions to address issues and constraints in the construction and development sectors and in the provision of a range of social housing outcomes, respectively. The packages of actions being delivered through these strategies are having a positive impact but not at the pace necessary to meet current pressures and pent-up demands. We need to be upfront about that.

7 July 2016

That is why there is a need for new initiatives in this area.

We need, therefore, a practical and readily implementable set of actions that will increase housing supply to create a functioning and sustainable housing system that can provide homes for families in emergency accommodation. It is totally unacceptable that some families have been in emergency accommodation, sometimes in hotels, sometimes in bed and breakfasts for more than six months. If there is one big objective, that is measurable and I expect the Opposition will hold me to account on it when we launch the Government's response, it is to address that issue of relying on private hotel accommodation for emergency accommodation for families. We will deal with that. It will take a little time but I suspect I will get support from everyone in this House when we outline what I hope will be a very ambitious approach towards dealing with that issue.

We need to tackle the underlying causes, addiction and otherwise, of people living on our streets. Between 70% and 80% of rough sleepers in Dublin have addiction challenges. Many also have mental health challenges and other complex issues. My job is not simply to provide emergency accommodation for those people but a pathway from the streets to emergency accommodation, to a home that is stable where they can rebuild their lives, with the support of other elements of the State. That will rely on other Ministers and Departments to be part of that solution, in particular the Departments of Health and Children and Youth Affairs. We are trying to co-ordinate that in the comprehensive response the committee is seeking.

We plan to produce a minimum of 25,000 housing units every year by 2020 and more housing to meet the demand that has built up in recent years. How fast can we get there? We have a plan to get there as fast as possible. It will take a few years. Much will depend on how quickly the private sector can deliver its end of the bargain and how quickly local authorities and approved housing bodies can also build out social housing programmes and get the funding from me within the parameters we have for operating, which is challenging but we are trying to push the boat out as far as we can. Before and beyond 2020, in response to contemporary and changing household needs, we also need to plan for the long term. We do not want to build a lot of houses now and then in ten years have regrets and ask why we did things so badly and rushed so much. We need to ensure we have the right design, are mixing communities and are creating diverse communities so we can try to deal with the stigma some people seem to have around social housing. While we are planning to build a lot of private and social housing, we need to create the appropriate mixes that will create vibrant and diverse communities.

We need to deliver more social housing much more quickly and put in place financially sustainable mechanisms to meet current and future requirements for social housing supports. Accelerating delivery to this level is essential if we are to address the unacceptable levels of households, in particular families, in emergency accommodation, moderate rental and purchase price inflation, in particular in urban areas, address the growing affordability gap for many households wishing to purchase homes, support the emergence of a rental sector which provides choice, mobility and quality accommodation in the right locations, position the housing sector such that its contribution to the national economy is steady and supportive of sustainable economic growth, unlike the mistakes of the past and ensure that measures intended to remedy the current supply difficulties also contribute to long-standing objectives in the housing sector, such as the need to support urban development and achieve sustainable communities.

The plan will balance delivery on these fronts with the necessary financial, fiscal and structural reforms. It will also include real and innovative examples of projects and programmes to

deliver across the various objective areas.

Local authorities and NAMA are bringing forward concrete proposals to boost supply in the short term on land they control or influence for all types of housing, including social housing and the wider private market. For example, NAMA aims to deliver 20,000 residential units before the end of 2020, 90% of which will be in the greater Dublin area.

We know that to deliver more quickly, we need to examine State procedures and processes, be they planning, approval of social housing or otherwise, and we are going to do that. In terms of improving the viability of construction, it is important to recognise the reforms already in place, which are beginning to have a positive impact. These include reducing development contributions, the vacant site levy, on which the committee wants us to go further but we have to follow legal advice on what is possible, and modifications to Part 5. I am a little wary of that.

In terms of getting finance, developers need certainty but we need to go way beyond 10% where possible when putting together public private projects on the many publicly owned land banks we have. There needs to be more flexible apartment guidelines, something which has been introduced, and we need to examine affordability in that area. Financing under the ISIF activate capital fund seems to be expensive for many developers and we need to examine whether we can do more.

We have already reformed planning in terms of the use of strategic development zones which will start to come in to their own now that we have viability in the building sector. Unfortunately, many STZs were put in place just before the crash. Therefore, it appears that they have not worked, but they can perform an extraordinary role in delivering the kind of houses in the quantities we need over the next five years or so, in particular in the Dublin area. We are examining what further actions may be required and in particular have responded to calls for funding to address infrastructure blockages through the establishment of a €200 million fund to support enabling infrastructure to release land for housing developments.

Like the committee Chair, I have run out of time. I suspect we will have many conversations with the new housing committee, of which many Deputies are members. I hope the strategy the Government will launch in a few weeks will respond to many of the issues raised by the committee. It has been a very helpful process and one of the good things that the Oireachtas has done since the election.

While what the Government has to offer will not commit to deliver everything Deputies are asking for, I hope they find that many key things they have sought or something similar, in terms of the areas for which they seek solutions, will provide some of the answers that can allow other parties, in particular those in opposition, to support what the Government is trying to do. That would enable all of us to focus on ensuring the rapid delivery of housing across local authority areas and getting the private construction sector to build in a sustainable manner into the future.

Deputy Eoin Ó Broin: As Deputies know, the housing and homelessness crisis is getting worse. Some 130,000 families are on local authority housing waiting lists, many waiting on average ten years before they have the chance of a permanent home. Over 6,000 people are sleeping in emergency accommodation tonight, as the Minister knows, over 2,000 of whom are children.

These figures do not include the large numbers of hidden homeless, that is, people who are

7 July 2016

currently sofa surfing, living in cramped and overcrowded accommodation with two or three generations of their families or those at imminent risk of homelessness. It also does not include those people who are on waiting lists to get access to emergency accommodation or, as we heard recently in Dublin, the growing number of people who are being turned away by local authorities because apparently they do not have a need for emergency accommodation despite the fact that they have nowhere to go.

There is a crisis in the private rental sector. The average rental price of a family home in almost all parts of Dublin is €1,500 a month. As the Minister said, there are increasing problems in terms of affordability in the owner-occupier sector and increasing numbers of repossessions of buy-to-let and family homes.

None of these figures convey the human side of the tragedy and trauma affecting those people who are homeless or at risk of homelessness today. My colleague, Deputy Mary Lou McDonald, raised a case that I brought to her attention. A young woman from my constituency was made homeless only two weeks ago. She is 18 years old and her partner is 22 years of age, and they have a four month old baby. Nine adults were living in a cramped council house in Clondalkin. As a result of the stresses and strains, that young family found themselves homeless.

When they presented to a local authority they were told to go back to their mother's house and that they did not have a need for emergency accommodation. They insisted on at least being given the freephone number and at 12.30 a.m., standing outside Heuston Station in the freezing cold with their baby, they were eventually accommodated by Focus Ireland's intake team. They spent several nights in emergency accommodation in different parts of the city - one night in Ballsbridge and another in Malahide - but for some unexplained reason they were then told that emergency accommodation would no longer be funded through the system.

Strong interventions from Focus Ireland, the Mercy Law Resource Centre and elected representatives have changed the situation and, thankfully, the family is now in emergency accommodation. They face an enormously uncertain future, in particular in trying to access private rental accommodation. I am referring to this case because we have to ask why this family is homeless. It is not because of anything in their circumstances. Rather, it is because of the simple fact that they, like so many others, cannot access council housing or private rental accommodation.

None of this is an accident. It is the consequence of policy failures over decades from this House and the Customs House. There was a failure to regulate the private rental sector and mortgage lending properly, to manage the owner-occupier sector and, crucially, to provide a sufficient supply of social housing.

The Minister is correct. No one member of the Committee on Housing and Homelessness has argued that the solution rests solely with the provision of social housing. We need an increased supply of private affordable housing for first-time buyers and affordable private rental housing. The sector of the housing system for which the State has most responsibility is social housing. Unless we start to see a substantial increase in the output of social housing available to those most in need, the worst elements of the crisis will continue.

It is also important to emphasise that the provision of social housing does not just benefit those lucky enough to move into it. It reduces pressure on the private rental sector, bringing

down rents for people who choose to live in that sector, and it also assists in reducing pressure on the cost of buying a home for first-time buyers. Substantial increased provision of social housing is good for all sections of the housing system.

When Sinn Féin initially proposed the creation of the Committee on Housing and Homelessness, we did so because of the urgency surrounding the situation that we, like Deputies from all parties and none, face in our constituencies. I am delighted we secured cross-party support and that we did such a significant amount of work. I will not repeat the detail of the work outlined by Deputy Curran, the Chairman of the committee, other than to say all of the Deputies who sat on the committee put in an enormous amount of time to listen to the contributions of those who came to the hearings, to read the approximately 90 submissions, and to consider whether we could come up with new ideas and policy proposals to tackle the problems in our report. The report we produced is a credit to both the Chairman and the members and it outlines considerable challenges and opportunities for the Minister to tackle.

I wish to focus on one issue in the very short time available. I endorse all of the report's recommendations. I refer to the proposal to have 50,000 social houses over a five-year period. There is no reason for the Government not to prioritise the issue, and for it not to provide, through local authorities, mixed-tenure local authority driven estates. That would be a much more credible proposition than the involvement of public private partnerships of which I heard the Minister speak earlier. I strongly support all of the other recommendations mentioned by Deputy Curran.

I wish to make two concluding sets of remarks. Like Deputy Curran, probably one of the most powerful presentations I attended during the seven weeks in which the committee sat was the meeting facilitated by Focus Ireland with a broad range of people who have experience of homelessness and homeless services provided by a range of providers. Some of those people are in the Visitors Gallery today listening to the debate. They demonstrated huge resilience and courage, but they depend on us in this House to start to tackle the causes of the housing and homeless crisis.

The Oireachtas has produced many reports over the years. The value of those reports is not in the ink on the pages but whether they influenced Government policy and whether that policy improved the quality of people's lives. If the report the Minister will publish in two weeks' time does that, he will certainly have my party's support and we will applaud him for it, but if he does not adopt the priority recommendations in the report in particular, we will hold him to account for continuing the failed policies of his predecessors. The ball is now clearly in the Minister's court. We wait with expectation for his housing action plan to be published later this month.

Deputy Dessie Ellis: One of the greatest failures of Government and society has been the housing crisis. People have a right to a home, a right to shelter for themselves and their children. It is a terrible indictment of society as a whole that people are living and sleeping on the streets, in cars, on sofas, or in any nook and cranny they can find. That includes hotels and bed and breakfast accommodation, but in the summer time they cannot even get those. It is shameful that in this centenary year of 1916, in June 2016 we had 2,177 children in emergency homeless accommodation with their families. A total of 4,262 people were counted in accommodation providing shelter for people who are homeless or were identified as sleeping rough on census night 2016, and that is only in Dublin.

There are still people dying on the streets two years on from the death of Jonathan Cor-

7 July 2016

rie. One could ask what the Government has done. There is no sense of urgency from the Government. The longer the inaction goes on, the bigger the problem becomes. A total of 90 new families a month go on to the homeless list. In the three months since the Government has been in office that amounts to approximately 180 families. Unfortunately, homelessness is the most obvious expression of the crisis. One could ask how many families are sleeping in a friend's or family's front room; how many people are on the edge of homelessness, in mortgage arrears, and wondering and worrying when they will be turfed out of their homes. What kind of society are we living in? The cost of living is creating a class of people that cannot survive even when they are working. We have high rents, increasing costs of child care, insurance hikes and increases in bin charges, property tax and water charges. This country under Fine Gael is a country for rich people. We need a change of attitude and a sense of urgency. That is why we cannot rely on the private sector. The only answer is the establishment of a strategic planning national housing corporation which would be involved in all elements of policy, design and the planning process for future housing needs. That would plan house building in a proper manner and speed up the planning process. We must build more social houses, as that in itself would help to reduce rental prices and provide for hard-pressed families.

We need a social housing stock across the country of at least 200,000 houses. The only way to achieve that in the required timeframe is for a State body to direct and drive the process. Currently, there are only approximately 138,000 such houses across the entire country and we must increase that by at least 50,000 to 60,000. If we do not, we will still be here in 10 years' time talking about the same issue.

The Minister has the report of the Committee on Housing and Homelessness, all 157 pages. Having heard all the experts, relevant bodies, service providers, politicians, voluntary housing bodies and local authorities, as well as victims of homelessness, it is time to deliver and for the Minister to spell out what he plans to do. He keeps telling us that money is not a problem, yet we hear about the fiscal rules and the Stability and Growth Pact. It is time to talk about this emergency crisis, which is what we have. If legislation is required to tackle the issue, we must deal with that. Funding streams have been identified by the committee and so that should not be an issue.

It is disappointing to hear the Minister has problems with Part V housing. Serious damage was done by the reduction in housing provision under Part V. The Minister should re-examine the issue as the provision of 10% of social housing from each housing development that takes place is not enough. Compulsory purchase orders, CPOs, must also be examined because there are many houses lying idle across the city. In my area there are hundreds of houses that could be considered in that regard. One cannot even approach Dublin City Council as it will not address the issue. Some of the houses have been lying idle for ten years. Gardens are overgrown and houses are in a terrible state but they are left empty. That is not good enough. The Minister must act in a serious manner. We cannot wait for another report in another couple of years. That would not be good enough.

Deputy Fergus O'Dowd: Go raibh maith agat - bhíos chun a rá Leas-Cheann Comhairle - a Chathaoirle. This is a very important debate because it is the first time in this House that we have had a constructive engagement from the Opposition with the Government on what has rightly been described as a national emergency. It is a forum where all of the parties of this House and none have come together under the chairmanship of Deputy John Curran. We met more than 40 different bodies who informed us of the needs as they saw them, and the solutions that they wanted. In fairness to the Chairman, there was very little political debate because we

were trying to find solutions. The committee was a solution-driven one. That is what is important about what happened at our meetings.

There is also a changed Government and a changed Government policy. The Minister, Deputy Coveney, has at all times facilitated and supported the committee and the debate. His Department has always been available to help, inform and advise in a professional way on what it thought should happen. I welcome the involvement of the Minister. As Deputy Ellis said, this Chamber is the right place to debate the report. We are all challenged by the crisis and we all have to find a solution. It is not just this Government that will be held to account but so too will Deputy Ellis and all of us if we fail in our duty of care to the tens of thousands of people who live in appalling conditions in great uncertainty and who want this Dáil to deliver.

The committee met when there was no active Dáil at the time. Families came to me and were able to say what I and others had said in the committee because the people were interested, listening and watching. That was the first real sign in many years of democracy at work, progress and constructive engagement. I welcome the commitment of the Minister to deliver his action plan on time and that it will be put under forensic examination, not just by all of us here, but by the country and the people who are waiting on the housing list. The Minister and our Chairman have enunciated the points which remain important to the changes that have to happen.

I wish to throw my tuppence-worth in at this stage to make a point. I have done a little bit of work - not enough yet - on Freedom of Information Act documentation on the houses which were offered by NAMA to local authorities. Thousands of houses were offered and thousands were not taken up. Some of the documentation is amazing. More than 2,000 of these units were offered in 2012. That was the first time they were offered. Of the units offered at the time, 76% were apartments, mostly one or two-bedroom apartments which would have met the needs of thousands of families. Many of them were taken up and many were not. It seems to me that at the core of the refusal was not the condition of the houses. From what I am reading, it seems that NAMA offered to put the units into a proper state if they were not finely finished. It was not a question of the 10% or 20% target of social housing which some authorities wanted to adhere to. There was a refusal by local authorities throughout the country to go the extra mile to house their own families in their own communities in housing which was made available to them. That, to me, is a cynical exercise by local authorities which I do not accept.

I have a duty, as we all do, to investigate further. All the people we talk about who are sleeping rough in Dublin tonight could be in houses and apartments tonight if the councils had taken up those units. However, they did not. That is a fact. We need to look again at what happened there. These were houses which were under the control of NAMA but not owned by it. It offered the houses on long-term leases to local authorities. If the percentages went up, in many cases, the local authorities said they were not taking them. I believe that needs to be addressed again. My colleague in opposition, Deputy Mary Butler, from the wonderful County Waterford, and I had a chat about it. We said that many of the houses that were not taken up are now occupied by people on housing assistance payment, HAP, or rent allowance. The whole thing just does not make sense. Houses which the local authorities turned down, which their tenants could be in for the long term, are now being rented to people who are on the housing list and at a much-increased cost, which is the other point we made. There are issues to be addressed here.

I wish to address the question of the delivery of this programme by the Government. I am not critical at all of anything that has happened so far. The only thing I wish to be critical of is

7 July 2016

the fact the Committee on Housing and Homelessness, as originally set up, is not continuing. It should continue in parallel with the new committee. It may sound like a plea of wanting us all back. However, I believe we have the greatest expertise collectively. The committee we are on now is much smaller. We are probably going to meet on the housing issue maybe once a fortnight or once every three weeks. It has not been decided yet. We should invite in all the members of the original Committee on Housing and Homelessness - each and every one of them - to demand, see, view and put under the microscope the programme for Government on the action plan for housing and to look at it regularly. The energy we all put into that committee should continue. The best way to do it is to bring everybody on board. When the Committee on Housing, Planning and Local Government meets, we should expand the membership for that. I do not see why we should not do that. It is worth considering and would make a lot of sense.

I know my time is short. I wish to say a few things about returning emigrants. I welcome that many of our emigrants are coming home. Unfortunately, many who are coming home had properties they sold. As an example, Johnny Murphy lost his job. He had to sell his house. He emigrated with his wife or partner and family. Now they want to come back. One of the problems they face is the deposit they must put down to get a mortgage when they return. I have some clients, not too many, but some, who cannot put the 20% deposit together. They are being damned because they were forced to leave the country. They do not have the 20% deposit. They have a 10% deposit. We need to look at each of these cases. I welcome what the Minister has said. We need to look at this for the returning emigrants who did not leave the country because they wanted to and who are in a position to afford a house and have the 10%. They want to buy but cannot. The Central Bank requirements need to be addressed in that case.

I also think that we need to look again at first-time buyers. I have first-time buyers coming to me who have the capacity to pay the loan but have not got the 10%. They have a problem. I know the Minister is aware. Part of the submission of the Construction Industry Federation detailed a help-to-buy scheme. I believe that is going to be very important. Many people want to house themselves but they are caught. It is a shame they have to rent in the private sector and do not have the certainty. They have the certainty of knowing they can pay back the loan and the certainty of knowing they will never be able to get it because they cannot bridge that gap. That is very important.

I have to leave and I will not be able to stay for the debate because I have a clinic - believe it or not - that I have to do. I know it is a bit late. Having this debate is important, but having it at this time is far too late in the evening. This deserved a prime slot during the day during which other Members could participate and listen. It is worth it. It is the most important and urgent issue before the Government and the country. This Oireachtas and the Dáil is dealing with it in a right and proper format and in an effective and efficient way. It is great that we are all able to work together. I have no doubt about, and accept totally, the integrity of the Minister in his commitment. I reassure Deputy Ellis that I hope he will eat his words when the houses and the plan are in place.

Deputy Dessie Ellis: I hope so.

Deputy Fergus O'Dowd: He will praise us for what we are doing because we are all on the same page on this. We all want this to work. It will only work if we all work together.

Deputy Catherine Murphy: I welcome the work the committee did. I believe it was a very worthwhile exercise. The Social Democrats would have liked to have participated on the

committee but unfortunately places were limited. However, we made a submission. The area of housing and the homelessness crisis has been a priority for us since our party was founded a year ago. We produced a policy paper on the issue as our contribution because there is not just one solution but a range of different solutions to resolving this.

I note many of the committee's recommendations, including the one on procurement, which seems to be around local authorities and housing associations. We go in quite a different way from that in our proposal. The current regime has two strands. There is the Housing Agency to gather statistics and, separately, there is the Housing Finance Agency. We believe a third strand is necessary, which is the project management side of it. We have proposed a national housing delivery agency comprised of those three strands being pulled together.

The delivery agency would look at projects in their totality. For example, it would identify sites that are large enough - it would not be the case in every part of the country - to facilitate the development of a healthy, social mixture of tenure, size of unit and so on. The project management on the site would include local authority housing, the voluntary housing sector and also the private sector. The only way we are going to get the mix we need is to have all those elements. I do not want to see 3,000 local authority houses on one site.

Deputy Ruth Coppinger: There is no fear of that happening.

Deputy Catherine Murphy: I do not think that is a great idea. We need the social mix and the mixture of size and type of tenure.

9 o'clock

It is good to develop communities that cater to every demographic and allow people to stay within the area for different stages of their lives. For example, three-bedroom houses with back and front gardens suit families very well but they do not suit older people with lower maintenance needs. The latter may still want to stay in an area they call home and where they have connections.

Deputy Shortall and I met the Minister some time ago to discuss such aspects of that proposal, particularly concerning housing for older people. There has been some follow up from the Minister's office on that and I welcome the fact the Minister is taking action as well as listening.

The current housing and homelessness crisis must be addressed immediately. We cannot settle for knee-jerk solutions that will cause problems in future. We have to think long-term and consider what the decisions we make now will look like in 20, 30 or even 50 years' time. I will certainly not be around in 50 years' time, but we do not want people then to say: "What were those people thinking of; surely they realised that a more rounded approach should have been taken."

A key element of the housing approach is affordability both in terms of the purchase price and rental costs. We must start seeing long-term rental as a viable housing option that people sometimes favour. We need to have a policy for that area. In other parts of the world it is a satisfactory means of providing housing, with people moving up and down according to their housing needs at any given time in their lives.

I strongly welcome the report's recommendation calling for 10,000 housing units per year

7 July 2016

to be built. I would be happy to see even more than that. It is one thing to state this on paper, but another thing to see it on site. Over the years it has been painfully slow to deliver even modest housing developments. The scale of bigger sites has the prospect of bringing down costs. Houses built by the private sector on mixed sites that are publicly owned bring in an income that can be reinvested in social or voluntary housing for other sites.

The current crisis requires immediate action and we cannot move away from the issue of vacant units. Later this year when we get the census results we will see how they match against the 2011 census. We can all see good quality vacant housing that could be used. While it may have shifted since 2011, according to the census, every 1% increase in vacancies in Dublin city releases 5,000 units. I think it is currently at 7% or 8%. It is a viable means to deliver units in a relatively short period, but it does require some measures in order to do that.

The mortgage issue is a key element in preventing people from becoming homeless. The proposal for a moratorium on evictions is a good one, at least until some of the schemes are up and running. Meanwhile, the mortgage-to-rent scheme is not working. I have been involved with a few mortgage-to-rent schemes and it is painful to try to deal with some of them. We have managed to get a few over the line but it requires a huge investment in time, energy and effort. At the end of the day, we are often told that a very small amount of money is the determining factor in whether or not the particular proposal is successful. We should not say it will be part of the scheme if it cannot be made to work, but it has to work.

Ultimately, if we do not deal with the housing issue we will continue pumping money into knee-jerk reactions and short-term solutions. There has to be an emphasis on what the overall future goal is. The Government says it is its number one priority, but I agree with Deputy O'Dowd that it has to be the Dáil's number one priority. It must be driven all of the time. If the committee has to meet monthly or bi-monthly to keep that as a top priority that is welcome.

For the last five years, the number one issue in my constituency office has been housing and homelessness. People say they never thought this would happen to them, and they are in deep shock. They heard about this happening to other people but never imagined it happening to them and it is deeply traumatising. The cost of it is much more than a housing response because homelessness will affect families for the rest of their lives.

We support the Housing First approach for rough sleepers who require additional services to deal with addiction. We cannot deal with them on the street, however. They must have the security of a roof over their head while addiction issues are being dealt with. That particular cohort requires that kind of approach.

A critical area is how one goes about delivering such services. Project management of large sites, with the prospect of driving down costs due to the larger scale involved, has the prospect of delivering a range of different house and tenure types. That could make a significant difference to the kind of project that is delivered in future.

Deputy Maureen O'Sullivan: The Committee on Housing and Homelessness worked to a tight timescale from 20 April to 17 June. It was intensive and we were aware that all the time we were talking and listening to the presentations, more people were being made homeless. With hindsight I feel it may have been better for the committee to concentrate on four aspects instead of covering the very wide range of issues we did. However, we laid considerable groundwork which I hope the Oireachtas committee will build upon and not go back over what we did.

We met so many groups, including housing associations, local authorities, architects, planners, banks, Ministers, Department officials, property owners, NAMA, the NTMA, the RTB, residents and also people living in homeless accommodation. Some of the latter are here to-night to listen to this debate.

Many of them have also met the Minister and the previous Minister. They took part in the emergency conference that the previous Minister, Deputy Alan Kelly, held after the death of Mr. Corrie. Many of them attended the conference this morning in the Mansion House. My conclusion is that the talking has to finish. If we counted the number of hours spent on statements on housing and homelessness in the Dáil, Seanad and committees the result would be staggering.

When the committee Chairman, Deputy Curran, launched the report in the AV room on 17 June, each member of the committee had an opportunity to contribute. I said I felt we were talked out on this topic and that action was needed now, rather than more talking. I know there is no quick-fix solution but the issue has gone from bad to worse in the last ten years, even though the root causes go back further. The Celtic tiger certainly did not help.

Before any groups came in to make their presentations, the committee asked them to focus on constructive solutions and suggestions on how to solve the housing crisis. We know the sad statistics of those who are homeless and in emergency accommodation. We know all about mortgage difficulties and distress and the impact of rent increases. We have heard so many briefings from so many groups on this issue that we know all the facts. I do not think there are any more facts we could be given. We need to move now to solutions, many of which were put to the committee and are incorporated in the report.

There is a simple answer to the housing crisis, namely, the construction of more houses and accommodation. There is no doubt but that building has started. We have all seen the cranes. However, the question is whether what is being built will make a difference to the housing crisis. My question to the Minister is, who are we building for? My concern is that we are building to support foreign direct investment and the accommodation needs of people coming here to work in the companies we are trying to attract here or who are already here. While I value employment, the housing of people in this country who are in dire straits must come first.

I have compared what is provided for in the strategic development zone, SDZ, for the Docklands with the Dublin City Council housing list and I do not believe that what is happening in the context of the SDZ will make a considerable difference to the housing waiting lists. The situation in Dublin is the worst in the country, and that is not to take from the difficult situations outside of Dublin. While the private developers have a role to play, local authorities must be encouraged, pushed, incentivised and intimidated into building quickly. One of the priority recommendations is that the social housing stock owned by local authorities and approved housing bodies be increased by at least 50,000 units at the rate of 10,000 per year, through acquisition, refurbishment and new build. I know we need more houses but if that recommendation is accepted and worked on it will make a huge difference. The provision of 10,000 units is the minimum and not the maximum required each year.

It is crazy that during a time of distress in housing there were voids. It was hard to believe that the previous Dáil did not treat that issue with the urgency it needed. One of the reasons for this was the crazy health and safety and insurance issue which meant that even when people vacated accommodation and left it in very good condition much of what was in it had to be ripped out and replaced. Equally, when people with skills in plumbing, carpentry and painting and

7 July 2016

so on were willing to move into houses and flats that needed repair and do the necessary work themselves and to sign whatever legal waivers were necessary to allow them to do so there was no impetus to take on board that practical solution.

Another recommendation is that a housing procurement agency be established. This is not reinventing the wheel or bringing in new people, rather it is bringing together those people working on the front line in the Departments that can make a difference with the Department of Finance to work with the local authorities, the approved housing bodies and so on to be the driver of what is recommended in this report and what will be provided for in the Minister's plan. The agency could operate for a fixed term, with a strict timeframe put in place for conclusion of its work. There is a need for such a body to draw together the various recommendations. Also, the agency would be answerable to the Minister and would ensure implementation of any recommendations within strict timeframes with the power to demand answers if targets are not met.

On rent certainty and rent reviews, Members will be aware of the committee's recommendation in regard to the consumer price index, CPI. There are others. The committee was very practical in recommending an annual review of rent certainty because rent certainty suits tenants and landlords. We do not want to go back to the days of the Land League. We have to prevent more people becoming homeless. We know that as we speak here tonight more people are becoming homeless. A moratorium on home repossessions would be excellent. Every effort should be made to keep people in their homes. We need a fixed moratorium on home repossessions while the crisis continues.

The vacant site levy needs to be increased and it should be come into effect sooner. Owners of vacant sites should be incentivised to develop them or at least provide a timeframe within which they will develop them, or face increased fines. Some sites, as well as houses, have been derelict for years. The Census will provide us with more information in this regard. A council by council audit has been called for so that the Minister and the committee will know exactly what is available and what can be moved on. We heard practical suggestions in regard to finance off-balance sheet. We heard from groups who are prepared to provide the finance, including the Housing Finance Agency, the Ireland Strategic Investment Fund and the credit unions. It is also recommended that NAMA should have a greater role in providing social and affordable housing. The European Commission also has a vital role to play in that regard. We have obeyed all the rules and we deserve some flexibility in this area.

My concern is for particular groups whose housing needs are very far down the pecking order, including those in recovery from addiction, those with mental health issues and disabilities, those leaving prison, Travellers, the new communities, those still in direct provision and, as mentioned earlier by the Minister, the refugees from Syria. It will be difficult to resolve all of that. I fear that those people and people on the waiting list for social housing will get lost in the bigger picture. As a result of Brexit, more companies could move to Ireland. Those companies will also be looking for accommodation for their employees, which will lead to greater competition for housing.

The issue of student accommodation was also discussed by the committee. There are communities that I represent that are concerned with the preponderance of student accommodation being developed. I believe that accommodation should be on-campus. We did agree that the needs and the wishes of the communities would also be addressed. I do not understand how the cost of the modular housing which was supposed to be approximately €50,000 or €60,000

per unit has increased significantly. If we could provide that type of housing much quicker it would make a difference. There are many other good examples of housing providers, such as Sophia Housing in the inner city which the Minister recently visited. We can do it right when we get our act together.

I acknowledge the work of the Chairman and thank him for his impartiality, good humour and grasp of the issues. I also thank the committee staff who did amazing work in regard to the presentations and all that was being said. The committee has done the ground work. Its report is to be built on. It is heartbreaking for me and other Deputies to listen to the stories every day from people and to have to tell them that they are number 400 or 900 on a housing list, particularly single men who are neglected in terms of the housing being built. Single men did have options on the choice-based lettings but there does not seem to be as many of those available now.

I wish the Minister well. I also wish the new committee well and I hope that it will take on board what we did and will not go back over the same ground. It must move on from what we did.

Acting Chairman (Deputy Eugene Murphy): Deputy O'Sullivan brought a broad smile to Deputy Curran's face.

Deputy Pat Casey: As spokesperson on housing and urban renewal, I welcome the committee's report on housing and homelessness. Under the chairmanship of my colleague, Deputy John Curran, the committee has produced a comprehensive document which understands the depth and the breadth of the Irish housing and homelessness crisis. The manner in which the committee was formed and conducted its business which, hopefully, will be taken up by Ministerial and Government action, is a template of how new politics in this Dáil can work. I say this deliberately in a week where many are questioning new politics. We are all agreed that the seriousness of the housing issue is reflected in the fact that not one single aspect of housing policy in Ireland is functioning correctly at the moment. Emergency accommodation and homelessness is beyond breaking point, with over 2,000 children now homeless. I repeat there are currently over 2,000 children homeless tonight in the Irish republic of 2016. I welcome the meeting today by the Minister for Children and Youth Affairs, Deputy Zappone, with children's agencies on this issue and I pledge my support for practical and immediate measures to help these families.

The rental sector has spiralled out of control for existing tenants and out of reach for prospective tenants. There is a shortage of private accommodation and a lack of realistic mortgage availability. The Irish State, and in particular our local authorities, have seemingly forgotten how to build houses and, crucially, how to manage the supply of housing. The right of a person to a home, to shelter, is a fundamental in any functioning State. The Irish State has had reasonably positive stories with regard to housing for much of its history but the period since the economic crash has thrown the entire housing sector into disarray.

I am a new Deputy but I have been a local representative for 12 years. I am shocked at the amount of serious housing issues I have been dealing with in Wicklow and east Carlow since the general election in February. Over 75% of all constituency representations made to me have been in regard to housing and all are extremely serious. I am sure every Deputy has a similar report to make.

I welcomed the seriousness with which the Minister has treated this issue and the recent

7 July 2016

increase in rent supplement. However, the increase is nowhere near what the market can demand in rent in certain areas. North Wicklow is now at south Dublin levels for private rental rates so the increase in rent supplement will be of limited assistance to residents of Bray, Gorey, Wicklow and Arklow. Further attention will be needed to ensure that the intention of the rent supplement increase follows through to results on the ground in high-pressure areas such as Wicklow's commuter belt. Again, I accept the lack of supply is driving rental prices up but there must be a limit to rent increases in pressure areas while supply is being addressed.

To tackle the urgent lack of supply, I particularly support the proposed vacant properties audit, which must be carried out by every local authority immediately. There are vacant properties that with some remedial works could be made into habitable accommodation in every town and village and I know they exist in Wicklow and east Carlow. This is an urgent requirement and if additional personnel need to be temporarily deployed by local authorities to identify these properties then so be it. Lateral thinking should also be employed here, for example, all Tidy Towns groups could be contacted to help identify vacant properties. We are told that every local authority area has a functioning public participative network representing all the community and voluntary groups in a county. They could be contacted immediately in order to help in this search. The housing crisis demands solidarity of action from everyone in public and civic society.

The identification and upgrade of vacant properties would have the knock-on effect of directly assisting the urban renewal that is required in our efforts to maximise accommodation capacity in large urban cities, towns and villages. The immediate possibility of vacant properties delivering 6,000 habitable accommodation units as identified in the report must be looked at seriously and come with a suite of targeted incentives.

As stated in the report, the obvious answer to the housing and homelessness crisis is increasing the supply of housing. There are specific and ambitious targets set out in the report with an overall increase of 50,000 units with an annual average of 10,000 units through acquisition, refurbishments and new builds. Every local authority will have to significantly up its game in respect of achieving these targets but where it has a valid concern, it must be acted upon by Government. There can be no room for turf wars or bruised egos in this time of national crisis and every one of us have a constructive role to play here.

At the first meeting of the Select Committee on Housing, Planning and Local Government, I raised the current underspend reflected in this year's Estimates and in fairness, the Minister assured me that delivery of the spend is two and a half times faster than it was this time last year. As we are entering the early stages of the new budget preparations, I urge the Government to seek EU approval urgently to achieve flexibility in the fiscal rules, as the report recommends. The financing of social housing should be explained as a matter of vital national interest where the EU should show solidarity with the Irish people. As the UK deals with the outcome of Brexit, it is now looking towards a further reduction in interest rates and another possible round of quantitative easing. Europe fell behind the UK by a number of years the last time this happened, particularly in respect of quantitative easing. It is time to loosen the fiscal rules and investing in a social housing programme would be one way of stimulating the economy while addressing our urgent housing needs.

Unfortunately, I do not have the time to address issues relating to mortgages, planning, the role of NAMA and all the other issues that were raised but these are other important strands in addressing housing that cannot be left to one side. All aspects of housing policy, management

and delivery must change if we are to get on top of this crisis.

There needs to be relentless and ruthless political leadership shown by everyone in this House to meet the ambitious but purposeful targets set out in this report. Constant political diligence and focus, particularly when the media attention shifts as it inevitably will, are further requirements of all Deputies in this House. I can assure this House that I will fulfil my responsibility as a Fianna Fáil spokesperson in a collective, inclusive and patriotic fashion. I will support all realistic solutions from any element of this Dáil, be they Government or Opposition. Our actions on housing will be rightly seen as a key indicator of the effectiveness of the new politics. This report is a good start. Let us take the baton and continue the work.

Deputy Mary Butler: The Oireachtas Committee on Housing and Homelessness met for the first time on 20 April. This cross-party committee commenced its deliberations immediately under the chairmanship of Deputy John Curran. I congratulate him on his fairness, impartiality and good humour. We tested him at times. We commenced our deliberations immediately on the shortage of housing supply and the related problems of homelessness being experienced in the country. It became quite clear that tackling housing supply and the related problem of homelessness is one of the greatest challenges facing our country. We quickly realised we were in crisis mode and started the task in hand immediately.

The focus of the committee was to identify how the obstacles that are currently impeding progress on the issues can be surmounted and the specific actions that need to be taken to achieve the urgent implementation of measures to address the problems involved. Homelessness is being felt nationwide and I was at pains to point this out on several occasions. It is not just concentrated in Dublin. It can be found all over the country but it is especially concentrated in Dublin and Cork. Last year, the four local authorities in Dublin spent €45 million on providing hotel and bed-and-breakfast accommodation to over 6,000 homeless people, which included over 2,000 children. We learned very quickly that current housing policy is lagging far behind the demand.

The committee received over 90 submissions from all walks of life and met with over 40 groups and witnesses. These wide-ranging groups included Banking and Payments Federation Ireland, the Housing Finance Agency and the Irish League of Credit Unions. We also met the local authorities, the Construction Industry Federation and NAMA. Those representing the homeless included Focus Ireland, the Simon Community, Pavee Point and the Peter McVerry Trust. The Institute of Auctioneers and Valuers, the Mercy Law Resource Centre and the Law Society of Ireland also presented to us.

Having come from a local authority background, my focus was centred here. Local authorities were always the main providers of social housing with a smaller number being provided by approved housing bodies. Despite the promise of shovel ready sites last year and a promise of 1,700 new homes, fewer than 246 new social homes were delivered in 2015. The waiting lists are growing daily with applicants waiting five years and more to be housed. It is imperative that the local authorities receive the funding fast tracked and the appropriate technical staff even on a short-term basis to ensure there are no delays in housing projects due to a lack of professional expertise.

We set a realistic target of 50,000 houses in the next five years through a programme of acquisition, refurbishment and new build. We believed as a committee that this target is realistic and felt there was no point being too ambitious if we could not reach the target. We also know

7 July 2016

that planning, procurement and objections to social housing are causing delays. The committee recommended that the Part 8 planning process should be reduced to six weeks and where unreasonable delays occur emergency powers should be invoked. Importantly, the committee felt that the Minister should consider a housing procurement agency with all stakeholders to assist local authorities and approved housing bodies to deliver their programme efficiently and expertly.

Another issue which was constantly raised was the slow turnover of local authority housing with some areas performing better than others. We learned choice-based lettings work well in Cork and Dublin and speed up the process through being more efficient and better for first-time acceptance. While there are still over 3,000 social housing units under the control of local authorities sitting vacant nationwide, the Department has refused to spend more than €30,000 on the refurbishment of these homes. This cap on refurbishment must be removed immediately and these homes used to house homeless families by the end of the year. Modular housing was sold to us last year but, unfortunately, it has not turned out to be as effective as we thought it would be at the time. These units have turned out to be very expensive and they are not as quick to build as we initially thought they would be. I do not think they are the answer.

These meetings were very intense and on occasion, emotional. One of the most emotional contributions I witnessed was from representatives from Sonas who explained how the current homelessness crisis was putting the lives of women and children at risk from domestic violence. One said, “My choice is homelessness or being abused and while the abuse is bad I can’t risk making my kids homeless, I just can’t.” It is unbelievable that this crisis means that a mother has to choose between homelessness and abuse.

The issues around the private rented sector were discussed and debated in detail. The proportion of housing accounted for by the private rented sector has increased over the years and is now at 20%. Those in receipt of rent supports and supplement form a large part of the rental sector. The gap between HAP and the cost of rent in the private sector was constantly raised. This was seen as a huge barrier in some cases and the committee heard representations from many groups on an increase. We have seen an increase recently. The increase from 15% and, in some cases, up to 29% is very welcome and hopefully in some cases it will alleviate some of the hardship. The Government’s decision to increase rent supplement limits in major urban areas such as Waterford, Dublin and Cork will help but, ultimately, the only long-term solution to the crisis we are facing across Ireland is an increased supply of houses.

The committee has now finished its work and the report was published on 17 June. I trust the Minister, Deputy Coveney, and his Department have carefully considered the report and I look forward to seeing the recommendations implemented. I appreciate the point the Minister made when he came into our committee and said he would not be overly party political on this and was very interested in reasonable debate and suggestions. It is time now to act and to give effect to the findings of the report.

Deputy Anne Rabbitte: I thank Deputy Butler for sharing her time with me. I congratulate the committee for producing this 158 page document. Like everybody else, I really welcome it. As spokesperson for children it would be remiss of me not to contribute to this debate because as we speak there are 2,000 children homeless.

I will focus on the financial side of the report which is the part I picked out. The Minister alluded earlier to the returning of the emigrants which is really welcome. They will bring

back the skillset we will need to get the housing market going again. There is also the issue of Brexit. I want to talk about the role of the Central Bank in deposits and its role in the Irish League of Credit Unions. I was there the day the Irish League of Credit Unions sat before the committee. Its members told us they had an application before the Central Bank for the last number of weeks. They have €8 billion available. They do not want to give us all of it to help with the housing crisis but they are prepared to make a €1 billion, €2 billion or €3 billion available to work in partnership with local government and one of the agencies to start delivering a programme. They have a holistic approach. Their funds are coming from people within their communities and they want to put it back into the communities.

I met one of the managers of a local credit union in Ballinasloe in east Galway and his lending is capped at 10%. He cannot lend any more from the mortgage loan book whereas if that cap was raised by the Central Bank he would be able to make affordable funds available. They were talking about 3.5%. That is crucial. When we talk about affordable housing, we are not talking about the €300,000 in Dublin but rather about three or four times income multiples and keeping it within the requirements of the Central Bank. If we are looking for funding to be made available, credit unions are one of the sectors that is available and they have their hands up saying they are ready to lend. When we decide to do lending for councils and local authorities and bring the builders in, we have to look at how we will support the builders that are coming in. We cannot expect them to do all the building and pay for them at the end. There are builders and they are talking to their banks but they have concerns about how we will fund them. If we can do it in staged payments like one would do building one's own house in stages like roof and first fix and hold the 10% until the end, the builders will be able to work with the local authorities but they need to know the commitment is there. If they have that commitment from Government when they go into banks it would mean there would be a cash flow element in the process.

It is important to say, as the report does, that the Government should, "before the summer Recess and as a matter of urgency, fully and quickly implement the programme for Government's strategy to deal with mortgage arrears". That is a vital point. It goes on to say, "Subject to advice of the Attorney General, the Government should introduce legislation for a moratorium on home repossessions until such time as the Government's proposals are in place." Can we put a halt to the repossessions and stop adding to homeless lists until such a time as we have a plan for the delivery of the programme?

Deputy Ruth Coppinger: Figures from a report expected later tonight will show that rents are now eating about 40% of the incomes of a couple on the average wage, that mortgages in Dublin are the third highest in Europe after London and Amsterdam and that 147,000 families are now confirmed to be on the housing waiting lists. I could go on. It is disappointing that we are having the housing debate during the graveyard shift on a Thursday night. Let us be frank, we are led to believe this is the most urgent issue in society yet since I have come into the Dáil there has been very little debate on housing on the floor of the House. That is the reality. I hope this will not happen again, as has been requested, with regard to the Government's action plan on housing in two weeks. I thought the Minister would want to hear a debate on the housing committee report, then weigh it up rather than the weighing things up himself and then having the debate. I hope that does not happen again.

The committee met for two days a week over nine weeks. There were numerous witnesses and submissions. Many welcome suggestions have been made in the report. I put in more research and work than an awful lot of people and argued vehemently for a lot of things. How-

7 July 2016

ever, there is one striking problem that we have to spend time debating, namely, funding. There is no point in recommending anything unless there is a clear way for it to be funded. I want the Minister to imagine a situation where he lost his wages, his income, and everything but he had money saved up from the good days because he had been wise. He went to withdraw that money that he had saved but was told he cannot use it for his dire situation, the Minister says it is savings but is told that it can only be used if he agrees to give it to somebody else or if he does not spend it because he is adding to his balance sheet. That is the situation we are in.

We have a fund called the strategic investment fund with €5.4 billion. There should be a little more concern that we are not allowed to spend it. If the fund was used for public housing, if councils directly employed people, built on public lands, which we have and cut out the profit element in hiring a private developer we could build 50,000 social and affordable homes to buy or rent for people who need them. That is the case. We could build houses for €100,000 if we did it with direct employment. That is why the public element is so important; it is not just an ideological argument. It is about costs. We cannot house the people on the list if we rely on a private developer here and a private developer there.

When the strategic investment fund was set up it was one of the first things I spoke on when I was elected in a by-election. At the time, former Deputy Joe Higgins and I tabled amendments saying this fund should be used for the biggest strategic need in this country which is housing. We were told that it could not be done. Now it would seem there is a widespread recognition that the EU fiscal rules signed up to by Fianna Fáil, Fine Gael and the Labour Party over many years are now a massive impediment to us resolving this issue. I will give two examples. The Minister for Finance, Deputy Michael Noonan, came into the housing committee and said, “We do not have a shortage of money” and, “The problem is that it goes on the balance sheet and then we break the fiscal rules and the expenditure ceilings.” Deputy Barry Cowen, of the main Opposition party said:

[T]he rules and regulations governing the spending of public funds does not allow us to make the capital investment needed to address this. That is the bottom line.

I do not have time to go on. An article in *The Irish Times* said that Fine Gael has not asked for any derogation from those rules. Why is that? The Minister is hearing it from the horse’s mouth. Three of the rules are the structural balance sheet, the expenditure bench mark and the debt rule. They force us to go off balance sheet. It is a new mantra which kids on the street must know at this stage.

The problem with off balance sheet is finding a workable model - it was admitted in a question here that was asked by Fianna Fáil yesterday - and also the fact it is far more expensive. It will work out far more expensive and will add to the cost of these houses.

What is this fund that I have been telling the House about being used for, if it is not used for public housing? As we speak, it is being doled out to private developers to build housing, and then maybe we will get 10% of it. This is incredible.

Let us look at the reality of the fund the Minister mentioned, which is the new off balance sheet way of funding everything. Activate Capital is getting €325 million out of this fund, which is headed up, by the way, by bankers who landed us in the mess in the first place by recklessly gambling on property. I do not have time to go into that. Seán Reilly of Reilly McGarrell, the first beneficiary, is one of the maple ten, the former Anglo Irish Bank ten developers.

Does the Minister have a problem with that? Did that not make him stop and think for one minute? The first beneficiary of this fund is not public housing but the likes of this fellow who had his loans written down by €153 million. He is building houses up the road from where I live in Ongar and Hansfield, and he has just jacked up the price on each of them by €20,000. That is what happens with the off balance sheet model the Minister says is workable. This is off balance sheet and this is what happens. We will be lucky to get 10%.

Deputy Simon Coveney: That is not the off balance sheet model.

Deputy Ruth Coppinger: It is the ISIF-NTMA way of funding housing.

Deputy Simon Coveney: It is not.

Deputy Ruth Coppinger: The Minister may want to comment because we had a problem identifying this off balance sheet model. Nobody could do it. This is the questionable off balance sheet way that is being used by the Ireland Strategic Investment Fund, ISIF, lately, including the Quadrant Real Estate Advisors fund which was used in the liquidation of Clerys as well.

I want to raise another element quickly, that is, the traditional concept of local authority housing. I heard a lot here and in the Committee on Housing and Homelessness basically demonising and stigmatising social housing, and I think it should stop. We are told-----

Deputy Simon Coveney: Who is stigmatising? Who said that? Deputy Coppinger is the only person raising that language.

Acting Chairman (Deputy Eugene Murphy): Deputy Coppinger has her ten minutes. Please let her continue.

Deputy Ruth Coppinger: We are told that the traditional way of building housing for those who needed it was through local authorities down through the years. After the biggest housing crisis, and the last one we had was in the 1970s, that was how it was done. That will be minimised under this new off balance sheet way because the Minister will have to finance his housing development. It is not because everybody thinks of mixed tenure and we must have diversity. It is actually to justify the funding of this new housing model. Apparently, if one has somebody with a mortgage living next door, that civilises the neighbour in some way. I was brought up in a local authority estate where everyone had a job. The problem is what we have is mono-incomes in local authority estates. We need to have everyone working and we also need to create affordable mortgage schemes in order that we have a range of different people in public housing. All we hear is that we cannot have another Ballymun, Knocknaheeny or whatever. If that is the attitude - I said this to the Minister in the Committee on Housing and Homelessness - and if we can only have 30 houses here and 40 there, then we must build 4,000 estates to clear the housing list, and it just cannot be done. If one can only have 10% social housing in an estate, then we will need to build 1 million houses to house those 100,000 on the list.

I expect this neoliberal creed from Fine Gael, Fianna Fáil and the Labour Party-----

Deputy Thomas Byrne: No.

Deputy Ruth Coppinger: -----but it has been surprising and disappointing that Sinn Féin has bought into it as well.

Deputy Dessie Ellis: No, we have not.

7 July 2016

Deputy Ruth Coppinger: Sinn Féin has accepted the off balance sheet model as being workable and also, on the last day of the committee, watered down the social proposal that was in the report, which is disappointing. There is a big difference between direct building of local authority housing by local authorities and increasing the social housing stock through acquisitions, voids, refurbishments and build. The difference is probably 16,000 houses a year, if one bases it on last year.

Finally, I will mention NAMA. I do not have time to go into it, but NAMA has sold enough land already for 21,000 houses in key areas where it is needed and it has a claim on, or directly controls, 2,800 hectares of residentially zoned development land - 1,100 hectares of which are in Dublin and 600 are in Cork. We could build 100,000 homes on those lands if NAMA were used in a different way. It will not happen under this Government.

The problem and the barrier is ideological, and also the fact the construction sector and the land is in the control of private hands. That is the barrier. We have the land, we have the finances but we cannot control it ourselves. It seems to me we need a left Government that would take on and overcome these barriers.

Deputy Barry Cowen: I wish to share time with Deputy Thomas Byrne.

I merely want to add my voice to that of others this evening who have complimented and thanked the Chairman, Deputy John Curran, the other committee members and the staff associated with the committee for the work they did and to commend all the stakeholders and all the various bodies which gave of their time and expertise in an effort to help the committee come up with a series of recommendations that we hope the Minister, as he alluded to, could see fit ultimately to include in his own strategy on the part of the Government in response to this challenge that faces us.

It is undoubtedly the greatest social challenge facing the Government and the economy. It is, as others have alluded to, not only a crisis but also an emergency. As Deputy Casey said, the percentage of representations relating to housing we, as Deputies, receive regularly is astronomical, and it is incumbent on us all to continue with the approach of this committee in so far as the Dáil can address this issue in a meaningful manner to alleviate the great blight that is on society by virtue of the 130,000 applicants on the housing list. As the House will be aware, that relates to many more than 130,000 persons. It relates to families and people in difficulties facing significant challenges to rear their families and provide a roof over their heads.

Unfortunately, the conventional methods that were in place in recent years have not succeeded in addressing this issue. I do not want or need to go over old ground in portraying the failures associated with the efforts to address this issue in recent years by virtue of the fact we have only had so many houses built by local authorities, or by virtue of the fact that when the Government says that last year 13,000 units or keys were handed over, much of that relates to a changeover in rental schemes etc., but that is neither here nor there. The job of the Dáil and the Government is to overhaul the conventional methods and change the way in which this issue is tackled to achieve success.

Deputy Coppinger is correct in that the fiscal rules pertaining to the way in which the Government does its spending now restrict the amount of funding that would be expected to be put into addressing this issue, because it needs extraordinary funding to deal with an extraordinary situation. By virtue of those rules, it is incumbent on us to look at ways and means by which

that extraordinary amount of funding can be obtained and used to address the crisis. I have no difficulty with that or with the fact that funding can be obtained from various avenues. Neither the level of funding nor the cost of funds is a barrier. The committee's recommendation that a procurement agency or housing authority can have a role in gathering that finance together and seeking to lend, support or contract to, or engage in joint ventures with, local authorities, approved housing bodies, colleges and the private sector which cannot access funding at a competitive rate can be the catalyst for the sort of activity and development that is required to address in a real and meaningful way the terrible scenario that exists. The committee's report contains many recommendations that deal with public and social housing. There was no rush on the part of any member of the committee to demonise social housing or to speak about it in such terms. We were all there with the same unity of purpose and we were all elected to best represent those who give us the privilege to do so. We all recognise the need for the issue to be addressed and the fact that we must come together to bring forward the various policies of all our political parties and none in an effort to agree a strategy or path to do so.

The recommendations in the key areas of social and private housing, the rental sector, mortgages and the distress associated with many of them offer sound and informed advice to the Minister and his Department so as to allow him to bring forward a holistic approach to the issue. I hope and expect that the Minister will acknowledge that many development or area plans, county plans or spatial strategies were initiated with the best of intentions and legal advice. They were done on a consultative basis with the parties bound by them. Nevertheless, it was never expected that we would face such an emergency or crisis such as that we are experiencing and many of those plans are not now appropriate. In some cases, they offer obstacles to addressing the issue in the way it should be addressed. There must be a window of opportunity to change, relax - where appropriate - or beef up conditions with resources such as funding or manpower for agencies like An Bord Pleanála in order that it can play a crucial role for a period so we can address this emergency. We should be able to look back and say that An Bord Pleanála played its part.

I join other speakers in voicing my disappointment that this debate is not taking place at a more prominent time. Some 15 Members are contributing this evening, nine of whom were directly associated with the committee. I expect, based on the Minister's commitment to Deputy Ó Broin and others, that when he brings forward a strategy, there will be adequate time and opportunity to debate the policy.

Deputy Thomas Byrne: I raise the issue of public participation in the planning process. In recent years, there have been tiny social housing developments that have been the subject of objections from residents. People Before Profit tried to stop nine houses being built at Balrothery in Dublin.

Deputy Ruth Coppinger: That is bollocks. Sorry. That is untrue.

Deputy Thomas Byrne: It is not. The party's councillor voted against it. That is happening up and down the country.

Deputy Ruth Coppinger: It is completely untrue.

Deputy Thomas Byrne: I have given a commitment not to object to social housing.

Deputy Ruth Coppinger: Sorry, but it is completely untrue that any councillors voted against social housing.

7 July 2016

Acting Chairman (Deputy Eugene Murphy): I did not allow people to interject when Deputy Coppinger was speaking.

Deputy Thomas Byrne: Councillor Martin in Balrothery voted against it.

Acting Chairman (Deputy Eugene Murphy): Deputy Thomas Byrne should address the Chair.

Deputy Thomas Byrne: That is on the public record. Councillor Martin in Balrothery voted to object to social housing planning permission. In Kells there are 46 houses going through the process. People in the council were on to us immediately after the general election to try to get it to tender but we found a problem that was not really addressed during the planning process within the Department. These units are a drop in the ocean in terms of what will be required in the coming years but they are being stalled because of objections or failures in the planning process. We must really change the way we do things and our attitude, as well as that of the community, to private and social housing. Much of it must be built and we will have to bring along the public with this. They will have to be involved with the planning process, for example. The Minister of State probably has a file on his desk about County Meath and there is very little public participation in the rezoning decisions. Stamullen, which is near where I live, was effectively changed overnight from being a small town to a moderate town with sustainable growth without any public consultation or participation. It will have to happen in many towns if we are going to build the required number of houses. There must be a real effort.

I look forward to the national planning framework, which I presume will play a key role in this. There will be a briefing next week on it. Public participation in this, bringing the public along, is required. Otherwise we will be stymied by objections and protests. We are looking at the transformation of towns around the country with this because of the huge increase in housing that is required. It is necessary but we must do it in a way that brings along the public. They should know what is going on so they can fully participate in the planning process in a constructive way.

Acting Chairman (Deputy Eugene Murphy): I will ask Deputy Bríd Smith to adjourn the debate in approximately seven minutes. I understand we will return to the debate next Thursday evening and she will have the balance of her time then. Other speakers will also be able to contribute.

Deputy Ruth Coppinger: Could the time just not be extended?

Deputy Bríd Smith: I will speak quickly as I will not be here next Thursday, unfortunately.

Deputy Damien English: We will listen slowly.

Acting Chairman (Deputy Eugene Murphy): Whatever suits the Deputy.

Deputy Bríd Smith: I am under pressure after waiting for so long.

Deputy Ruth Coppinger: We are running ahead of time.

Deputy Eoin Ó Broin: She could have the three minutes.

Acting Chairman (Deputy Eugene Murphy): I am governed by the instructions before me.

Deputy Bríd Smith: To add insult to injury, the Minister, Deputy Coveney, has left the Chamber.

Deputy Damien English: He had no choice.

Deputy Bríd Smith: I wanted to address the Minister directly as I will quote from some comments he recently made to local authorities when he visited them. He stated:

As you finalise your development plan later this year, I would suggest that you ask yourselves a fundamental question: Is this plan going to be a game-changer in terms of unleashing private sector construction on our capital city?

He also said:

We must bear in mind that we will rely on the private sector to build seven or eight out of every 10 houses into the future. It is vital that the private sector gets going in a serious way this year and next.

I will cut to the chase and not waste too much of my time complimenting members for doing the hard work on the report. Well done everybody. I have a genuine fear about the report. It is not irrational. I fear the report will join countless others gathering dust on shelves. I was a councillor for seven years and if I read one report on housing from various agencies and local authorities, I read 1,000 of them. We have probably destroyed a rainforest at this stage. My fear is not cynical or based on an observation that there has been and continues to be a lack of political will on the part of the establishment parties - Fianna Fáil, Fine Gael, Labour and, in the past, the Green Party - to really grasp the nettle and allow social housing be built on the altar of private profit. One recommendation linked to the report concerns rent certainty. It is not that long ago that Sinn Féin put a motion to the House to introduce rent certainty and both Fianna Fáil and Fine Gael voted against it. That proves my point a little.

Emphasis is being put on the supply side in terms of what we need but that means we are examining the supply side in the interests of the developers. This relates to creating the free market conditions that will allow the same developers to have sufficient profit so they will actually bother to build houses. It means we will provide major subsidies to developers and their need for profit. The chief executive officer of NAMA, Mr. Brendan McDonagh, has indicated that many developers are not satisfied with a €20,000 profit on a €300,000 house as they would rather wait until the prices rise to a point at which they can profit to the tune of approximately €50,000 on each house. The Minister, Deputy Coveney, stated that much will depend on how quickly the private sector will deliver.

I place emphasis on what was said earlier. We are making the same mistakes and it is the definition of lunacy. We are doing the same thing we did the last time, namely, failing and doing it again. Having gone through a failed market cycle built on concessions to developers and builders - the Galway tent, corruption and everything that went with it - we are repeating the same mistake in the middle of a housing emergency. Social housing has been consistently and deliberately driven down by consecutive Governments since the dawn of neo-liberalism, going right back to the late 1980s. That is why we are in our current state. We are concentrating on lowering costs to developers so as to ensure they have enough profit. We are giving them funding rebates on development levies and infrastructure work that is done by local authorities before they commence work. We are reducing VAT rates and the Part V obligation rate from 20% of housing to 10% of housing.

10 o'clock

We have reduced apartment sizes and aspect requirements on apartments to allow them to build more. We have lessened and loosened regulations around building in order to ensure there is enough profit for them, despite having been through Priory Hall and Longboat Quay, to mention just two. We have studied how to get around Central Bank rules so that people can borrow enough to pay a high enough amount to buy a home and to ensure there is enough profit for developers. We set up special funding bodies, often allied to dubious private equity firms and vulture funds. We have legislated for REITs and safeguarded sufficient profit to encourage them to build and rent to our citizens at very high costs. We have resisted any attempts to strengthen rights or security of tenure for tenants.

All of this is to breathe into the market again the life that is missing from it, for builders, developers, estate agents and the whole legal and financial “nine yards”, as it is termed, that goes with housing and property development, as we have done in the past with the Galway tent. I am sorry the Minister has left the Chamber because when I look over at him talking about this issue, I am reminded of Frankenstein and how he, as a doctor, tried to breathe life into the monster he created, shouting at it, “Live, live, live!” That is exactly what this Government and Fianna Fáil are trying to do with the housing market by going back to the private market and saying, “Please live, live, live and we will throw everything at you to do so”. For the 140,000 citizens in housing need, for the 6,000 homeless tonight, many of them children, and for those facing rent hikes beyond their means, the housing market is the monster. Far from breathing life into the system that has crippled this country before, we should be burying it. We should bury it and start to do what everybody agrees needs to be done, that is, build social housing, deliver rent controls, give security to tenants and socialise what is an essential social need for all our citizens, who should have a right to it.

I was reminded today of an article Fintan O’Toole wrote. If I can find it I will quote it because he is quite funny in it. When he was a child, in 1949, his family was allocated a house in Crumlin. Thinking back on it, he was asking how in the name of God in the 1930s, 1940s and 1950s this State could deliver social housing. He talks about looking at statistics for exports. We boast about how great our exports are, how they are lifting our economy, and we export all sorts of wonderful things nowadays. In 1949, the official statistics for export show that the principal export products included “fellmongery, laces, pigs’ heads, pollard and snuff”. I know pollards are some kind of animals without horns. Imagine the economy that was able to build 50,000 social houses in the 1940s while it was exporting snuff and pigs’ heads. Yet, we cannot do it today. It is because we lack the political will.

Social mix is always talked about in terms of Ballymun, Ballyfermot or Finglas. How about talking about social mix in Foxrock? It never seems to bother anybody that there is no social mix in the very wealthy areas.

Deputy Ruth Coppinger: Exactly.

Deputy Bríd Smith: It is ironic that these recommendations are coming to us in the same week or month as the unfolding scandal of NAMA’s sale of assets in Northern Ireland while a very sensible resolution by Deputy Mick Wallace was rejected by the main parties in this House, both Government and so-called Opposition. In the same month, a very simple Bill that we put, seeking to amend the remit of NAMA, to make its primary purpose dealing with the building and provision of social and affordable homes, was ruled out of order and not taken by

this House. That is only one page long, not 150 pages, yet it could not be accepted, not even to be debated and to lose a vote on the floor of the Dáil. With regard to NAMA, any sensible Government, anyone who really means it, would change NAMA's remit and tell it that from hereon there will be no more selling off our land and our houses to vulture funds and that it is to use the resources it has and the money it has gained to deal with this housing crisis.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Bríd Smith: I want to reiterate to people to watch this space because there is no difference between them. They are all the same. They all gave us this legacy-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy. I gave her a bit of leeway.

Deputy Bríd Smith: They speak in slightly different tones-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Bríd Smith: -----but they are all the same and they will not be able to deal with it by relying on the developers, the builders-----

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Bríd Smith: -----and those who have greased their palms in the past.

Acting Chairman (Deputy Eugene Murphy): I ask the Deputy to call the adjournment on the debate. She just has to say it is adjourned, so that the debate-----

Deputy Bríd Smith: For me to say it?

Acting Chairman (Deputy Eugene Murphy): I ask her to say the debate is adjourned.

Deputy Ruth Coppinger: Just say it is adjourned.

Deputy Bríd Smith: I am not saying it. We will be here all night. I am only joking. I move the adjournment.

The Dáil adjourned at 10.10 p.m. until 10.30 a.m. on Friday, 8 July 2016.