



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 12 Feabhra 2019

Tuesday, 12 February 2019

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: People are genuinely shocked at the extraordinary cost increase in the national children's hospital, which is up by about 126% in four years, a remarkable increase taking into account annual construction inflation costs. People are also very concerned at the prospect of further increases in the cost of the hospital because, of course, the contractors will be able to recoup future costs where the inflation rate exceeds 4% per annum. I believe construction inflation is currently running at up to 10.5%. It is a far cry from the €650 million all-in that the Taoiseach announced, I think, back in 2016.

We learned late last week that the Minister was briefed on 27 August. In a comprehensive note from his assistant secretary he was told the "construction budget is trending very significantly over budget." I am told that at a minimum it is to be an additional €191 million and this was not in dispute. The note also stated that BAM had submitted a further €200 million over the €191 million. This did not include VAT, sectoral employment orders and so on. The note concluded that the CEO would advise the Department in the following week.

What did the Minister do when he got that note? Did he talk to the Secretary General in the Department about this? Was it raised at the regular management meeting of the Department? Did he seek further briefings? Why did he not alert his Government colleague, the Minister for Finance, Deputy Donohoe? We have not had an explanation for this enormous overrun with a significant impact on the capital budget. Why did the Minister for Health not fully inform the Dáil? In fact the Dáil was misled essentially with the €983 million figure. No mention was made of the €191 million or that the costs were trending significantly over budget, of which the Minister would have been apprised in that note in August.

Are we to seriously believe that the Secretaries General at the Departments of Finance and Health had no discussions about this between August and November of last year or that the two Ministers did not? If that is the case, it raises fundamental issues about the governance, competence and management of the budgetary process. Was it that this project was too big to fail? Politically the Government had invested too much and it was too late to stop or to relocate.

There was an extraordinary silence about this over a long period of time. Does the Taoiseach understand why people find the explanations we have been offered so far incredible? Does he accept that the overall costs will be higher than the €1.7 billion because of inflation and the obligations the Government has? Does the Taoiseach accept that the Minister for Health should have alerted the Minister for Finance to this issue as far back as August and that his officials should have alerted the Department of Public Expenditure and Reform?

The Taoiseach: I fully understand and appreciate that taxpayers are very annoyed at the way the cost of this project has escalated. I do not doubt that for a second. This is not, however, an issue of taxpayers' money being wasted. In fact, taxpayers' money has not even been spent at this stage. Only about €250 million of the €1.5 billion allocated to this project has been spent. It is not a case of taxpayers' money being wasted but it is a case of the Government and its agents underestimating the cost of this project. We have to accept responsibility and be accountable for that. We cannot take the credit for bringing the last three major projects in on budget, that is the M11 in Wexford, the M17 and M18 in Galway and Luas cross-city-----

Deputy John Lahart: What about broadband?

Deputy Brendan Howlin: Those contracts were drawn up under previous Governments.

The Taoiseach: -----but not accept responsibility when things go wrong and when there are overruns, as is the case on this occasion. We accept responsibility and we are accountable for what has happened.

The figure used by the Deputy of €1.7 billion relates, as I have stated previously, to many aspects of the project that would happen in any event, including investment in IT and equipment. Even if we were not building a new children's hospital, we would have to replace equipment and bring in new IT systems. The Deputy will be aware that the figure also includes the €30 million or €40 million that was spent on the Mater Hospital site in respect of the failed attempt by previous Governments to build a national children's hospital.

Deputy Thomas Byrne: This one is on the Taoiseach's watch.

The Taoiseach: The Deputy is correct that one of the reasons the children's hospital project has increased in cost is construction inflation. It is not the only reason but it is certainly one of the major ones as to why the cost is much higher than we had anticipated. The contract provides that further claims can be made by the contractor if construction inflation exceeds 4% but we will have to see if that arises in the period ahead.

The Minister for Health will make a statement to the Dáil this afternoon. I am not going to pre-empt the statement that he will make but he has spent nine hours in front of two committees answering questions on this matter. The Secretary General of his Department, Mr. Breslin, has done the same. If Deputy Micheál Martin has a chance to read over those transcripts and study the questions that the Minister and the Secretary General were asked by Members of the House, particularly Fianna Fáil Deputies, he will see that they were very thorough. The Minister and the Secretary General answered all of those questions to the best of their ability already.

Deputy Thomas Byrne: The Minister did not release the emails to the committee.

Deputy Micheál Martin: One of the defining characteristics of the Government's response to this issue from the outset has been its refusal to accept that any error was made or that it got

it wrong. The Minister, as recently as 6 February, when he was asked about the cost of the national children's hospital, replied that it was a reasonable cost and that it represented reasonable value. However, PwC has been appointed by the Government so it is obvious that something is wrong. We cannot actually say that the taxpayer has not been ripped off. Memos showing the interaction between the hospital board, the Department and the contractors are beginning to emerge. At one stage, the contractor was threatening to reconsider its participation in the project, which is extraordinary. It seems that the Government was paralysed and powerless to do anything. It is quite extraordinary that the Government and the Minister are of the view that €1.7 billion represents a reasonable cost for the hospital. Is that still the Government's position? We have not had a satisfactory explanation as to why this was not put on the Government's early warning system and how everybody, particularly the Minister for Finance, was oblivious to it. Nobody bothered to tell the latter until November.

Deputy Peadar Tóibín: Fianna Fáil is giving him a free pass.

The Taoiseach: I have been following this debate very closely in the past couple of weeks and it seems that virtually nobody is opposed to building a new national children's hospital. While it has been promised for decades by successive Governments, it is now being delivered. It is under construction, with the first phase due to open in Blanchardstown next year and the final project due to be completed by 2022 or 2023. Nobody is disputing the Government's decision, made in December, to proceed with the project. We were faced with three possibilities, namely, to cancel the project all together and set aside over €250 million invested to date, to retender, which would have delayed matters and probably ended up costing even more, or to proceed. We decided to proceed and very few people opposite have argued that we made the wrong decision to proceed at that time. As I said, this is not an issue of taxpayers' money being wasted, but it is an issue of the Government and its agents underestimating the true cost of this project. We accept responsibility for that and we are accountable for it. As I said earlier, the last three big projects brought in by this Government, Luas cross city, the M11 and the M17 and M18 projects, costing between €250 million and €500 million, came in broadly on time and on budget. In the same way as we accept the credit for that, we, of course, accept the responsibility when things go wrong. We do accept responsibility. We also accept that lessons have to be learned. Perhaps in my next intervention I can talk about some of the decisions that Cabinet made today in that regard.

Deputy Mary Lou McDonald: There are three extraordinary facts at the heart of this fiasco. The first is the extraordinary achievement of delivering what we are advised will be the world's most expensive hospital, ever, at an overrun to the taxpayer of €450 million. This is extraordinary stuff. Second, it is extraordinary to hear the Taoiseach again try to justify or explain away this fiasco, as if to suggest to the taxpayer that it is not such a big deal after all, that is, €450 million of taxpayers' money in any overspend. Perhaps, what is most extraordinary in this scenario is to hear the Government's coalition partner, Deputy Micheál Martin, extol the extraordinariness of the situation and then resolve to back the Government and its incompetent Minister for Health, Deputy Harris. This is truly extraordinary stuff.

It is extraordinary that the Tánaiste and other members of Government choose to label efforts to seek accountability as stunts. It is extraordinary that the Cabinet and Government are so arrogant at this stage that they defy the prerogative and duty of the Opposition to hold them to account because that is a democratic imperative and it is essential. It is essential because of this hospital overrun but it would be necessary in any event because the Minister for Health's record, frankly, is shambolic. Whatever the Taoiseach may think, or whatever his friend, Deputy

Micheál Martin, might suggest we have a crisis in the health service. It is crystal clear at this juncture that the Minister for Health is incapable of resolving it. In fact, it has become apparent that he is part of the problem and not part of the solution.

We have the worst waiting lists across Europe. Last month, more than 10,000 patients were on hospital trolleys. Last year was the worst year on record in a perpetual trolley crisis that nobody seems to be accountable for. It is a farce. We had nurses and midwives on picket lines, which was totally avoidable but for the overbearing arrogance of this Government and the Minister for Health, who would only at the eleventh hour engage respectfully with our nurses and midwives. Then, we have the small matter of €450 million of taxpayers' money. Fianna Fáil might be prepared to sit on its hands but we will not. The anger around all this debacle is very real and it will not go away. I understand that the Minister for Health, Deputy Harris, proposes to make a brief statement following Leaders' Questions, with no facility for questions or answers or even the most basic accountability. I suggest to the Taoiseach that rather than facilitating this fiasco any further he should do the right thing and relieve the Minister for Health, Deputy Harris, of his duties.

Deputies: Hear, hear.

The Taoiseach: I thank the Deputy for her question. I am heartened by the newfound interest of Sinn Féin in taxpayers' money. This is the party that regularly before the budget every year proposes €2 billion to €3 billion in extra taxes to be imposed on workers and on businesses. It proposes an extra €2.3 billion every year, not €400 million spread over three or four years. It wants to impose an extra €2,000 million on taxpayers and businesses every year in the form of tax increases. Sinn Féin is no friend of the taxpayer. Let nobody in the Chamber have any doubt about that.

Accountability is about accepting responsibility for one's decisions, actions and perhaps in some cases inaction. The Minister, Deputy Harris, the Government and I, as head of Government, accept responsibility for underestimating the cost of this project. Accountability is not about giving in to the baying mob, witch hunts and the almost weekly demand for a head, any head, somebody's head. Who is next? That is not accountability in my view.

We should not forget the value and benefits of this project, not just to taxpayers, but to our children, who make up 25% of our population, as well as their children and their children's children. This will be a state-of-the-art children's hospital - not the most expensive hospital in the world but certainly one of the best. It will be a truly national facility - born digital and connected to paediatric units and hospitals all over the country. It will have 380 single rooms with infection control, a place for parents to stay overnight, a 60-bed ICU block, 22 theatres where we now have 14, five MRI machines and room for two more where we only have two at the moment, 20 ultrasound rooms, academic centres, parent accommodation and research centres. This is truly a project of enormous value. Yes, Government and its agencies underestimated the cost of this project. We got that wrong. It will cost more than we thought it would but nobody is saying it can do it any cheaper or any faster so we have taken the decision to go ahead with it and build it and we shall do so.

Deputy Mary Lou McDonald: Just so that I have the record of the Dáil straight, it is the most expensive hospital per bed. I reckon that still makes it the most expensive hospital but I will not quibble with the Taoiseach over that. It is not just that there was a miscalculation of the costs. That happened for sure and there are governance issues that percolate all the way

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down through the board reappointed by the Minister in July 2018. No doubt, we will uncover the individual actions, inaction and bad calls that were made.

However, it is not just about that and the Taoiseach knows that. The Minister had information that we are advised he did not share with his Cabinet colleagues. The Minister had information that we are advised he did not share with his colleagues in government, in Fianna Fáil. In fact, Fianna Fáil had extensive pre-budget negotiations. Reviewing the confidence and supply arrangement was a very long process during which we were told an in-depth review of every Department took place yet Fianna Fáil was not informed about this or it missed it.

This is not simply about incompetence and bad management, which the Government has demonstrated previously. It is also about concealing or failure to reveal the full facts. The facts are that whatever the mood on the Government benches is, the people do not accept that an apology from the Minister is sufficient and will not tolerate a Government that is an apologist for bad governance rather than one that is prepared to face real accountability.

The Taoiseach: The Cabinet decided this morning to re-profile about €100 million in expenditure and infrastructure. It is important to put that into context. The budget for infrastructure for this year is €7,000 million. That is an increase of €1,500 million on last year so we are re-profiling €100 million of an increase of €1,500 million. It does not affect or change the budget ceilings agreed by this Parliament in October. As many people know by now, the largest single deferral, which is, of course, not a deferral in reality, is the €27 million we had allocated to A5 this year. That project cannot go ahead because, unfortunately, there is no Executive and there are no Ministers in Northern Ireland-----

Deputy Peadar Tóibín: In the teeth of Brexit.

The Taoiseach: The payment will not now fall due this year.

Deputy Pearse Doherty: It is due to start at the end of this year.

The Taoiseach: However, should Sinn Féin and others take up their responsibilities in government, form an Executive and approve the project, we will find the money to proceed with it this year. As those in Sinn Féin have failed to take up their responsibilities to deliver infrastructure projects, that €27 million payment we were to pay to the Northern Ireland Executive will not fall due this year. In addition, €10 million is being re-profiled from the national forensic science laboratory, which is under construction, but the payment can be deferred.

Deputy Brendan Howlin: It will be deferred next year as well.

The Taoiseach: The Department of Education and Skills, which is contributing €10 million to the cost of a school for the new children's hospital, is willing to bring forward that payment to this year. When it comes to the funds for Project Ireland 2040, the next drawdown and announcement, as I imagine Members opposite will not be sad to hear, will be deferred by a number of weeks.

Deputy Pearse Doherty: Defer all the fanfare and all the spin.

The Taoiseach: There are other changes in respect of between €2 million and €4 million in other Departments and €24 million in the Department of Health.

Deputy Barry Cowen: The Taoiseach should have a few roadshows to tell everyone.

The Taoiseach: I can confirm that no projects are being cancelled.

Deputy Thomas Byrne: What of the €10 million for schools?

The Taoiseach: Whatever scaremongering may be happening about projects being cancelled because of the children's hospital, I can confirm that it is not the case..

Deputy Micheál Martin: They were only ever announced.

Deputy Michael Lowry: On the same subject, whatever about the reality, the perception among working people means that they are questioning the misuse of public moneys. I want to ask a question regarding PwC, which has been engaged by the Government to explain this gross miscalculation. I am curious to understand what procurement procedure was followed to appoint this firm. One could argue that a conflict of interest exists because PwC received in excess of €30 million over the past nine years in fees from BAM. We now have a situation where PwC is conducting an analysis and assessment of the reasons we have this gigantic overrun. BAM will most certainly play a central role in that examination. Can the Taoiseach explain why the Office of the Comptroller and Auditor General was not utilised as the watchdog to carry out this function, particularly in view of the fact that its statutory remit is to improve the use of public moneys and resources and strengthen public accountability? Is it the case that the Office of the Comptroller and Auditor General is not adequately staffed to provide this resource? Why are we farming out so much of our public service work to a small, select group of accountancy and legal firms. Is it accurate to contend that the public service no longer has the talent or the expertise to conduct such onerous exercises?

At a time when, generally, many Irish households struggle with everyday costs such as those relating to childcare, mortgages, rent and insurance, there is a strongly held sentiment that public moneys are being squandered due to unnecessary layers of bureaucracy. Growing numbers of quangos - yes, the quangos are most definitely back - and committees of review are established yet no one is held responsible for costly decisions. In 2011, Fine Gael and Labour separately promised to abolish or merge many dozens of what they described as wasteful agencies. Fine Gael listed 145 quangos which would be terminated when it came to power. While a total of 62 were terminated, as many as 40 new agencies have been created. Some 14 of those involved mergers of old agencies. There are now, at enormous cost to the taxpayer, an estimated 257 quangos. It is ironic that their existence creates further distance between the public and the relevant Minister or Department when policy issues, controversies or the need to apportion blame arise. The quango culture is alive and thriving at a growing cost to the Irish taxpayer while, at the same time, diminishing even more the responsibility of the Minister or the Department involved.

The cost of the administering the State, together with so much unaccountable allocation of public moneys, is infuriating for a hard-pressed workforce. What measures can the Taoiseach and the Government take to rein in the cost of public administration?

The Taoiseach: I thank the Deputy. He will be aware that the main cost of public administration is salaries and, as we increase pay across the public sector this year and next year, that is likely to increase. The number of State agencies and bodies, as the Deputy rightly acknowledges, has decreased in recent years but not by as much as perhaps we had intended. One of the new bodies established was the National Paediatric Hospital Development Board because the view was taken that the necessary skills perhaps did not exist within the relevant agencies to

deliver a project of this scale. As a result, a dedicated body was established by the Government and given statutory powers by the Oireachtas to proceed with the project. Perhaps, on reflection, that was not the right thing to do. Perhaps HSE Estates, which has done such a good job on other health projects, might have done as good a job, or better, on this project. However, we are beyond that point now.

In terms of the work being undertaken by PwC, the commissioning of this review was done by the HSE, which has a framework for the provision of professional services to assist in the programme for health service improvement. It provides resourcing and experience to be drawn down from PwC, as required. Under the terms of this framework, it was agreed that PwC would carry out a review of cost increases relating to the new children's hospital construction project. The terms of reference have been finalised and published. The review is scheduled for completion by the end of March, subject to the availability of relevant documentation and personnel and will inform any governance or other changes required.

On the Deputy's question regarding the Comptroller and Auditor General, that was raised at the Committee of Public Accounts on 31 January, including in the context of what information was available to the Department and the group at any given time. It was acknowledged that the role of the Comptroller and Auditor General is to look back on expenditure that has already been incurred. As Deputies will be aware, this is a controversy about €450 million that the Government has decided will be spent in the years ahead. The expenditure has not yet been incurred. So far, between €200 million and €250 million has been spent on the project, and that is on budget and on time. The controversy relates to spending that has yet to happen. We believe it is the right decision to go ahead with this project because suspending it or stalling it could mean that we would have no children's hospital for a generation and because retendering would probably cost more. As already stated, the role of the Comptroller and Auditor General is to look back at expenditure that has been incurred. This expenditure has not been incurred. This is not about a waste of taxpayers' money; this is about underestimating the true cost of the project.

Deputy Mary Lou McDonald: Jesus.

The Taoiseach: In response to questions from committee members as to whether he might examine the project at some point, the Comptroller and Auditor General did not rule it out, if, as he stated, it could add something valuable. Again, he noted that, typically, his role is to look back at expenditure previously incurred.

The HSE has confirmed that it is satisfied that there are no conflicts of interest in the context of the review by PwC of the escalation of costs associated with the construction of the new hospital. The HSE has indicated that it is aware that PwC was auditor to BAM. That contract ceased at the end of 2015, however, which means it is four years since PwC has audited BAM.

Deputy Michael Lowry: I agree with the Taoiseach that the national children's hospital project should progress but the public is demanding value for money while it does so.

On the general point I made, there are 257 agencies in this country. We used to call them quangos. At the same time, we witness all the errors, mistakes and abject systems failures right across the public service. After all of those mistakes, one could only conclude that governance levels have disimproved. A decline in public confidence exists despite the massive cost in the increase of oversight. Are all the quangos and oversight bodies necessary? Does the Taoiseach

have any plans to review the agencies? Will he ensure that a stocktake is carried out? Has he identified any agencies for abolition? The public are bewildered by this waste of public funds at a time when they are enduring personal financial strain and pressure. The public want to see the restoration of proper responsibility and accountability, particularly in the context of major projects that are under way.

The Taoiseach: There has been a significant rationalisation of public bodies in recent years. The House will be aware that town councils were abolished, education and training boards, formerly vocational educational committees, VECs, were merged and county enterprise boards, as stand-alone entities, were abolished and reintegrated into local authorities. Many mergers also took place. To give one small example, the National Sports Campus Development Authority was merged with the Irish Sports Council. If Deputy Lowry or any other Deputies have suggestions regarding public bodies that should be abolished or merged, the Government would be interested to hear which ones they have identified and the reasoning behind their choices. What is undoubted is that lessons have to be learned by the Government. Further lessons will be learned. The Cabinet decided at its meeting this morning that among the matters which should be examined is whether we should avoid two-phase tenders in the future. There are definitely advantages to it but there may be disadvantages as well because one does not know the full cost of a project until the second tender comes in. We are considering whether we should factor in optimism bias and promoter bias, whereby projects that people want to see delivered tend to give rise to optimism about the real cost. We also will examine the issue of low-price tenders and whether we should look more at median price because we have a real concern that some companies have been low-balling, coming in with very low tender prices to get the contract and then coming back with claims thereafter. We also particularly want to look at contractors' past form and public service references.

Deputy Richard Boyd Barrett: Some of us have been saying that for a while.

The Taoiseach: There are one or two contractors who, quite frankly, I would not like to see get a public contract again in this State.

Deputy Richard Boyd Barrett: Absolutely.

The Taoiseach: However, EU procurement law does not allow us to ban people from tendering. Perhaps we can work into the scoring system a public service reference or a past form clause looking at previous projects.

Finally, with apologies to the Ceann Comhairle for going over time, I should say this is something we have got right in the past. The National Roads Authority, NRA, ran over and ran late for years and years. Deputies opposite me will remember this. However it got it right subsequently. Transport Infrastructure Ireland, TII, is bringing all the road projects in on time and on budget at the moment. Local authorities were notorious for running late and running over on water projects. Irish Water delivers its projects on time and on budget. We can learn from past mistakes and past successes.

Deputy Eamon Ryan: We need to be forensic in determining what went wrong and how the Government blew €500 million of the public's money on this hospital, €500 million more than what was indicated in the contract in February 2017. At a meeting of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on 5 February, I asked Deputy Donohoe to provide to the committee a detailed account of the drawings and how advanced

they were when the contract was agreed in February 2017. Every expert I talk to about this issue says the Government's fatal mistake was agreeing a contract on the basis of drawings that were little more than planning design drawings. Anyone would know that a contract should be concluded on the basis of the most detailed drawings, including equipment and IT. It is not easy being a Minister, as one is there learning the ropes. Unfortunately, however, we had a Minister who let go of the key rope. This ship has sailed around for the last two years adding costs for the Irish taxpayer.

We need to be forensic about the political aspect of this issue. The Minister for Health knew that his predecessor, the Taoiseach himself, had said the only reason this hospital would not open in 2020 would be if an asteroid were to hit Ireland. As such, he may have been under a certain amount of pressure to deliver. All of us here know that Deputies were being met in the coffee dock every day by people lobbying them to put the site in Blanchardstown or at Connolly Hospital instead. Facing the threat of judicial review, there was pressure to sign this quickly and get the deal done. As reported that day the Government agreed a contract worth €950 million, admitting at the time that IT and equipment might cost another couple of hundred million euro. Any quantity surveyor, developer or construction expert of note to whom I have spoken has said that was a fatal mistake. As a result, the main contractor and every subcontractor had the Government over a barrel for the additional €500 million that ensued. Can the Taoiseach give me some sense of this, being specific and precise? I do not want to hear about the number of beds and the benefits, yakety yak. I want to hear why the Minister made the decision to issue a planning contract on the basis of planning drawings rather than the drawings every expert I have spoken to says are needed to cost a hospital. Why did that happen?

The Taoiseach: I thank the Deputy. We are under pressure to deliver this project, but we are not under pressure from each other. We are under pressure from the children of Ireland and the parents of those children, who deserve much better healthcare facilities. I know the Deputy has a family. I am sure he has been to Crumlin and to Temple Street in particular. He has seen that we operate our paediatric facilities out of Victorian buildings. That is something that needs to change.

Deputy Eamon Ryan: My children are not an answer to my question.

The Taoiseach: The pressure this Government feels to deliver this project arises from our concern for parents, for quality paediatric healthcare and for children.

It is not correct to say that we have blown €0.5 billion in public money. The money has not even been spent yet. We took a decision in December to go ahead with this project. Having discovered that we underestimated the cost of this project, we had three options. The first was to cancel the project, leave €250 million behind us and start all over again, thus potentially deferring the project for a generation. The second option was to re-tender and the best advice was that if we re-tendered we would not find anyone who could do it cheaper or quicker. The third option was to proceed, and we took the decision to proceed and that is now what we are doing.

Deputy Ruth Coppinger: You could have-----

The Taoiseach: The Deputy raised some legitimate questions about whether the two-phase approach was the right way to go. That is something we have to inquire into and consider. There are obvious pros and cons with a two-phase approach. The obvious pro was that it is quicker. One can go ahead and get the enabling works, the clearing works, the demolition and

the underground works done and then have the second phase done. An obvious downside is that while one knows for sure the cost of the first phase, one does not know for sure the cost of the second phase. Even when one goes for a single-phase contract, and the same experts will tell the Deputy this if he asks them, that does not preclude the fact that the developers can come in with claims after the fact. We see plenty of examples of contracts which were done differently, as a single tender with a single price amount and at the end of the job, the developer came in with additional claims because X, Y or Z was underestimated. It is not necessarily the case that had the alternative approach been followed we would not have found these additional costs arising anyway. They just would not have crystallised yet. They would have crystallised in 2022 or 2023 in the form of claims after the fact-----

Deputy Richard Boyd Barrett: That is how tight the budget is.

The Taoiseach: -----and that perhaps would have been politically easier to bear and easier to manage because we could point to the project and say, “It’s done, isn’t it great and isn’t it worth it?”, but that was not the decision that was made.

Deputy Eamon Ryan: Any expert I spoke to said it was an amazing decision to give the developer effectively a blank cheque. I have a second precise and forensic question in terms of what went wrong here. It is my understanding that the architects and other professional services companies who worked on the project were on a fixed percentage fee and as the costs continued to rise, their fees rose too. I would appreciate it if the Taoiseach could confirm if that is the case and, if so, what is the cost to the public because in terms of the basic architectural works done in the initial first drawings, when the project cost goes up €500 million one gets another €10 million, €20 million, €30 million or €40 million. Is that the case? Has the Taoiseach worked out whether that happened? If so, what was the Department of Public Expenditure and Reform doing signing off on a two-phase project where the developer is given a blank cheque for any additional costs and signing off on fixed fee professional fees so that the public was on the hook? As the project got bigger, everyone did well except for the public.

The Taoiseach: The Deputy said that every expert said this and every expert said that. In this project the experts were on the board. The experts were the staff. A decision was taken by Government, endorsed by this Oireachtas, to establish the National Paediatric Hospital Development Board, a dedicated agency to deliver this project. The board is a who’s who of experts at delivering projects such as this one, mostly people who have done major construction but many others who know about paediatrics and others who know about the legal aspects were put on it, such as people who delivered projects like the Aviva stadium and Dundrum Town Centre. These were the experts put in charge and these were the decisions they made as our agents but as Government we have to accept responsibility and be accountable for decisions made by our agents.

Deputy Eamon Ryan: Fixed percentage fees.

The Taoiseach: We accept responsibility and accountability for it.

Deputy Catherine Martin: Can I ask a question? The Taoiseach did not answer-----

The Taoiseach: I would have to check the contracts.

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Personal Explanation by Minister

An Ceann Comhairle: That concludes Leaders' Questions. I call on the Minister for Health who has informed me that he wishes to make a personal explanation to the House pursuant to Standing Order 46.

Minister for Health (Deputy Simon Harris): I thank the Ceann Comhairle for the opportunity to make this statement. My purpose in doing so is to place on the record of this House an apology regarding an answer I provided to a parliamentary question on the national children's hospital.

The past number of weeks in this Oireachtas, as we have seen again today, have been dominated by debate and discussion regarding the development of this major paediatric hospital. This hospital, as we all accept, is badly needed and will transform the delivery of children's healthcare in Ireland. It has been promised for decades. We will move from antiquated facilities to fit-for-purpose, single en suite rooms for every child. We will go from living in a country which has 14 theatres for our children to one which has 22.

The equipment at the new children's hospital is about so much more than beds. It will include five MRIs with space for two more; three CT scans; 30 ultrasounds; and seven X-ray rooms, all of which will be state-of-the-art. We will provide outdoor recreational space and school facilities for some of Ireland's sickest children, for many of whom this facility will not just be a hospital but will be a home for many weeks and for some, many months. New out-patient centres will be provided at Connolly Hospital Blanchardstown and Tallaght University Hospital, with the former opening later this year. All this major investment will transform our children's health service and will be underpinned by a new model of care. It is true that the costs of this project have increased significantly and taxpayers want to be assured that their investment is being managed correctly. An inquiry has begun and will report back by the end of next month and the Government will act swiftly on all of its recommendations. We will not be found wanting when it comes to acting against any entity or any company if errors were made. Lessons must and will be learnt and the Cabinet took a number of decisions in that regard today.

I now want to specifically refer to a parliamentary question I answered on the record of this House on 18 September 2018 about the national children's hospital project. The timeline of information available to me is well established because I have published relevant documents in order to be fully transparent. At the time of answering, I was not in a position to give commercially sensitive figures but, as I said at the Committee on Health-----

Deputy Pearse Doherty: Come on.

Deputy Michael Healy-Rae: The horse has bolted.

Deputy Pearse Doherty: On a point of order, under Standing Order 46, it is supposed to be a personal statement that does not lead to debate. The Minister had information that was not commercially sensitive at that point in time.

An Ceann Comhairle: Deputy, please resume your seat.

Deputy Simon Harris: As I said at the Committee on Health last week, I should have answered it more fully as it would never be my intention to mislead Dáil Éireann. I should have added further detail to inform that a process was ongoing to finalise costs and that updated costs

would be known when that process concluded. I sincerely apologise to the House for not doing this and I specifically apologise to Deputy Cowen, who tabled the question.

I have always tried to approach my work in this House, and especially as Minister for Health, in a collaborative way. I wish to acknowledge the ongoing constructive contribution of many on the Opposition benches on this issue. I take the need for accountability very seriously. I account for my actions and decisions and I will ensure that others are held to account for theirs. I hope we can find a way to unite around our common goal to complete this vital project, which has been so long promised and which will transform children's healthcare. I want to work with Members on all sides of the House to bring about this aim.

An tOrd Gnó - Order of Business

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): Is é gnó an lae inniu ná Uimh. 13, tairiscint maidir le ceadú beartaithe ag Dáil Éireann i ndáil le téarmaí Choinbhinsiún Minamata na Náisiún Aontaithe ar ais ón gcoiste; Uimh. 14, tairiscint maidir le róta na nAirí i gcomhair ceisteanna parlaiminte, an Roinn Gnó, Fiontar agus Nuálaíochta agus an Roinn Dlí agus Cirt agus Comhionannas; Uimh. 15, tairiscint maidir le Buan-Orduithe 22, 23, 28, 29A agus 70; Uimh. 16, tairiscint maidir le ceadú beartaithe ag Dáil Éireann i ndáil le téarmaí an choinbhinsiúin maidir le slándáil shóisialach idir Rialtas na hÉireann agus Rialtas Ríocht Aontaithe na Breataine Móire agus Tuaisceart Éireann a tharchur chuig roghchoiste; Uimh. 1, an Bille um an Dlí Coiriúil (Extraterritorial Jurisdiction) 2018, ar ais ón Seanad, An Dara Céim agus Uimh. 2, an Bille um Chosaint Tomhaltóirí (Gift Vouchers) 2018 [Seanad], An Dara Céim. Is é Gnó Comhaltaí Príobháideacha an lae inniu ná Uimh. 28, Bille an Ard-Reachtair Cuntas agus Ciste (Leasú) 2017 ó Fhianna Fáil, An Dara Céim.

Is é gnó na Céadaoin ná ráitis comhbhrón maidir le hiarTheachtaí Dála Brendan McGahon agus Seymour Crawford; Uimh. 38, An Bille um Thorann Aerárthaí (Aerfort Bhaile Átha Cliath) a Rialáil 2018, Ordú don Tuarascáil, An Tuarascáil agus An Chéim Dheiridh agus Uimh. 1 agus Uimh. 2, mura mbeidh siad críochnaithe roimhe sin. Is é Gnó Comhaltaí Príobháideacha na Céadaoin ná Uimh. 215, tairiscint maidir le stailc na n-altraí agus na mná cabhracha, Solidarity-People Before Profit.

Is é gnó na Déardaoin ná Uimh. 17, tairiscint maidir le Comhaontú Aerseirbhís idir Éire agus Hong Kong; Uimh. 1 agus Uimh. 2 mura bhfuil siad críochnaithe roimhe sin agus Uimh. 39, an Bille chun Mangaireacht Ticéad os cionn Costais a Thoirmeasc 2017, An Dara Céim (atógáil). Is é Gnó Comhaltaí Príobháideacha na Déardaoin ná Uimh. 216, tairiscint maidir le daoine gan dídean, Independents 4 Change agus Uimh. 59, an Bille um Chumainn Tionscail agus Soláthair (Leasú) 2018, An Dara Céim. Regarding arrangements for the business for the week, for today's business it is proposed that:

1. Nos. 13, 14, 15 and 16 shall be taken without debate and any division demanded on the motion regarding changes to Standing Orders shall be taken immediately; and,
2. No. 58, Criminal Law (Extraterritorial Jurisdiction) Bill 2018 [*Seanad*] - Second Stage, shall conclude within two hours.

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For Wednesday's business it is proposed that expressions of sympathy shall be taken after Leaders' Questions for a period not exceeding 15 minutes each, which shall be followed by Questions on Promised Legislation and contributions shall not exceed two minutes each.

For Thursday's business, it is proposed that:

1. No. 17 shall be taken without debate; and,

2. No. 216 shall conclude within two hours and shall be taken in Government time; the speaking arrangements under Standing Order 144 shall apply; and the rota for Private Members' business outlined in Standing Order 143F shall not be affected.

An Ceann Comhairle: There are three proposals to put to the House. First, is the proposal for dealing with today's business agreed to?

Deputy Micheál Martin: I ask that the Business Committee reconvene to consider the need for accountability on the national children's hospital. A series of memorandums has been sent to the Opposition. We have received 23 memorandums since the questions were asked of the children's hospital project and programme steering group. There are memorandums from September, October and November and more memorandums from the Government. We have the Department of Health report on Department of Public Expenditure and Reform communications in October and November 2018, summary of timeline of escalation of costs, and the AECOM cost benchmarking report. We have received much substantive documentation since the questions last week so there should be an opportunity for spokespersons to question the Minister for Health in the House on the content of these memorandums. I am open to that being considered for today, Wednesday or Thursday given the importance of accountability. As the Taoiseach said, lessons must be learned from this debacle.

Deputy Pearse Doherty: There is undoubtedly a need for more scrutiny of the Minister's understanding, and that of other Ministers, on this and time should be available for more detailed questions. My understanding of Standing Order 46 is that it must be a personal statement and that it should not give rise to debate or be argumentative. Clearly, what the Minister has put on the record is disputed. All the information he had at that time was not commercially sensitive. We know that from the minutes. We are not eejits. We had to ask for the minutes and we have seen from them that at that point in August he was aware that there was a crystallisation of a €191 million overspend-----

An Ceann Comhairle: We cannot debate it now.

Deputy Pearse Doherty: -----yet the Minister came to the House and made a very feeble apology. He is still trying to suggest that he could not give the information because it was somehow commercially sensitive, as a way to draw a line under this and probably in some cobbled up arrangement with Fianna Fáil to get him over this issue. However, this goes to the heart of accountability. I would have preferred to have had statements after the Minister's contribution, as happened when Deputy Naughten made his statement, but that has not been facilitated. We urgently need space to quiz the Minister on his knowledge, particularly on some of the content he put before the Dáil, which is disputed and which is not allowed under the Standing Order under which he asked to make his personal statement.

An Ceann Comhairle: I will be the interpreter of Standing Orders. I call Deputy Coppinger.

Deputy Ruth Coppinger: It is obvious that the Minister made a political statement. It was not just a personal apology. The Members of the House must be given an opportunity to question him in detail about these costs. The nation is aghast that there is no money for nurses but suddenly the purse strings can be opened endlessly for this project. Time should be allocated during which we can interrogate him further on what he said.

The Taoiseach: I am sure the Business Committee can discuss the matter but the Minister, Deputy Harris, has no problem answering questions. He likes to answer questions.

(Interruptions).

An Ceann Comhairle: Let the Taoiseach speak.

The Taoiseach: There have been four committee hearings on this matter. Members of the National Paediatric Hospital Development Board, NPHDB, have appeared before the Joint Committee on Health. The Minister and the Secretary General of the Department have also appeared before that committee.

Deputy Brendan Howlin: More documentation has issued since then.

The Taoiseach: Representatives of the NPHDB, the Department of Health and the HSE have appeared before the Committee of Public Accounts-----

Deputy Louise O'Reilly: More documentation being issued gives rise to more documentation.

The Taoiseach: -----and the Minister for Health and the Secretary General of the Department of Health have appeared before the Joint Committee on Health for their quarterly session. The Minister has spent nine hours answering questions on this matter-----

Deputy Pearse Doherty: Not once did he raise his knowledge in all of that.

The Taoiseach: -----so I suggest that if there is to be a further set of questions, Members should read the questions and answers that have already occurred and only ask new questions.

Deputy Micheál Martin: I acknowledge that the Minister, Deputy Harris, spent several hours dealing with the matter in the House last week. However, we have received a significant amount of documentation since then. I have the list here. We have received 23 memorandums containing new information from the children's hospital project and programme steering group, the AECOM cost benchmarking report, the Departments of Health and Public Expenditure and Reform communications for October and November 2018 and the summary timeline of the escalation of costs. It is reasonable to seek more accountability because lessons must be learned in regard to this debacle.

I have taken a constructive approach to the matter. I often compare the approach taken by Sinn Féin to that seen in Clint Eastwood films of long ago: when the cowboy arrived into town, the first thing he did was to reach for his holster. Sinn Féin's first instinct following a controversy of this kind is to reach for a Private Members' motion of no confidence.

Deputy Louise O'Reilly: Fianna Fáil would rather sit on its hands.

Deputy Pearse Doherty: It is clear that Deputy Micheál Martin is finding it difficult to come up with new excuses for not supporting Sinn Féin's motion of no confidence-----

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Deputy Timmy Dooley: Deputy Pearse Doherty is no Clint Eastwood.

Deputy Pearse Doherty: -----and continuing to protect the Minister. However, I am glad that, at least, some Members of the Fianna Fáil Parliamentary Party do not support his position. I appeal to those Members to avail of the opportunity to vote no confidence in the Minister because he is clearly out of his depth. Instead of briefing the media, they should put their money where their mouth is.

Deputy Louise O'Reilly: Hear, hear.

An Ceann Comhairle: I ask Members to deal with the Order of Business.

Deputy Stephen S. Donnelly: Sinn Féin is the best friend Brexiteers have ever had.

Deputy Timmy Dooley: Jacob Rees-Mogg will be supporting Sinn Féin.

Deputy Pearse Doherty: On the need for further information, the Taoiseach is correct that the Minister, Deputy Harris, answered questions on the matter for nine hours in the House. However, he failed to acknowledge that at no time did the Minister mention that he was aware of a potential overrun of €391 million as long ago as last August.

An Ceann Comhairle: Thank you, Deputy.

Deputy Pearse Doherty: I ask to be allowed to finish this point. It is because of the drip feed of information that we need further questions answered. This morning, we received the minutes of the development board. We have yet to receive minutes for five sub-committees, but those of the development board clearly show that in June the board knew of overruns. The Minister reappointed the entire board-----

An Ceann Comhairle: All right. We cannot get into a debate on the matter on the Order of Business.

Deputy Pearse Doherty: -----without asking a single question regarding whether the project was on course to be delivered on budget.

An Ceann Comhairle: Thank you, Deputy.

Deputy Pearse Doherty: That shows that the Minister is out of his depth.

An Ceann Comhairle: Deputy Pearse Doherty should resume his seat.

Deputy Pearse Doherty: Rather than running from the Chamber, the Minister should be here to answer questions from those who are holding this Government accountable. We will not be told by the Taoiseach what questions we may or may not ask.

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Regina Doherty: The Deputy is going to burst a blood vessel. He needs to stop shouting.

Deputy Josepha Madigan: He is the angriest man in Ireland. There is no need to shout.

Deputy Pearse Doherty: It is the anger of the people.

Deputy Josepha Madigan: It is possible to be angry without shouting.

An Ceann Comhairle: I call Deputy Howlin.

Deputy Brendan Howlin: I am very anxious to move on to questions. We have spent ten minutes discussing the Order of Business.

Deputy Josepha Madigan: It is ridiculous.

Deputy John Brady: What is ridiculous? An overrun of €450 million is ridiculous.

Deputy Brendan Howlin: When I was the Minister for Public Expenditure and Reform, I was charged with minding public money during the worst of times. However, the Government seems to have abandoned any notion of-----

Deputy Ruth Coppinger: Nurses were not paid properly in Deputy Howlin's day.

Deputy Brendan Howlin: -----getting value for taxpayers' money. I wish to ask several questions on this matter and there needs to be a process to facilitate that. The Minister for Public Expenditure and Reform should also be available to answer questions on the matter because it is not credible that his Department was unaware of this incredible escalation in costs.

An Ceann Comhairle: Does the House agree that there will be a meeting of the Business Committee immediately after the Order of Business to address the issues that Deputies have raised? Agreed. Is the business for today agreed? Agreed. Is the business for Wednesday agreed? Agreed. Is the business for Thursday agreed? Agreed.

Deputy Micheál Martin: I am informed by the parents of children with muscle-wasting conditions such as spinal muscular atrophy that the HSE leadership management team will meet on 14 February and, it is hoped, come to a final decision regarding the orphan drug Spin-raza. It is a very difficult situation for the parents concerned. As the Taoiseach is aware, approximately 20 European countries have approved the drug. In 2016, the US Food and Drug Administration approved it for young children with this very rare condition. Many parents have pointed out the expense incurred by intensive care units and that children with illnesses such as cancer are not refused chemotherapy. Some 25 children in this country would benefit from the medication. The negotiations are ongoing. Every week is precious to those children in terms of how this drug can improve their capacity to deal with this condition. I would appreciate it if the Taoiseach could indicate when a decision will be made on this.

The Taoiseach: I am afraid I do not have any information on that. It is an independent process, as the House will be aware. I am aware that last year 29 new medicines were approved using this process. Obviously, what has to be considered in all cases is the efficacy of the medicine and whether the price being charged by the company is fair given all the other demands for funding in the health service. About 29 medicines were approved last year and I am sure that, if the case stacks up, a similar number will be approved this year.

Deputy Louise O'Reilly: In advance of another session of questions with the Minister for Health, could we have copies of all the minutes from the committees that were referred to in the documentation that was issued to us only this morning? Before the Taoiseach starts handing out advice on what questions we should ask, he should first ensure we have all the relevant minutes and documentation. What we have seen in the documentation released only this morning is that there were at least five committees, or substructures, involved as part of this project on

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which we have no information. We are specifically looking for that information along with any minutes from the small board working group. Could the Taoiseach give a commitment that we will have that information? We have been given commitments before but, as is the style of this Government, information is drip-fed to us, and very often to the media first.

The Taoiseach: I am unfamiliar with the documents the Deputy has referred to. I ask Deputies to be fair in this regard. The Minister is not a member of the National Paediatric Hospital Development Board. He is not a member of any of those committees. It is not reasonable to expect him to account for documents that he did not see and minutes of meetings he never attended.

Deputy Louise O'Reilly: That is an outrageous suggestion.

The Taoiseach: Nobody can be held to that level of accountability. That is not fair.

Deputy Pearse Doherty: We just want the minutes.

Deputy Brendan Howlin: May I ask a very direct question of the Taoiseach? The public tender process in Ireland is governed by Directive 2014/24/EU, on public procurement. Article 72 of that directive makes it clear that a new procurement procedure, that is, a new tendering process, is required if the provisions of a public contract are modified during the term of that contract. What constitutes modification, including price increases, is set out. Some modifications are permitted if they are provided for “in clear, precise and unequivocal review clauses”.

3 o'clock If, however, the modifications relate to “additional works, services or supplies” that are “not included in the initial procurement”, any increase in price must not exceed 50% of the value of the original contract. The purpose of those rules is obviously to ensure everybody is on a level playing field. Can the Taoiseach tell the House that the procurement procedure for the national children’s hospital complies with Directive 2014/24/EU? Can he assure the House that there is no possibility of underbidders taking legal action against the State because of the change in prices that has occurred since the contract was entered into?

The Taoiseach: I am assured it is compliant with the EU procurement directive but I cannot give the Deputy an assurance that an underbidder or another party will not contest this legally. Anybody has the right to go to court if he believes he has been treated unlawfully. Obviously, I cannot give an assurance in that regard.

Deputy Brendan Howlin: At the time of the actual contract, was the advice of the Attorney General sought in regard to the procurement directive?

The Taoiseach: I do not know. I would have to check.

Deputy Ruth Coppinger: Where does the FEMPI legislation now stand in light of the offer to nurses following the strike? Two weeks ago, the Taoiseach stood where he is now and told the entire country there was no money for nurses. With just three days of industrial action by nurses and massive support from the public, a new pay scale and pay offer came about. Nurses and workers everywhere will take note that strikes actually work. No amount of spin from *The Irish Times* can cover over what I am referring to. I have spoken to nurses in the past few hours and I noted they are not jumping for joy on the wards over the pay deal.

This strike was about pay parity and retaining young nurses. One nurse from Blanchard-

stowen said to me that if there is not parity, it is not a deal. A student nurse said there is no change in the payscale for them, as far as they can see, the NHS has offered them a job and they still intend to go. We were told about a nurse going to Beaumont Hospital in tears. Can the Taoiseach tell nurses if this is pay parity and will it stop the retention and recruitment crisis?

The Taoiseach: I believe the question the Deputy initially asked was about financial emergency measures in the public interest, FEMPI, legislation and this House has passed-----

Deputy Ruth Coppinger: That was an excuse to get the Taoiseach to talk about the nurses' strike and the deal because we are dealing with questions on promised legislation.

The Taoiseach: At least the Deputy is honest. It is a rhetorical question. The Deputy knows full well how this works. There was a hearing in the Labour Court and it heard all sides and came to a recommendation. It will be up to the members of the two particular unions, the Irish Nurses and Midwives Organisation, INMO, and the Psychiatric Nurses Association of Ireland, PNA, as to whether they want to accept or reject the recommendation of the Labour Court. The Government said this morning that it would accept the recommendation and, if the ballot is favoured by the members of those unions, we will honour it. When this dispute started, the INMO sought two things, the first of which was a down payment, some form of a pay increase this year. The Labour Court has recommended that. The INMO also sought a process that would create a pathway to parity.

Deputy Ruth Coppinger: Pay parity was written on the placards.

The Taoiseach: It is fair to say the Labour Court recommendation is that.

To answer Deputy Coppinger's final question, and I have said this before, there are many countries that pay less than Ireland does to its nurses and midwives, including most of Europe and most of the United Kingdom. There are many countries that pay more than we do, including Canada, Australia and countries in the Middle East. All those countries struggle to recruit nurses and midwives. This is not simply a matter of pay. There is an international shortage of nurses and midwives so I do not think that pay parity or pay rises, or even matching pay rates that we could never possibly match such as those available in the Middle East, will solve this problem.

Deputy Ruth Coppinger: Does the Taoiseach not think that would help?

Deputy Michael Healy-Rae: Can the Taoiseach assure the House and the people of Kerry and Cork that the commencement of the bypass for Macroom and Ballyvourney, the access from Kerry to Cork, will not be adversely affected by any taking of funds from the Department of Transport, Tourism and Sport to put towards the overrun in the budget for the children's hospital? Can the Taoiseach give an assurance on that specific issue?

The Taoiseach: Yes, I can. The only funds that have been transferred from the Department of Transport, Tourism and Sport relate to the A5 project which has been deferred because there is no Executive in Northern Ireland. I will be turning the sod for a new runway for Dublin Airport with the Minister for Transport, Tourism and Sport, Deputy Ross, on Thursday. We will be turning the sod for the N4 project in Sligo, which will improve access to the north west. I look forward to coming to the south west to turn the sod on the project Deputy Michael Healy-Rae refers to.

I have absolutely no doubt that all over the country, people will be falsely claiming that projects in their constituencies are being held up because of the cost overruns for the national children's hospital. That is not true.

Deputy Peadar Tóibín: Where is the money coming from?

The Taoiseach: It may well be the case that projects around the country are held up for lots of different reasons, whether planning permission delays, tender delays, or sometimes because the project itself is over budget, but it will not be because of the national children's hospital.

Deputy Brendan Howlin: The Taoiseach can save €100 million in cash.

Deputy Eamon Ryan: The High Court in Belfast last week agreed to review the decision to go ahead with the North-South interconnector project. It is a critical piece of infrastructure both North and South. The view in the North is that lights will go out in 2021 unless it is built. The absence of such an interconnector is costing us at least €30 million a year. I do not know if the Taoiseach had the chance to speak to the Minister for Communications, Climate Action and Environment, Deputy Bruton, about the matter. Has the Government any position on what will happen now with the interconnector? What will be the likely timeline for resolution up North, in the absence of the Assembly, the institutions and a Minister? Does the Government have a timeline? I know many Deputies are interested in the project. Some, like me, want to see it built while others may not want it built.

Deputy John Brady: Some people said they will resign if it gets built.

Deputy Eamon Ryan: We need clarity on what is happening. Has the Government, subsequent to the High Court decision, any advice for the Dáil as to what is happening about it?

The Taoiseach: I am afraid that I do not but I will ask the Minister, Deputy Bruton, to provide Deputy Ryan with more information if he can. My understanding is that the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 gives senior civil servants the power to make certain decisions without a Minister for the period up to March 2019 with the possible extension for a further five months if there is still no Executive in place. However, at a court hearing in mid-November, the Northern Ireland Department for Infrastructure indicated it was no longer defending a judicial review case on this matter.

Deputy Eamon Ryan: It all needs to be updated with last week's court case.

The Taoiseach: I will provide the Deputy with a proper reply in correspondence.

Deputy John Brassil: Earlier in his contribution regarding the national children's hospital, the Taoiseach stated no one has come up with a suggestion as to how it could be built cheaper. Up to €371 million has already been agreed in increased costs with the contractor. Amazingly, outside all norms in the industry, anything above 4% will also be paid as an increased cost. Currently, construction inflation is running at approximately 8%. Every 1% on €1 billion is another €10 million. Will the Taoiseach instruct the children's hospital development board and PwC to remove this extra 4% from July 2019? It is not a norm in the industry. It is another example of the contractor getting a significant advantage with taxpayers' money. We can save at least €10 million, the equivalent to every 1% on every €1 billion, after July 2019. This is a matter which should be looked at urgently.

Deputy Richard Boyd Barrett: I have asked several times, as have others, whether PwC is

the appropriate group to investigate the scandal of overruns in the national children's hospital. As the Taoiseach is aware, PwC worked for BAM, the main contractor, at the centre of this issue. It has received up to €34 million in fees for auditing BAM. That is a serious conflict of interest. I do not see how one can seriously expect us to believe that PwC is capable of being independent when it has that long history of a close relationship with the main contractor, BAM. Does the Taoiseach believe that PwC should be removed to ensure another company can provide a genuinely independent investigation and analysis of these scandalous overruns?

Deputy Pearse Doherty: Has the Taoiseach informed himself, as the Head of Government, of any potential conflict of interest between PwC, which is carrying out the inquiry on behalf of the Department, and the main construction company, BAM? Has he personally questioned the fact that BAM has PwC on its books as its auditors? Is he satisfied there is no conflict of interest? If he is, will he outline his reasons to the House?

As I mentioned earlier, we now know that the development board was aware of the overruns in June and it discussed at a meeting-----

An Ceann Comhairle: Deputies are entitled to ask only one question.

Deputy Pearse Doherty: The Minister appointed the board without asking any questions as to whether this was on track. Does the Taoiseach believe it is appropriate for a Minister to appoint an entire board without even having a conversation with the chairman to see how a project is going, if it is overrunning or if is in budget or without asking any questions of that nature?

The Taoiseach: On the alleged conflict of interest, I answered that question when responding to Deputy Lowry earlier, namely, PwC ceased to be auditors in 2005.

Deputy Brendan Howlin: It was in 2015.

The Taoiseach: My apologies. It was 2015, four years ago. This emphasises my advice to Deputies. Rather than asking the same questions again and again, perhaps they would familiarise themselves with the questions which already have been asked and the answers already given.

Deputy Richard Boyd Barrett: That is not an answer.

The Taoiseach: On the contract and hyperinflation clause, the Deputy is well aware that no Minister or no Government has the authority to change a contract already signed. Politicians and Ministers are no longer involved in contracts. That practice ended in tribunals many decades ago.

Deputy John Brassil: I requested the board change it, not the Minister.

Deputy Fiona O'Loughlin: CHO, community healthcare organisation, area 7, in my constituency of Kildare South, has the lowest number of mental health beds per population. In 2016, a commitment was made by the Government that €5.5 million would be spent on the Lakeview unit, beside Naas hospital, which deals with mental health patients. That building was to start in 2017 and be completed in 2019. In a reply to a parliamentary question I was told that the design team was stalled. Two weeks ago the reply to another parliamentary question advised that a new design team would be tendered for at this point.

I have a real concern that there is a delay in this building because of the overrun on the na-

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tional children's hospital. I know the Taoiseach said earlier that projects would not be delayed. I am concerned that this building, which is so important to the care of people with mental health issues and the staff, would be delayed. We are now going back to ground zero once again. I want the Taoiseach to give me his reassurance that we will get this vital facility and that it will not be delayed because of the overrun on funding.

The Taoiseach: I am afraid I do not know the details of that particular project, but I will ask the Minister for Health to provide the Deputy with a reply by correspondence.

I will say this again. There are projects throughout the country, including in my constituency, that will be and are delayed for all sorts of reasons. It might be that they do not yet have planning permission or that somebody has appealed it to An Bord Pleanála. There may be a judicial review or problems with design and tender. The project itself may have come in above the budget allocated for it. I have no doubt that unscrupulous politicians throughout the country will try to exploit the national children's hospital issue to make out in some way that their local-----

Deputy Eugene Murphy: They are just constituency matters.

The Taoiseach: -----project is delayed as a result of the national children's hospital.

Deputy Fiona O'Loughlin: Address my point.

Deputy Jackie Cahill: There will be no more excuses.

Deputy Eugene Murphy: On a point of order-----

The Taoiseach: I want Deputy to know here today that by doing so she is being dishonest and deliberately misleading her constituents.

Deputy Pearse Doherty: Like the A5.

A Deputy: On a similar issue-----

An Ceann Comhairle: We have passed that issue, sorry.

Deputy Danny Healy-Rae: The programme for Government promised to support farmers' incomes. The Taoiseach's adverse comments a few weeks ago did not help confidence in the beef industry. However, I ask him to do something about a number of rules and regulations that are causing many beef farmers real concern. The 30-month rule means that farmers are paid less if their animals exceed that. There is no difference in the world between the quality of a 29-month or a 31-month animal. The four-movement rule is absolutely ridiculous.

An Ceann Comhairle: I thank the Deputy.

Deputy Danny Healy-Rae: The quality of that beef is no different if the animal were moved five or six times. The 70-day retention period-----

An Ceann Comhairle: Time is up.

Deputy Danny Healy-Rae: The Taoiseach and his Minister for Agriculture, Food and Marine could do something about these rules and regulations to help beef farmers an awful lot. I am asking him to please look at those.

Deputy Jackie Cahill: Unfortunately beef farmers are under extreme financial pressure. Budget 2017 promised us low-cost loans and 18 months later those loans have still not been made available to the agrifood industry. When will those low-cost loans, promised two budgets ago, be delivered?

The Taoiseach: On support for beef farmers, Deputies will be aware in the next few weeks that we should be in a position to launch the beef environmental efficiency pilot, BEEP, which will provide some additional grants to farmers who are beef producers but who provide necessary environmental information that we request from them. We always try to de-bureaucratise the CAP and the rules and regulations affecting agriculture as much as we can, but they are there for a particular reason.

There are two loan schemes, one that has been announced, issued and fully drawn down. The Minister for Agriculture, Food and the Marine is working with the Minister for Business, Enterprise and Innovation on a new scheme which should be ready in the near future.

An Ceann Comhairle: That concludes questions on promised legislation.

It is really not in order or in keeping with the traditions of the House to accuse Members of dishonesty. I think it goes a little bit beyond the normal political charge.

The Taoiseach: If I may, I would like to withdraw the term dishonest in favour of the term untrue.

Deputy Brendan Howlin: I do not think that is allowable either under the Standing Order.

The Taoiseach: Not true.

Deputy Brendan Howlin: Telling untruths.

An Ceann Comhairle: It would be preferable-----

The Taoiseach: Not factually correct. Will that do?

Deputy Micheál Martin: Not in alignment with the truth.

United Nations Minamata Convention on Mercury: Motion

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That Dáil Éireann approves the terms of the United Nations Minamata Convention on Mercury, done at Kumamoto, Japan on 10th October, 2013, a copy of which was laid before Dáil Éireann on 23rd January, 2019.

Question put and agreed to.

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Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Education and Skills, shall be set down to Ministers in the following temporary sequence:

Minister for Business, Enterprise and Innovation

Minister for Justice and Equality

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Health.

Question put and agreed to.

Standing Orders: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That, in accordance with the recommendations under Standing Order 107(1)(a) of the sub-Committee on Dáil Reform, and with effect from 13th February, 2019, the Standing Orders of Dáil Éireann relative to Public Business be amended as follows:

(a) by the adoption of the following Standing Order in substitution for Standing Order 22:

‘22.(1) (a) If, a quarter of an hour after the time appointed for the meeting of Dáil Éireann (or such longer time as the Ceann Comhairle may, at his or her discretion, decide) a quorum is not present, the Ceann Comhairle shall, because the meeting of the Dáil cannot proceed in the absence of a quorum, postpone the meeting of the Dáil until a later time on the same day.

(b) Where, following the lapse of a quarter of an hour after the time appointed under paragraph (a) for the postponed meeting of Dáil Éireann, a quorum is still not present, the Ceann Comhairle shall postpone the meeting of the Dáil to the next sitting day.

(c) Where the Ceann Comhairle postpones a sitting under paragraph (a) or (b), he or she shall take the Chair and announce such postponement from the Chair: Provided that the fact of the postponement, and the names of the members attending in the Dáil chamber at the time of the postponement, shall be entered in the Journal of the Proceedings of the Dáil for the postponed sitting.

(d) For the avoidance of doubt, for the purposes of paragraphs (a), (b) and (c) “Ceann Comhairle” includes the Leas-Ceann Comhairle but does not include a member of the panel of Temporary Chairmen nominated by the Ceann Comhairle

under Standing Order 18.

(2) If at any stage in a sitting of the Dáil, other than while a private member's Bill or motion or a Committee report under Standing Order 91 is under consideration or while a matter brought forward in accordance with Standing Order 29A is being discussed, any member calls the attention of the Chair to the fact that a quorum is not present, or if on the report of a division, such fact shall appear, the division bells shall be rung for a period of not less than three minutes, and if after an interval of not less than three minutes, a quorum is still not present, the Ceann Comhairle shall suspend the sitting to a later hour to be named by him or her, or shall adjourn the Dáil without question put until the next sitting day; and no decision shall be considered to have been arrived at by such division; and the hour of such adjournment, as also the names of the members present, shall be entered in the Journal of the Proceedings of the Dáil.';

(b) in Standing Order 23, in paragraph (1)(c), by the substitution of 'not later than 8.03 p.m.' for 'not later than 7.48 p.m.';

(c) in Standing Order 28, in paragraph (3), by the deletion of 'on a Wednesday and 15 minutes on a Thursday';

(d) in Standing Order 29A, in paragraph (3)(c), by the substitution of 'not later than 5.15 p.m.' for 'not later than 5 p.m.'; and

(e) in Standing Order 70, in paragraph (2), by the substitution of '1.02 p.m.' for '12.47 p.m.'.

Question put and agreed to.

Convention on Social Security: Referral to Select Committee

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That the proposal that Dáil Éireann approves the terms of the Convention on social security between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland, done at Dublin on 1st February, 2019, a copy of which was laid before Dáil Éireann on 7th February, 2019, be referred to the Select Committee on Employment Affairs and Social Protection, in accordance with Standing Order 84A(3) (b), which, not later than 5th March, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

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Ceisteanna - Questions

Urban Renewal Schemes

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the role of his Department in the north-east inner city initiative. [3892/19]

2. **Deputy Michael Moynihan** asked the Taoiseach when he last met with the Dublin inner city forum; and the status of improvements and investments since it was set up. [4354/19]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach when he last met with the Dublin inner city forum. [5309/19]

4. **Deputy Brendan Howlin** asked the Taoiseach when he last met with the Dublin inner city forum. [5351/19]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The Mulvey report, Dublin North East Inner City - Creating a Brighter Future, which was commissioned by Government was published in February 2017 and contained an outline plan for the social and economic regeneration of Dublin's north inner city area.

In June 2017, Michael Stone was appointed by Government as independent chair of the north east inner city programme implementation board. Members of the board include representatives from relevant Departments and Government agencies, business and the local community.

The board is assisted in its work by five subgroups: tackling crime and drugs; education, training and employment; creating an integrated system of social services; improving the physical landscape; and addiction treatment and rehabilitation services.

The board and its subgroups continue to meet on a monthly basis to oversee and progress the implementation of the 54 actions set out in the Mulvey report.

Officials from my Department work closely with the board, the subgroups and the dedicated programme office. The chairman of the board reports to an oversight group of senior officials chaired by the Secretary General of my Department. This group meets regularly and held its most recent meeting yesterday. This structure ensures strong and active participation by all relevant Departments and Government agencies and deals with any structural barriers or issues highlighted by the board.

Cabinet committee B, which I chair, provides the requisite ministerial oversight of the initiative, and receives regular updates on recent progress and implementation of the Mulvey report actions.

I last met the chair of the board at the launch of the P-TECH initiative in Larkin community college on 16 November 2018.

The board recently published its 2018 annual progress report. Notable achievements highlighted in the report include: 50 new staff funded and recruited to enhance service delivery

in childcare, youth work, elder care and physical environmental projects; the completion of refurbishment works on the Lourdes day care centre; commencement of enabling works to Fitzgibbon Street Garda station; 51 new gardaí assigned to the area since last April; and the development of the P-TECH initiative in three second level schools in the area to link industry and education through mentorships and internships.

The Government is committed to supporting and investing in the north east inner city community, and ensuring that Michael Stone and the board have the necessary resources to achieve their targets and fulfil their ambition. To this end, the Government has made available €6.5 million in funding for the initiative in 2019.

Showing the ambition for 2019, the board intends to place an emphasis on ensuring that the longer-term interventions required to make a fundamental and transformational change to the area are initiated and implemented.

Central to the board's aims for 2019 are initiatives to improve assistance for families affected by addiction issues and drug-related intimidation; to build on relationships with local businesses and employers to create sustainable employment; and continued efforts to improve the physical and built environment to make the north east inner city a better place to live and work.

Deputy Dessie Ellis: Notwithstanding the very good work being undertaken as part of the north east inner city initiative, there are big problems in the north east inner city as we all know, similar to the issues in my area that need to be addressed. There has been a big increase in illegal dumping in the area since the disastrous privatisation of bin collections. Antisocial behaviour is on the rise and gangs are openly selling drugs on street corners. There is also a major problem, not just in the inner city but in many other areas, of quad bikes and scramblers being illegally driven around housing estates and green areas. I was disappointed that a Bill I introduced to regulate these vehicles was voted down by the Government and by Fianna Fáil. Residents are living in fear and there does not appear to be strong Garda visibility. We have raised this lack of visibility with the Garda and the Minister for Justice and Equality, which is a consequence of there being 54 fewer gardaí in the north-central area compared with the position a decade ago. This must be corrected.

Given the lack of affordable and social housing in the city, there is a growing trend of two and three generations of a family sharing a single overcrowded home. This is having a very negative impact on people's physical and mental health and on children's education and social development. It is a big contributory factor to many of the problems of the north inner city. We must get to grips with the massive housing shortage across the area and right across Dublin.

There are lots of abandoned historic buildings in the inner city, which are major eyesores for residents and visitors alike. They include Aldborough House and the former Magdalen laundry site on Sean MacDermott Street. There is a lack of imagination and political will to develop these buildings for the local community as opposed to simply serving the interests of private developers.

Deputy Micheál Martin: While the work of the north east inner city group is very welcome, serious issues arise concerning the level of resources required and more importantly, about the lack of a coherent national local development agenda. There is nowhere in the world where a once-off report and the ongoing implementation of that report has delivered sustained regeneration. What works is a systematic and ongoing process of local engagement, shared

planning between State agencies and ongoing planning.

Last month, Deputy Curran asked the Minister for Rural and Community Development, Deputy Ring, why the Government is refusing to adopt an approach of systematically targeting concentrated disadvantage. There has been a huge drop-off in the kind of co-ordinated approach that existed a decade ago. The reply that Deputy Curran received was an example of a Government which is mainly focused on the number of projects Ministers can announce, rather than on having a real impact. The approach is to distribute funding in a much broader way, devolving some to the local authorities but most into the hands of the Minister. This has led directly to a reduction in the funding being given to the communities most in need. The joint planning approach of State services in disadvantaged communities has been pushed to the side as well. The spirit of the revitalising areas by planning, investment and development, RAPID, programme has been well and truly buried.

I ask the Taoiseach to commission a short report on the impact of moving from a development approach focused on the most disadvantaged communities to one which is far more scattered. Does the Taoiseach agree that the approach in the north inner city that he was praising should be followed elsewhere? Before Christmas, the Taoiseach promised to examine the issue of the increased politicisation of grants in a range of areas such as the arts, community development and research. I ask him to outline the results of that examination.

Deputy Richard Boyd Barrett: The People Before Profit local representative in the north inner city, Gillian Brien, who resides in the flats on Constitution Hill, was forced recently to organise a community protest at Dublin City Council offices over rat infestation in the flats and apartments on Constitution Hill, Queen Street, Dorset Street and Upper Dominick Street. A five year old child was bitten by a rat recently. I spoke to Ms Brien this morning and asked her if the protest has had any impact. The council had promised to address the issue but she told me that nothing has happened and that the rat infestation continues. I heard a person who had lived in the tenement houses on Henrietta Street on the radio recently, as part of the centenary celebrations. He was talking about what Dublin was like back then and in terms of the terrible aspects of living in the tenements 100 years ago, the biggest issue was rats. Today, we still have rat infestations and even when the residents of inner city communities protest at Dublin City Council offices, nothing is done. They fear that the failure to address the neglect of their areas is linked to an agenda to drive the local community out and to socially cleanse the inner city. Huge numbers of the Dominick Street and Dorset Street flats are lying empty. Mr. Brendan Kenny from Dublin City Council said recently that there would be no more public housing in the inner city and that all social housing will be in places like Coolock and Ballymun. The fear of the inner city communities is that the neglect is deliberate. They believe their communities are being run down and issues like rat infestation are not being addressed because the agenda is to destroy their communities and to push them out. What is the Taoiseach going to do about that?

Deputy Brendan Howlin: The north inner city initiative is one of those projects that has been supported by Members across this House. It was a really important initiative of the Taoiseach's predecessor, Deputy Enda Kenny. However, there are some concerns about the initiative. I speak to former Deputy Joe Costello very regularly about these matters and particularly about the pace of investment. I ask the Taoiseach to confirm that the additional allocation, which brings funding up from €2 million to €5.5 million, that was announced with some fanfare last October will be spent and that the projects earmarked for 2019 will go ahead as planned. When will the community hub in Rutland Street school be up and running? Does the Taoiseach

plan to put this initiative on a statutory footing? We have asked about this previously because it would give great reassurance to the local community. Are the plans to develop Aldborough House going ahead? One of the demands of the local community is that local labour would be involved in any refurbishment work on Aldborough House. Has the Government considered that and if not, will it consider it?

I remember having discussions with the former Taoiseach, Deputy Enda Kenny, about the fact that this initiative, if we get it right, could be a model that is replicated in other disadvantaged areas. Has the Government considered expanding this particular initiative to other vulnerable or disadvantaged areas in the country?

The Taoiseach: I will pick up on a few of the questions that were asked by Deputies. I note the Deputies' comments and will respond to their direct questions. Deputy Ellis asked about the Magdalen laundry site. As Deputies will be aware, Dublin City Council voted against the sale of the former convent and laundry on Sean MacDermott Street. The proposed plans were for the development of a hotel and social housing units for older people on the site. In that context, it is not entirely correct to say that the council has no plans for social housing in the area. The council actually did have plans but they were voted down by the city councillors in this particular instance. Sadly, that is happening more and more all over Dublin. There were also plans for a suitable memorial to the Magdalen women, which would have brought investment and footfall to the area. There are, of course, a lot of understandable sensitivities around the site, given its former use but I am hopeful that the land will be developed for the benefit of the area and the residents, while respecting the difficult history of the location.

Deputy Micheál Martin raised the issue of local community development and I acknowledge that he has raised this issue on many occasions in the past. There are lots of ways to deliver local community development. My constituency has quite a number of pockets of deep disadvantage, as does the Deputy's. Sometimes community development is done through vehicles like local drugs task forces and the DEIS programme in education, which most people will acknowledge has improved education outcomes for children from disadvantaged backgrounds. The CLÁR programme for depopulated rural areas is important, as is the use of local community development committees, LCDCs, as a vehicle for the delivery of local community development. It is too soon to judge whether the north east inner city model is one that should be followed and replicated in the future. No one would question the excellent work that has been done by the group in recent years but ultimately any appraisal has to be based on outcomes. We would have to take one or two similar areas around the country and compare the outcomes there with the outcomes in the north east inner city to assess whether all of the good work and investment has actually led to an improvement in measurable outcomes. It will take a couple of years before we can know that for sure. We need to make a distinction between good work and good outcomes because they can be quite different.

In terms of the politicisation of Government grants, I do not accept that criticism. Any grants that are announced by the Government must be applied for and there is an appraisal and evaluation system in operation. Often there is a scoring system too and then the Minister announces the successful grantees. Then a flurry of freedom of information requests are submitted to make sure that there was no political interference in the process and I am assured that it is not the case.

When I was the Minister for Transport, Tourism and Sport I was very involved, along with the then Minister of State, Deputy Ring, in changing the sports capital programme so that it was

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less political and had a proper scoring system. Each county got an amount of money relative to the number of people living in that county rather than where the Minister might be from. Those criteria have been retained for the sports capital grants by subsequent Ministers.

I am sorry to hear about the condition of some of the social housing around Dorset Street, as mentioned by Deputy Boyd Barrett. I know that area well for lots of different reasons. I cannot comment on Dublin City Council's plan but suffice it to say that Dublin City Council is a council that is now very much dominated by left wing political forces. If there is any attempt being made to run down the area, surely they should take some responsibility for-----

Deputy Richard Boyd Barrett: That is the reason they have had to organise protests.

Deputy Dessie Ellis: The Taoiseach should not blame others.

The Taoiseach: -----their role in holding the city council to account, especially if they are in the majority on that council.

Deputy Richard Boyd Barrett: People Before Profit does not have a majority on that council. I can assure the Taoiseach of that.

The Taoiseach: On Aldborough House, the last I heard was that the plans for Aldborough House were to develop it for offices as a company headquarters, thus bringing employment into the area.

On the funding, I am advised that for 2019, €6.5 million has been funded through the community enhancement programme, formerly RAPID, and the community facilities scheme. In terms of the ambition for 2019, the board intends to place an emphasis on ensuring that the long-term interventions required to make a fundamental and transformational change to the area are initiated and implemented. Central to the board's aims for 2019 are to assist families affected by addiction and drug related intimidation in particular, to build relationships with local businesses and employers to create sustainable employment and to continue efforts to improve the physical and built environment to make the north east inner city a more attractive place for people to live and also to work.

Programme for Government

5. **Deputy Michael Moynihan** asked the Taoiseach if there is an informal or formal vote deal with members of the Independent Alliance. [4076/19]

6. **Deputy Brendan Howlin** asked the Taoiseach the supports provided by his Department to the Independent Alliance and those supporting the Government. [5352/19]

The Taoiseach: I propose to take Questions Nos. 5 and 6 together.

There are no arrangements of the nature suggested by the question with members of the Independent Alliance. The Programme for a Partnership Government sets out the agreement between the party groups and Deputies who are participating in, or supporting, Government.

My Department, as outlined in the strategy statement, provides assistance to the Taoiseach and the Government, including the Independent Members of Government, through the Government secretariat, the parliamentary liaison unit, the programme for Government office and the

Cabinet committee structure, to ensure Government business is managed to the highest standards.

The chief strategist for the Independent Alliance and the political co-ordinator for the Independent Ministers in government are also based in my Department.

The Government press secretary acts as a spokesperson for the Taoiseach and the Government and is assisted by the press office in his role of co-ordinating the media relations of all Government Departments. The deputy press secretary, who is also based in my Department, is tasked with co-ordinating communications for all the Independents in government.

Deputy Micheál Martin: When this issue arose in the past the Taoiseach said he had no difficulty in being transparent and that there was nothing unusual in the arrangements for dealing with Independent Deputies. That being so, will he list the Independent Deputies who have been assisted by his Department's liaison unit in regard to matters dealt with by other Departments? If not, will he explain why not?

Last Tuesday, the Taoiseach outlined the political staff who report to him. I understand that in his eagerness to claim to have fewer staff than his predecessor he made an error and that he in particular failed to note the one staff member is a seconded civil servant and, therefore, is in a different position. The Taoiseach also stated that the Independents in government are serviced by their own political staff and three people in the Department of the Taoiseach who hold the titles, deputy government press secretary for the Independent Alliance, chief strategist for the Independent Alliance and political co-ordinator for the Independent Alliance. Their role is to co-ordinate the work of one Cabinet Minister and four Ministers of State. The Independent Alliance currently has no backbenchers and so has no need to co-ordinate with a parliamentary party. Smaller groups and parties in government also always receive disproportionate support but is this not more than a bit excessive, particularly given that their ministerial staffing is in addition to this staff? Will the Taoiseach outline the process he went through in determining why this is a proportionate level of support in his Department for the Independent Alliance?

In regard to the other Independent groupings, the Taoiseach indicated previously in the House that he has a number of channels of communication with, for example, the Rural Independent Group. My understanding is that Deputy Harty is the point of contact for the Taoiseach and the Government with the Rural Independent Group on specific issues. Can the Taoiseach confirm this and can he indicate whether there is a specific arrangement with Deputy Lowry in terms of particular issues that occur in his constituency because there is always a tremendous degree of coincidence around issues raised in the House and prepared replies pertaining to initiatives in that Deputy's constituency? I am interested in an update on these matters.

Deputy Brendan Howlin: I have a couple of questions for the Taoiseach. Is there a formal voting arrangement between the Government and Deputy Naughten? What Independent Deputies who are not Ministers are in a formal voting arrangement with the Government? I ask the Taoiseach to list them and to outline what supports or liaison measures are in place in this regard.

As Deputy Micheál Martin said, the Taoiseach's Department employs three senior political staff to work with the Independent Deputies in government, including the deputy Government press secretary, a chief strategist and a Mr. Dónall Geoghegan, a political co-ordinator for Independent Ministers. Now that there is only one Independent Minister, Deputy Zappone, is

Mr. Geoghegan employed exclusively as a support for her or do his duties now extend to the Minister of State, Deputy Canney?

Deputy Dessie Ellis: The Minister for Transport, Tourism and Sport, Deputy Ross, is a member of the Independent Alliance. Many of our citizens, unfortunately, had to emigrate to secure employment or better wages, nurses being a typical example. Emigrants with particular skill sets are being encouraged to return home, and rightly so. However, on their return they face considerable obstacles settling back into society. For example, they face discriminatory and costly motor insurance premiums. In recent times, I have been dealing with cases on behalf of returning emigrants who have been quoted exorbitant car insurance prices. This is ridiculous. These obstacles will not encourage people to return to Ireland. Rather, they will be another reason not to do so. This matter needs to be urgently rectified if we are to encourage emigrants with much sought after skills to return home. Legislation needs to be brought forward to remove such discriminatory practices in the case of returning emigrants. The Taoiseach should use his influence and instruct the Minister, Deputy Ross, to review this issue.

Deputy Joan Burton: Following the last election, there were three, at least, career civil servants who were in the Department of the Taoiseach and formerly had been working in the office of the Tánaiste in the context of the Department of the Taoiseach. They were allocated to assisting in a Civil Service manner. The Taoiseach referred to them on several occasions and to the work they were doing in terms of new politics, the Dáil and, specifically, in regard to Independents who were inclined to support the Government. Are those three civil servants, one of whom is in a senior position, still in post and are there more people working in this area? Also, will the Taoiseach tell us if these staff are in addition to the people referred to by my colleague, Deputy Howlin, who are more traditionally Government advisers who have come in as external advisers from media careers and have previously been advisers to different Governments at different times?

The Taoiseach: I do not believe there is a list of Independent Deputies supported by the Department. However, Independent Deputies of all hues are welcome to contact my Department and we are happy to assist them on request if we can.

Deputy Brendan Howlin: The Department should be open to requests from all Deputies not only the Independents.

The Taoiseach: This includes Independent Deputies who do not regularly vote with the Government, including, for example, Deputies Harty and Michael and Danny Healy-Rae. If they contact the Department, we of course try to assist them as best we can even though they more often than not vote against the Government.

Deputy Micheál Martin: Is there an informal relationship between the Rural Independent Group and the Government?

The Taoiseach: I do not know what that means. We assist them as best we can. Whether they vote with Government or not we assist them as best we can.

Deputy Micheál Martin: I think they voted for the Government on some key occasions in the past. I was obviously intrigued by that because they tend to make loud noises from time to time, particularly in respect of the Minister for Transport, Tourism and Sport, Deputy Ross, while at other times, they are quite acquiescent. The Taoiseach said the last time that Deputy Harty was the contact point for them.

The Taoiseach: There is no written or formal agreement but if an informal agreement means that Independent Deputies are welcome to contact my Department for assistance then there is such an informal agreement. That does not mean that they always vote with the Government. Many of them usually do not vote with it, as Deputies would acknowledge.

There is no formal voting arrangement with Deputy Naughten. However, he is a former Government colleague and my Department is happy to provide assistance to him should he request it. Again, there is no formal agreement with Deputy Lowry but he will often give us advance notice of questions he will raise during Leaders' Questions thus allowing us to prepare a better reply. Other Deputies also do this, including Deputies Healy-Rae, Connolly and Wallace. If Deputies provide us with advance notice of questions they are going to raise in the Chamber, it obviously enables us to give a higher-quality reply and I would like to extend this courtesy to any Member of the House if he or she wishes to give 48 hours' notice of the questions he or she is going to ask.

Deputy Micheál Martin: Is the Taoiseach serious?

The Taoiseach: I can promise the Deputy that he will get a better answer.

Deputy Micheál Martin: If those guys are that naïve and gullible, that is their problem.

The Taoiseach: The role of Mr. Geoghegan is to assist the two Independent Ministers who are not members of the Independent Alliance, namely, the Minister, Deputy Zappone, and the Minister of State, Deputy Canney, although I understand he mainly assists the Minister for Children and Youth Affairs. It is useful to have him in the Department because it helps to ensure that Independents are fully aware of things that are happening across Government, not just in their own Departments, and facilitates the flow of information.

As the arrangements that were set up to support Independent Ministers and the establishment of the parliamentary liaison unit, PLU, preceded my time as Taoiseach, I do not know exactly how those arrangements came about but they have not changed in the past year and a half. In terms of the PLU, the make-up of the current Dáil and the new procedures that have come into place as a result of Dáil reform have resulted in Government conducting its business in a very different way. They have also resulted in an increased workload for Government Departments, particularly with regard to the volume of Private Members' Business.

The PLU was set up to perform a liaison function to help ensure that Ministers and Departments are properly informed of new responsibilities and procedures in the Thirty-second Dáil. One of the main functions of the unit is to provide assistance to Ministers and their Departments on Oireachtas matters with particular emphasis on assisting Departments with Private Members' business. The proportion of Private Members' legislation in the Oireachtas has increased significantly and Departments' engagement on Private Members' legislation has also had to change. The Government's engagement with this process has also had to change so the unit provides Departments with detailed information on the rules and procedures with regard to Private Members' business. It also provides real-time information on the progress of Private Members' Bills through the Dáil and Seanad.

The unit will be working with Departments to ensure the Government plays its part in implementing the memorandum of understanding between Government and Dáil Éireann on Private Members' Bills. It also raises awareness of Dáil reform and new responsibilities of Departments by holding meetings with the Departments. It liaises on a regular basis with ad-

visers to ensure they are informed about Oireachtas issues and assists them in engaging with the new process arising from Dáil reform. In this regard, the unit provides detailed information on upcoming matters in the Dáil and Seanad and highlights any new Oireachtas reform issues.

The unit was established to perform a liaison function to help ensure that Ministers and Departments are properly informed of the new responsibilities and procedures in the Thirty-second Dáil. In this regard, the main focus of the unit is to liaise with Departments and advisers on Oireachtas matters, with a particular emphasis on assisting Departments with Private Members' business. In performing its functions, the unit is happy to engage with any Member of the Oireachtas, where appropriate. It is not the function of the unit to ensure the support of Deputies in the House. That is a political function. The unit is there to provide factual information on Dáil and Seanad issues and Dáil reform. The unit primarily assists Departments and advisers on Oireachtas matters.

Taoiseach's Meetings and Engagements

7. **Deputy Joan Burton** asked the Taoiseach if he will report on his most recent contacts with the President of the European Council and the President of the European Commission. [4209/19]

8. **Deputy Mary Lou McDonald** asked the Taoiseach when he last spoke with the Presidents of the European Council and the European Commission. [5187/19]

9. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the EU leaders since the votes were taken on 29 January 2019 in the House of Commons. [5330/19]

10. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his most recent contacts with the Presidents of the EU Council and EU Commission. [5353/19]

11. **Deputy Michael Moynihan** asked the Taoiseach if he has spoken to the Spanish Prime Minister, Mr. Pedro Sánchez, recently. [5629/19]

12. **Deputy Michael Moynihan** asked the Taoiseach if he plans to meet the President of the European Council, Mr. Donald Tusk in February 2019. [5630/19]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his most recent contacts with the President of the European Council and the President of the European Commission. [5670/19]

14. **Deputy Micheál Martin** asked the Taoiseach if he will be travelling to EU capitals in February 2019 to discuss Brexit. [5681/19]

15. **Deputy Eamon Ryan** asked the Taoiseach if he will report on recent discussions with EU Commission officials regarding Brexit. [5697/19]

16. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to Brussels on 6 February 2019 and the meetings he held and the officials he met. [6512/19]

17. **Deputy Michael Moynihan** asked the Taoiseach if he will report on his request to the EU Commission for EU aid in the event of a hard Brexit and the response he received on 6 February 2019. [6674/19]

18. **Deputy Michael Moynihan** asked the Taoiseach if the European economy and growth rate was discussed at the meeting he had with Mr. Donald Tusk and Mr. Michel Barnier. [6675/19]

19. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with Mr. Donald Tusk and Mr. Michel Barnier while in Brussels on 6 February 2019 and the issues that were discussed. [6679/19]

20. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent trip to Brussels. [6703/19]

21. **Deputy Joan Burton** asked the Taoiseach the visits he has planned abroad. [6708/19]

22. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent trip to Brussels and the meetings he attended. [6709/19]

The Taoiseach: I propose to take Questions Nos. 7 to 22, inclusive, together.

I meet and speak regularly with my EU counterparts bilaterally and at formal and informal meetings of the European Council. I had the opportunity to meet with several of my counterparts at the World Economic Forum in Davos last month, including the Prime Ministers of Poland, Austria, Luxembourg, Croatia and the Netherlands. I also spoke recently by telephone with Chancellor Merkel of Germany and Prime Minister Sánchez of Spain, as well as the newly-elected Prime Minister of Latvia, Krišjānis Kariņš. All of my counterparts assured me of their full commitment to the withdrawal agreement, including the protocol on Ireland within which is contained the backstop, and their view that it cannot be renegotiated. Other EU issues also arose in our conversations.

Most recently, I travelled to Brussels last Wednesday for a series of meetings with European Council President Donald Tusk, European Commission President Jean-Claude Juncker, chief EU negotiator Michel Barnier and his deputy, Sabine Weyand, and the chair of the European Parliament Brexit steering group, Guy Verhofstadt, as well as Commissioner Phil Hogan. I also spoke by telephone with the President of the European Parliament, Antonio Tajani.

President Tusk and I discussed the latest political developments in London and noted the approaching deadline for the UK's departure from the EU. We agreed that the withdrawal agreement is the best deal possible and that it cannot be reopened. While we hope that the backstop will never be used, it is needed as a legal guarantee to ensure there is no return to a hard border on the island of Ireland, while protecting the integrity of the Single Market and the customs union. In my meeting with President Juncker, he restated his firm view that the withdrawal agreement, including the backstop, should not be renegotiated. We agreed that while on the EU side, we will continue to seek agreement on the orderly withdrawal of the UK, given the ongoing uncertainty in London we will also further intensify our preparations for a no-deal scenario.

President Juncker confirmed that the Commission stands ready to assist Ireland in meeting the specific challenges we face as a result of Brexit, particularly in very vulnerable sectors such as agriculture, agrifood, fisheries and small exporters. He also confirmed that programmes providing assistance for cross-Border peace and reconciliation will be strengthened, not diminished. We agreed that Ireland and the Commission will continue to work closely together over the period ahead. A number of other issues also arose in my meeting with President Juncker, including the free trade agreement between the EU and Japan and the situation in Venezuela.

Both President Tajani and Guy Verhofstadt, MEP confirmed to me that the European Parliament is committed to protecting peace and stability on the island of Ireland and that it wishes to emphasise and remind people that any withdrawal agreement must be approved by the European Parliament as well as Westminster. I thanked all my colleagues for their strong commitment and noted that as a small country, this strong solidarity resonates deeply in Ireland and other small countries.

I engage regularly with Prime Minister May. Most recently, I met with her over dinner in Dublin last Friday and we briefed each other on our respective engagements in Belfast and Brussels earlier that week. We discussed developments in Northern Ireland and our shared interest in seeing the devolved institutions restored. I reiterated our wish to see the withdrawal agreement ratified in order that negotiations on a close, ambitious and comprehensive relationship between the EU and the UK can start immediately. Other EU and international engagements are envisaged in the period ahead. I will be happy to inform the House of these in due course.

Acting Chairman (Deputy Eugene Murphy): We have six speakers and we must give the Taoiseach an opportunity to reply. As my clock is showing about 13 minutes, I ask Members to be brief in their questions if they all want to get an answer.

Deputy Joan Burton: As the witching hour approaches in terms of the approaching Brexit deadline, has the Taoiseach discussed with the President of the European Commission and the President of the European Council the arrangements that will be put in place with regard to Irish hauliers, for example, coming to French ports? From the French media, I understand that they will have an EU queue, into which I assume the Irish hauliers will be allowed, and a UK queue. Can the Taoiseach tell me whether information is available and when will it be made available to hauliers? Most hauliers are self-employed and have either one truck or just a couple of trucks so many of them are smallish firms. Has the Taoiseach identified working protocols with the EU with regard to what none of us want but what may happen for some time, namely, a difficult Brexit and a difficult withdrawal from the EU by the UK? In particular, have any additional insurance arrangements been put in place? What is going to happen in regard to people driving in Northern Ireland on their Irish insurance?

Acting Chairman (Deputy Eugene Murphy): Thank you. The time is up.

Deputy Joan Burton: Whether hauliers or private motorists, people are looking for clarity in regard to these issues. Clearly, if an agreement is reached, these issues are not as difficult.

Deputy Dessie Ellis: This afternoon the British Prime Minister is due to update the Westminster Parliament on the state of Brexit talks. She is supposedly going to tell MPs to hold tough. It is vital that the Taoiseach stands firm in the face of this last-ditch attempt by the British Government to renegotiate the backstop. It is our only insurance policy to prevent a hard border on this island and it is supported by the majority of citizens, businesses and other key sectors across the entire island. Any retreat would jeopardise Irish interests, the peace process and the Good Friday Agreement. With the exception of the unionist parties, there is political consensus North and South on the need to protect the backstop. The actions of the British Government in seeking to ditch it are not only an act of bad faith but have made the prospect of a no-deal situation much more likely. In the event a no-deal situation transpires, the Government must immediately begin preparing for a referendum on Irish unity. A unity referendum is consistent with the Good Friday Agreement and, if passed, would see the entire island retain

membership of the European Union. It is a common sense alternative to a no-deal scenario. People voted to remain in the EU.

Deputy Micheál Martin: It is 45 days until the UK is due to leave the EU, according to the current legal situation in both the UK and the EU. In order for this to change, something has to be both agreed and ratified before then. In terms of our domestic preparations, we are likely to be the last country in the EU to have enacted legislation to cater for a no-deal scenario. Given we are likely to be the worst hit, can the Taoiseach explain why we are so far behind on this? The Netherlands, which has just as complex a situation to deal with, has all its staffing in place and all its legislation is not only published but it will be law this month.

In regard to the meetings with President Tusk, it is indeed a red herring that everyone keeps talking about whether Europe will stand by Ireland. There is no doubt about this: if Ireland refuses to accept what is proposed by the UK, the EU will accept Ireland's refusal. The far more important issue is whether Ireland will be ready to face any eventuality. Last December the Taoiseach said that all firms that need to be prepared should be prepared by 29 March. Given the claim that everything is being monitored closely, can the Taoiseach confirm to us that all firms which will be impacted by Brexit will actually be prepared by 29 March? I draw his attention to the AIB report yesterday which showed only 51% of SMEs are prepared.

For three weeks in a row the Taoiseach has refused to answer a very simple and direct question I have put to him, and which every other Prime Minister in Europe has already answered, namely, what exactly will happen on the Border if there is no deal on 29 March?

Acting Chairman (Deputy Eugene Murphy): The Deputy should conclude.

Deputy Micheál Martin: He cannot, on one hand, say we need a deal in order to keep the Border operating as it does and then refuse to say what will happen. We know he is not contemplating or planning anything but this is no help to Border communities and businesses, which are deeply concerned about what they might face in 25 days' time. The Taoiseach might indicate whether it is his view we are heading into extension territory in terms of Article 50.

Deputy Brendan Howlin: The Taoiseach last week held meetings with the EU Presidents and with Prime Minister May. If no progress is made in the weeks ahead, the Taoiseach will face a significant decision at the March EU Council summit. It is very hard to know exactly what Prime Minister May's strategy is. However, it seems to be to push to the very last minute, to be bland again this week and give the opportunity for an amendable motion at the last minute to hold her own people together, and then expect that she can get her deal over the line with the alternative being a catastrophic fall out of the EU by the UK. Since it is now crystal clear there will be no reopening of the withdrawal agreement, was alternative wording to the political statement discussed by the Taoiseach and did he have any discussions with Prime Minister May on what might be acceptable, in her judgment, to a majority in the House of Commons?

Deputy Richard Boyd Barrett: The obnoxiousness and political bankruptcy of the Tory Brexiteers and UKIP mean that just about anybody else looks good compared to them but in recent weeks it has maybe masked the lack of principle and ethics of the EU itself, when one looks at how it is dealing with events that are unfolding in Catalonia or, for that matter, Venezuela. The Europe that proclaims itself as an upholder of human rights, democracy and so on is standing idly by while 12 people - many elected representatives or former Ministers of Catalonia - are today starting trial and facing up to 25 years in prison because they organised a

referendum, which they won, for Catalanian independence. It is quite shocking it is happening in the centre of Europe yet there is deathly silence from the EU.

I also think it reprehensible that the EU and now our Government have decided to join with Donald Trump in intervening in Venezuela.

Acting Chairman (Deputy Eugene Murphy): The time is up.

Deputy Brendan Howlin: Maduro is a disgrace.

Deputy Richard Boyd Barrett: Maduro is an authoritarian. I am not a supporter of Maduro. I am a supporter of the people's revolt that happened a number of years ago against the deep inequalities in Venezuelan society.

Acting Chairman (Deputy Eugene Murphy): Please, Deputy. I need to call Deputy Eamon Ryan.

Deputy Richard Boyd Barrett: Maduro is an authoritarian but that does not give Trump or anybody else the right to interfere in the political processes in Venezuela. That is up to the people of Venezuela. Does the Taoiseach really think the Government or the EU should be interfering and, essentially, giving cover to Trump, who is threatening military action in Venezuela?

Acting Chairman (Deputy Eugene Murphy): I call Deputy Eamon Ryan. If we want answers from the Taoiseach, we must conclude questioning shortly.

Deputy Richard Boyd Barrett: I took far less time than some others.

Acting Chairman (Deputy Eugene Murphy): I appreciate that. I call Deputy Eamon Ryan.

Deputy Eamon Ryan: I thank the Taoiseach for meeting the co-leader of the European Green Party, Philippe Lamberts, last week. Mr. Lamberts is on the Brexit steering group in the European Parliament and we found the meeting very useful. What Deputy Howlin said is true. There is not a hint of a chink that we may blink either in Europe or Dublin with regard to any fundamental change to the withdrawal agreement. That is also what I hear from Mr. Lamberts, who I would trust on what is happening in Brussels.

I would differ slightly from Deputy Howlin in regard to the possibility of London agreeing something on alternative wording within the political declaration. While I would welcome that, I believe the likelihood is very slim. It seems to me there are three possible courses. The first is a worrying possibility, given Prime Minister May is saying today in Westminster they should stall for more time and get closer to the edge, when the fear is they could go over the edge, which would be deeply damaging for everyone. The second, which is a recent development, is that she could cross the House of Commons, take what is in Jeremy Corbyn's letter and agree some sort of arrangement which would provide for the UK to remain within the customs union and the Single Market in some form, even though that would go against her red lines. The third is a second referendum.

With regard to the second possibility, if Jeremy Corbyn's approach was returned, it might give the DUP something it could swing behind in the sense it would not breach its red line of not infringing the UK single market or ours of infringing the EU Single Market. Jeffrey Donaldson wrote a positive article in the *Sunday Independent* last weekend saying we need statesmanship

and dialogue and that we need to engage. I encourage the Taoiseach to make further such approaches. I know he met with the DUP recently and he should continue on that track. I accept we cannot do much and this is London's call.

However, we should encourage in every way we can that they might help facilitate such a second solution along the lines of what Jeremy Corbyn has outlined in his letter.

The Taoiseach: In relation to haulage, I and the Government are very aware of the extent to which the United Kingdom is used as a landbridge to get our product to mainland Europe and to get product from mainland Europe to Ireland. There is of course the option of going by sea and there is a lot of capacity on existing vessels going directly from Ireland to continental Europe, but that takes much longer and involves additional cost.

4 o'clock

Deputy Brendan Howlin: It does not take all that much longer. It takes 18 hours.

Acting Chairman (Deputy Eugene Murphy): The Taoiseach should be allowed to respond without interruption.

The Taoiseach: If there is a deal, there will be no change in haulage arrangements until 2021, but if there is no deal it is anticipated that the UK will join the common transit convention. However, at Dover that would leave Irish hauliers joining the EU queue and delays could occur there.

It is anticipated that there will be transitional arrangements to limit the delays at ports and that haulage licences will continue to apply, at least for a number of months. On legislation, the legislation is on schedule. It is still our intention to publish the Brexit omnibus Bill on 22 February, and with the co-operation of the Opposition in both Houses to have it enacted by mid-March, well in advance of the 29 March deadline.

I am afraid I cannot confirm that all firms are prepared. It is up to individual firms to make their own preparations with the assistance of the Government and it is not possible for me to confirm that they will all be prepared, but I would anticipate that those firms most exposed to trade with the UK will be the most prepared.

Deputy Micheál Martin: We heard yesterday that only 50% of businesses are prepared.

The Taoiseach: On the question in relation to the land border between Northern Ireland and Ireland, we have not made any preparations for physical infrastructure on 29 March.

Deputy Micheál Martin: I know that.

The Taoiseach: If we face a no-deal scenario, obviously we have a dilemma. The United Kingdom will be bound by WTO rules and we will have EU laws around the protection of the Single Market and the customs union, and we have the Good Friday Agreement, which I believe is paramount. Part of the Good Friday Agreement is that we keep the Border open and invisible between the two islands. It may not be written into it, but I believe it is implicit in it, so I think at that point we would need an agreement on customs regulations between the EU and the UK, and we have one now and I would like to see it ratified.

On Article 50 being extended, I cannot say whether it will be extended or not. It really is up to the United Kingdom to make an application for an extension, should it so wish, but I do note

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that it is quite far behind in its plans, in particular its legislative plans, with regard to Brexit, much further behind than we are.

I did not have any discussions on alternative wording with Prime Minister May. I believe that would constitute negotiation and negotiation really can only happen between the EU on the one side, including Ireland, and the UK on other, but we did discuss what might be acceptable to the UK Government and it will not surprise anyone in this House to know that it is in the space of either alternative arrangements yet to be defined, or a time limit or unilateral exit clause for the backstop, and that is something we cannot accept. I understand where the British Government is coming from. It has a real fear that the backstop might become a trap and were the backstop invoked that the UK could end up permanently in the orbit of the European Union against its will, so we need to find a way that provides an assurance to the UK Parliament and the UK Government that that will not happen, while at the same time not diluting our legally binding and legally operable guarantee that there will not be a hard border between Northern Ireland and Ireland.

I do not wish to comment on Venezuela in much detail because I have spoken on it before, other than to say that neither I nor the Government would support or endorse military action in Venezuela by any other country, including the United States, but we do advocate that there would be free elections, the restoration of democracy and human rights and that economic opportunity for the people of Venezuela should be restored.

Deputy Dessie Ellis: Did the Taoiseach discuss at all with Prime Minister May holding a referendum on Irish unity? It is part of the Good Friday Agreement.

Acting Chairman (Deputy Eugene Murphy): The discussion is finished. Sin deireadh le ceisteanna.

Deputy Dessie Ellis: I am asking the Taoiseach whether he discussed the matter with the British Prime Minister.

Acting Chairman (Deputy Eugene Murphy): Deputy Ellis is out of order.

Deputy Dessie Ellis: Will the Taoiseach answer that question?

Acting Chairman (Deputy Eugene Murphy): Will Deputy Ellis abide by the Chair?

Deputy Dessie Ellis: It is a simple question. Other countries are asking about a referendum on Irish unity. He should do so.

Deputy Micheál Martin: Deputy Ellis should respect the Chair.

Deputy Dessie Ellis: It is a bit ridiculous.

The Taoiseach: To answer the Deputy's question, "No".

Deputy Dessie Ellis: That is something the Taoiseach should be pressing.

Deputy Micheál Martin: And a referendum in Venezuela.

Deputy Dessie Ellis: He already made his opinion known on that.

Deputy Micheál Martin: Deputy Ellis cannot be supporting the dictator there.

Acting Chairman (Deputy Eugene Murphy): The discussion is over. Ceisteanna to the Taoiseach are over. We are moving on. I gceann nóiméad beidh ceisteanna chuig an Aire Iompair, Turasóireachta agus Spóirt. The discussion has ended.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Eugene Murphy): 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) Deputy Clare Daly - to discuss the ongoing issues in relation to the refurbishment and extension to St. Finian's community college bearing in mind ongoing health and safety issues in the school; (2) Deputy Éamon Ó Cuív - the need for the Minister for Health to ensure a proper supply chain for the provision of incontinence pads to adults living in the community healthcare west region in view of recent events where the supply chain failed; (3) Deputy Dessie Ellis - the need to address the issue of infill housing particularly in Ballymun and Finglas; (4) Deputy David Cullinane - to ask the Minister for Education and Skills to update the house on the delivery of a technological university for the south east and the current and capital funding necessary to deliver a university of international standing in the region; (5) Deputy John Curran - delays in the delivery of much needed extension work at Lucan Community College; (6) Deputy Sean Sherlock - the need to ensure remediation works on Haulbowline Island, County Cork are completed; (7) Deputy Eamon Scanlon - unresolved and unacceptable issues with illness benefit; (8) Deputy Frank O'Rourke - to discuss the need for a basic minimum standard of supports and community services for people with dementia; (9) Deputy Joan Burton - to ask the Minister for Health if he will comment on the growing concern about the potential loss of deaf employment as a consequence of potential funding shortages for deaf societies; (10) Deputy Declan Breathnach - reports that Newry is being considered as a possible location to store the UK's nuclear refuse and what steps the Minister is considering to ensure that this is not allowed to happen; (11) Deputy Martin Ferris - to discuss the availability of Baldonnell Aerodrome to emergency aircraft; (12) Deputy Brian Stanley - to ask the Minister for Housing, Planning and Local Government to discuss the rising costs of rents across Laois and Offaly; (13) Deputy Noel Rock - the delay of the proposed plastic bottle deposit and return scheme; (14) Deputy Jim O'Callaghan - the destructive impact that the proposed BusConnects project will have on the urban villages of Rathgar and Terenure, Dublin 6; (15) Deputy John Brassil - to ask the Minister for Health, given that a young adult is still at home having graduated Nano Nagle school (Listowel, County Kerry Roll No: 19509T) in June 2018 but there is no adult day service allocated as of yet to the person and as the school is still waiting for the nursing support to be extended by five hours per week to cover school hours, what provisions are in place to ensure that all of our ten graduates will start their adult day service in September 2019, will the Minister consider multi-annual investment funding being introduced for special schools and if the issue around the hours and contract for nursing support can be resolved as a matter of urgency given that the school has students with life-limiting conditions and high dependency; (16) Deputy Catherine Connolly - the decision to relocate a company currently employing over 100 persons from an Údarás na Gaeltachta site in Tulach, Inverin, to the east-side of Galway city with the assistance of IDA Ireland; (17) Deputy Peadar Tóibín - to discuss the fact that the insurance industry is killing Irish business; (18) Deputy Mattie McGrath - the closure of Clogheen post office in County Tipperary; (19) Deputy Richard Boyd Barrett - the trial of Catalan independence leaders; (20) Deputy Mick Wallace - to discuss alleged criminal-

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ity within NAMA; (21) Deputy Charlie McConalogue - to discuss the need for additional Garda resources in Milford Garda district, County Donegal; and (22) Deputy Donnchadh Ó Laoghaire - to discuss the need for the Tánaiste to intervene in an issue (details supplied).

The matters raised by Deputies Clare Daly, David Cullinane, Sean Sherlock and Charlie McConalogue have been selected for discussion.

Ceisteanna (Atógáil) - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Taxi Licences

51. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if the taxi advisory group is considering proposals to improve the availability of taxi services in rural areas; if revisions to the rural hackney scheme are being considered; and if he will make a statement on the matter. [7060/19]

Deputy Robert Troy: Could I ask the Minister when he last met the taxi advisory group? Does he know whether the group is considering proposals to improve the availability of the taxi service in rural areas? Does he know whether a review of the rural hackney service is under way? What are his views on the piloting of ride-sharing facilities?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): Under the Taxi Regulation Act 2013, the National Transport Authority, NTA, is responsible for regulating the small public service vehicles, SPSV, sector. This sector encompasses taxis, hackneys and limousine services and the regulatory framework applies to the vehicles, the drivers and the services to the travelling public that they provide. The overall objective of the legislation and the regulatory framework is to protect the consumer interest and to uphold safety for passengers. The rules do not limit the number of operators; rather, they concentrate on ensuring standards of safety and service that will benefit the public.

The 2013 legislation and the NTA's subsequent implementation of it was informed by the Taxi Regulation Review Report that was published by the Government in January 2012. Among its recommendations, the review suggested the introduction of a local area hackney licence so as to address transport deficits that would not otherwise be addressed in certain rural areas.

The NTA made regulations permitting the issue of such licences with effect from December 2013. The aim was to enable a special part-time hackney service to be provided in rural areas which are likely to be too small to support a full-time taxi or hackney operation and which are also too far away from adjacent centres to be serviced by normal taxis or hackneys from those adjacent centres.

To address transport deficits in certain rural areas, the local area hackney licence continues to be offered by the NTA. However, take-up has been low. Despite the fact that the costs of a local area hackney licence are deliberately set low and some of the standards that must be

met are lower than for a normal taxi or hackney operation, only a very small number of such licences are in use. The NTA has looked at this and identified that one of the main deterrents to the take-up seems to be the cost to an operator of the insurance needed to cover carrying passengers for reward compared to the restricted nature of the part-time service that can be provided under the licence.

The NTA is currently undertaking a review of key aspects of taxi, hackney and limousine operations with the intention of developing a five-year strategy for the entire small public service vehicle industry. The strategy will guide regulatory development for the sector over that timeframe. With the assistance and input of the advisory committee on small public service vehicles, the review is considering a variety of issues including vehicle licensing, vehicle standards, driver licensing, wheelchair accessible vehicles, fixed-payment offences and technological developments. As part of its work, the review is looking at the matter of local area hackneys and the scope for improving their effectiveness in addressing rural connectivity gaps.

The NTA plans to conduct a public consultation process in the first half of this year on the proposals emerging from the review process. This will give the public and public representatives the opportunity to provide their views and to inform the outcome of the work.

Deputy Robert Troy: As of June 2018, only ten local area hackney licences were issued nationally. That clearly demonstrates that the approach is not working. Huge swathes of rural Ireland and villages and communities are being left without any public transport whatsoever. The Minister acknowledged that one of the prohibiting factors is the high level of insurance. I am inclined to agree with him on that. Has he spoken to the NTA in relation to this matter? Has the Minister had meetings specifically about this? Has he met the taxi advisory group about the review of rural hackneys? He has stated that a five-year strategy will be published. When will it be published? Finally, the Minister and his Department have a responsibility to bring the cost of motor insurance down. What progress has he made towards delivering the specific requirements and recommendations for which his Department is responsible? I speak specifically about the introduction of a system whereby the Garda can detect whether cars on the road are insured.

Deputy Shane Ross: I thank the Deputy for those questions. He is absolutely correct that 13 is a very disappointing number. The uptake is low for two reasons, not just one. The uptake is very low because of insurance. As the Deputy knows, insurance is a big problem not just for taxis but for hackneys as well, despite the fact that there are extraordinary reductions and incentives for local area hackneys. The vehicle licence fee is €50, as opposed to €170 for a new wheelchair-accessible hackney licence for one year; the driver licence fee is €20 for three years, as opposed to the cost of a small public service vehicle, SPSV, licence, which is €250 for five years. Moreover, there is no requirement to pass the general SPSV driver entry tests. Nevertheless we do not seem to have cracked this problem and it persists. Other reasons have been given. A survey was done, as the Deputy will be aware, of those people who might work as hackney taxi drivers. Respondents stated that the radius in which they had to work was also extremely limited. In answer to the Deputy's question about the review of local hackneys, it is currently being undertaken as part of the strategic framework for the SPSV industry. I expect this review to be completed in 2019.

Deputy Robert Troy: When in 2019? The rural hackney licence has been there since 2012. It has been in place for seven years. All Members of the House will agree it is simply not working. We need to address the deficiencies in rural transport now, not at the end of 2019

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or in 2020, as the Minister seems to be suggesting. It is not just about bringing people to the rural pub. It is about maintaining and sustaining an element of sociability in communities that have no transport.

The Minister has cited insurance. He has a responsibility in this regard. Why has his Department not completed all the recommendations of the cost of insurance working group? I reiterate the question I asked at the outset, when did he last meet the taxi advisory group to seek its proposals for a review of the hackney licence? The Taoiseach, Deputy Varadkar, recently told the Dáil, “We are trying to liberalise that system and make them more available, particularly at night-time and on weekends.” Would the Minister support considering the possibility of introducing ride-sharing facilities to provide a service that is clearly lacking right across the length and breadth of rural Ireland?

Deputy Shane Ross: I thank the Deputy again for his questions. The date in 2019 is not settled but it will be as soon as possible. I understand the urgency to which the Deputy refers. He should not ignore the fact that there has been a large attempt to address the issue of rural isolation he mentioned through funding for new Local Link services. The National Transport Authority, NTA, manages that programme. Increased funding has been provided, with €14.9 million allocated in 2018 and again in 2019. In addition, public service obligation, PSO, funding has been provided for Local Link regular services, which amounts to €4.5 million in 2018, bringing the total funding for Local Link services last year to €19.5 million. Total funding in 2019 will be almost €20 million. These represent significant increases. There will be new Local Link services. This increased funding has enabled the introduction of 66 new consumer services to the Local Link networks, operating five, six or seven days a week. Key features of these new services include greater integration with existing public transport services and better linkage of services between and within towns and villages. Two new regularly scheduled Local Link services are to be introduced in Carlow, Kilkenny and Wicklow. They are due to launch in the first half of 2019.

Deputy Robert Troy: The Minister did not answer any of the questions I asked.

Acting Chairman (Deputy Eugene Murphy): In fairness to everybody, this continually happens. Rules have been set down for questions and answers. Six and a half minutes are allocated. They are important questions and it is important to get answers but the more we abuse the time, the fewer questions will be answered so I ask everybody to try to keep within the timeframe. I am moving on to-----

Deputy Shane Ross: Can I just answer one more?

Acting Chairman (Deputy Eugene Murphy): Very briefly.

Deputy Shane Ross: The Deputy was asking specific questions. It is very difficult to answer them all when he asks a lot. He asked me specifically when I last met the taxi advisory committee. I am not certain but I meet them regularly. From memory it was not that long ago. I have not met it specifically about the taxi hackneys but that certainly would be on the agenda if the committee put it down. It certainly can be on the agenda the next time I meet it.

Brexit Preparations

52. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the status of insurance green cards for motorists crossing the Border; the details of the one month's notice that will be required of motorists; the process of production of the green cards; the application process for motorists; if there will be a cost; and the interventions made with the EU and Britain on behalf of motorists here to ensure that there will be a seamless transition for motorists crossing the Border if Britain leaves the EU without an agreement. [7050/19]

Deputy Imelda Munster: I wish to ask the Minister for an update on the matter of insurance green cards for motorists crossing the Border in the event of a no-deal Brexit and for further detail on the requirement for one month's notice he has indicated will apply to motorists. Can he outline the process of production of the green cards and what the application process for the motorists will be, including the cost? I ask him to provide details of all the interventions he has made with the EU and Britain on behalf of Irish motorists to ensure there is a seamless transition.

Deputy Shane Ross: I thank Deputy Munster for her question. The green card is issued within the 48 countries covered by the Council of Bureaux for motor insurance and is a document whose production may be required to prove that insurance cover is in place for vehicles travelling between these countries, where alternative legislative provisions are not in place.

All EU member states are party to this system but the EU does not require production of a green card when travelling between member states. However, the default position is that green cards are required for vehicles entering the EU from third countries unless the EU Commission declares otherwise.

If the UK were to exit the EU without a deal, the default position would be that green cards would be required for EU-registered vehicles entering the UK and for UK-registered vehicles entering the EU. While the Government remains of the view that the best and only way to ensure an orderly withdrawal of the UK from the EU, including avoiding the necessity for green cards, is the ratification of the withdrawal agreement reached between the EU and the UK, the Government recognises that it is prudent to plan for the possibility of a no-deal exit.

The motor insurance industry is therefore behaving prudently in being prepared for the possibility that green cards will be required, even though this is not a desirable outcome. In line with the current expected Brexit date of 29 March 2019, the Motor Insurers Bureau of Ireland, MIBI, has indicated that insurers and insurance brokers will begin issuing green cards to policyholders from March if no agreement has been reached between the UK and the EU on Brexit and the process has not been further delayed. At that point anyone who plans on driving their Irish-registered vehicle in Northern Ireland or Britain should contact their insurer or insurance broker one month in advance of their expected travel date to ensure they receive their green card in sufficient time.

The MIBI has responsibility for the operation of the green card scheme in Ireland but individual insurance companies or brokers will issue them on its behalf. The insurers and insurance brokers are commercially run organisations and are independent in the actions that they take. The application processes involved are a matter for each individual company. Likewise any cost is a matter for the individual companies. The MIBI has indicated that some companies might charge a small administration fee.

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As part of its contingency planning the Government has raised this matter directly with the European Commission, seeking agreement from it to set a date from which green cards would not be required. This is a matter between the EU and the UK.

Additional information not given on the floor of the House

It would be wholly inappropriate as well as ineffective for an individual member state to seek to make a unilateral intervention with the UK authorities. The setting of a date is possible under Article 8(2) of the motor insurance directive. The Commission has not given agreement to date and the Government continues to pursue the matter with it. The Commission advised the MIBI and the international Council of Bureaux that it is keeping the matter under close and constant review as part of its Brexit preparedness work.

Deputy Imelda Munster: There are 68,000 vehicle journeys across the Border per day. We are six weeks out from a no-deal Brexit scenario. At last week's committee meeting, I asked the Minister some questions about the insurance green card, among other queries. He said he was unaware of some of the circumstances or conditions around it. That is fair to say. The Minister said two things, however. His first point was that 400,000 green cards are being printed and they will be available on demand. It is up to people to apply for them.

The Minister also indicated that one month's advance notice would be required for the delivery of a green card to an individual. He has just stated that the motor insurance industry has confirmed that it will start issuing them from March. As of today, we are six weeks away from a no-deal Brexit. If it takes one month for delivery, that will give people only two weeks in which to apply. In the course of his conversations with those in the industry, did the Minister flag the fact that a volume of people will be forced to apply for these green cards? Did he also flag the short timeframe involved and the chaos this will cause if it is not done properly?

Deputy Shane Ross: Obviously, the Deputy is very well aware of the numbers of these green cards that will be needed and possibly applied for and distributed by the insurance companies. The insurance companies are taking the initiative in this and they will be printing at a rate of knots to satisfy a demand that may or may not exist. This is a preparatory move. I do not need to flag it with them; they are aware of it. The insurance companies will make their own rules about where and when they issue the green cards but I am pleased to state that they are preparing for a no-deal Brexit, as any prudent companies ought to do in this situation. I certainly did not flag it with them because they knew about it. The Motor Insurers Bureau of Ireland, MIBI, has already taken the initiative on this particular issue so it does not take me to do that. Obviously, it would be preferable if this was not happening at all but if the MIBI decides it wants to do it or charge for it, that is up to it. My position is simply that I would rather that this did not have to happen but if it is happening, so be it.

Deputy Imelda Munster: I raise these questions because I am a Deputy who represents a Border county. If I or others want to travel to south Armagh from County Louth, a 30-minute journey, we do not want to have to produce green cards in order to do so. I also asked the Minister at the meeting last Wednesday if he had intervened specifically to deal with the issue of some form of dispensation. Some 25 million journeys are made via 300 Border crossings on an annual basis. I had said that unless the EU, the British Government and the Minister, on behalf of this Government, stepped in, a dispensation would not be possible. I ask the Minister again whether he met them to discuss this specific issue of a dispensation, what was the outcome and to whom did he speak. Did he make reference to recognising the existing relationship in respect

of motor insurance cover, North and South, without requirement for green cards? Did he raise the common travel area? Did he ask if this dispensation could be accommodated under the Good Friday Agreement?

Deputy Shane Ross: The Deputy is asking about the interventions. The Government has raised this matter directly with the European Commission and we have looked to it for a date from which green cards would not be required. That would satisfy the Deputy and many of her constituents who would be travelling backwards and forwards across the Border. It is a matter between the EU and the UK and it would be wholly inappropriate as well as ineffective for an individual member state to seek to make a unilateral intervention with the UK authorities. The setting of a date is possible under Article 8.2 of the motor insurance directive. The Commission has not given agreement to date and the Government continues to pursue the matter with it. The Commission advised the MIBI and the Council of Bureaux that it is keeping the matter under “close and constant review” as part of its Brexit preparedness work.

Public Transport

53. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the considerable overcrowding across the public transport system; and the steps he is taking to address same. [7061/19]

Deputy Robert Troy: We are all aware that there is serious overcrowding on practically all modes of public transport. I acknowledge that Project Ireland 2040 allocates certain funding for BusConnects, metro north and other public transport projects but I ask the Minister specifically - and if he answers the question he may be able to state the time - the measures he intends to take here and now to address that chronic overcrowding.

Deputy Shane Ross: I thank Deputy Troy. All of us are aware that increasing numbers of people are choosing to use public transport and all of us will, I am sure, welcome that fact. The Deputy is right to say that these increases can cause pressures at certain times and in certain places on the capacity of the public transport system. I hope he will acknowledge that there are short, medium and longer-term responses required to deal with those pressures.

My priority over the next few years is to increase investment in public transport infrastructure and services across the country. That is why I have provided funding to the National Transport Authority, NTA, to introduce measures such as expanding the public service obligation, PSO, bus fleets across the country; increasing and improving PSO bus services; introducing ten-minute DART services; increasing usage of the Phoenix Park tunnel for Kildare line commuters; expanding off-peak services generally across the rail network; increasing funding of the heavy rail network to steady state levels; and introducing longer trams on the newly extended Luas Green Line.

In the medium term I am providing increased funding to the NTA to continue to: expand PSO bus fleets, which will increase again this year; deliver new and improved cycling and walking infrastructure, with a number of important projects starting construction this year; complete the city centre resignalling project, which will benefit rail services; explore, and secure, medium-term solutions to capacity constraints on the rail network; and extend all trams on the Luas green line and purchase eight additional trams, which we expect to begin to arrive by quarter 4 this year.

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In the longer term, I am working with my Government colleagues in delivering upon the ambition of Project Ireland 2040 and its national strategic objectives. This involves major transformative projects such as BusConnects in all the major cities, DART expansion, MetroLink, the national train control centre and the development of strategic cycling networks. Together these will have a significant and positive impact for people in using our public transport system.

I assure the Deputy that this Government is committed to achieving a modern, efficient and effective integrated public transport system across the country and the measures I have outlined above will support the shift toward sustainable transport.

Deputy Robert Troy: If some of the commuters who were standing at a bus stop this morning as multiple buses passed them by or those who were taking the DART or commuter rail to work or to study and who were packed like sardines in a tin were listening to the Minister, they would not be overly relieved by his answer. There are reports this morning that €30 million in savings are to come from his Department in respect of the overspend on the national children's hospital project. Can the Minister confirm on the record of the Dáil that this will not have any impact on our public transport network or our roads budget? Can he also confirm when the tender for new train carriages will be issued and when we can expect delivery of new train carriages? In respect of the new buses the Minister said are coming on-stream, I understand 150 buses are to be delivered to Dublin Bus before July. How many of those buses have been delivered to date and how many will be additional and not simply replacement buses?

Deputy Shane Ross: I thank the Deputy for his question. The issue of the cuts because of the national children's hospital overrun is something I am very happy to address. I can confirm categorically that there will not be any cuts in any projects or any roads as a result of that. It is important that the Deputy should know that. It will not have any impact on our public transport projects. The Deputy will have seen the figure of €27 million. It is the result of a decision in Northern Ireland about the A5. Said decision will mean that the project payment will not have to be made until 2020. That is important because it means that €27 million is a saving made by my Department and it will not in any way affect a project such as a road, BusConnects or any of the projects which I know are so dear to the Deputy's heart.

Deputy Robert Troy: That is €27 million out of €30 million in cuts to the Minister's Department as I understand it. On the A5, I have to ask why the Department had ring-fenced €27 million towards this project at a time when the Department would have been well aware that this money would not have been necessary for 2019. I am putting the Minister on notice that we will be keeping a close eye to ensure his commitment that there will be no cuts and no prioritisation of schemes, as the Government likes to describe it, going forward.

On the roll-out of additional services here and now, of the 150 buses that were due to be delivered before July 2019 to Dublin Bus, I ask again how many of those buses will be replacement buses. How many have been delivered to date?

On additional rail carriages, when will the tender be issued and when can we expect delivery of the much needed additional rail carriages? In the interim, while we are waiting on rail carriages, will the Minister look at putting in bus services to supplement the chronic overcrowding that currently exists on our rail network?

Deputy Shane Ross: I will always urge the National Transport Authority, NTA, to look at anything which might be a solution but I am sure it is looking at it already. It regularly looks

at alternative suggestions if there is overcrowding in various areas and the overcrowding which the Deputy has spoken about certainly applies sometimes to various services. Alternatives are looked at and produced when that happens. On the Luas, there are promises that there will be alternative buses if there is overcrowding or if there are delays or disruptions during the building of the MetroLink.

On the issue of the ring fencing, the money is there for the A5. It is a North-South deal as the Deputy will be fully aware and that project will go ahead as planned. It is simply a timing difference as a result of a decision which was made outside the jurisdiction and there is no threat to that project or to any other project as a result of what happened with the new national children's hospital.

On an overall timeframe for double decker buses, they have an optimal life of about 12 years and the NTA's current fleet strategy envisages a continual fleet replacement programme of about one twelfth of the fleet each year-----

Deputy Robert Troy: I know all of that.

Deputy Shane Ross: -----which equates to approximately 95 buses being replaced each year out a current total complement of 1,136 vehicles.

Deputy Robert Troy: How many buses have been delivered so far this year?

Acting Chairman (Deputy Eugene Murphy): Leanfaimid ar aghaidh le hUimh. 54-----

Deputy Robert Troy: I am asking questions and they are not being answered. It is very unfair.

Acting Chairman (Deputy Eugene Murphy): I am the Acting Chairman so the Deputy will have to take that up with the Ceann Comhairle or whoever else. I appreciate the Deputy's frustration but he will have to make his complaints somewhere else. I am here to chair the meeting.

Rail Network Expansion

54. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport his plans to proceed with the MetroLink project from Swords to Dublin city centre as a priority; if the entire project will not be delayed by the southside alignment; and if he will make a statement on the matter. [7058/19]

Deputy Brendan Ryan: Proceeding with the MetroLink project as planned is of the utmost importance to my constituents and indeed to the entire city of Dublin. An affordable light rail link will not only reduce traffic from Swords to the city centre, but the rail will also allow for residents to commute quickly, cheaply and sustainably. The construction of a northside line must be a priority. It has been promised to my constituents for many years and increasing the public transportation options in the area will improve many of their lives immensely and indeed the quality of their lives.

Deputy Shane Ross: MetroLink is one of the flagship projects proposed for delivery under Project Ireland 2040. The project envisages the development of a north-south urban railway

service that will run between Swords and Sandyford, connecting key destinations along the 26 km route. A large proportion of the route will be underground, including where it passes under the important city centre area and Dublin Airport.

As the Deputy alludes to, the project, as published in Project Ireland 2040, plans to integrate into the current Luas green line on the southside of the city, and to upgrade the integrated segment to a higher, metro level, standard of service. MetroLink will open for passenger services in 2027, towards the end of the next decade, and it will need to address our city's travel needs into the mid years of this century and beyond. We are looking to deliver the long term, sustainable solution to Dublin's transport needs so it is important that we plan and provide for a network that can cope with the higher travel demands expected along the green line into the future, as these will exceed the capacity that would be possible with only a Luas type service.

In line with the relevant statutory framework, the MetroLink project is being developed by the NTA and Transport Infrastructure Ireland, TII. Last year the two agencies completed a public consultation process on the emerging preferred route. That process was one in which communities along the entire route and beyond took a keen interest and approximately 8,000 submissions were received in relation to various aspects as they impacted both northside and southside of the city. Since that process concluded, both agencies have been considering the thousands of submissions received with a view to developing what will be known as the preferred route. This preferred route will reflect the NTA's and TII's consideration of the issues raised and a further round of public consultation will take place shortly on this preferred route. Following that the NTA and TII will develop a final route which will be the one brought forward to An Bord Pleanála for its consideration as part of the planning process.

I can understand the Deputy's perspective as he has raised it here today, but I am sure he can understand that it would be wholly inappropriate for me to comment on particular route alignments while work is under way by the relevant statutory agencies.

Deputy Brendan Ryan: Although there have been many complaints that the MetroLink is not needed where the green Luas line already runs, I would like to emphasise that this sentiment is not shared by residents on the northside of Dublin who desperately want a rail system built to connect them to the capital. MetroLink should revise the current project plans and divide the construction into two phases. That way the northside construction can proceed as scheduled, unaffected by the delay caused by protesting residents on the southside.

There is a massive infrastructure deficit on the M1 Corridor with traffic bumper to bumper on a good morning. This is adversely affecting all bus routes, including express services which cannot avoid the congestion. On a bad morning, if there is a breakdown or an accident, everything on the M1 just grinds to a halt. The MetroLink is the best solution to this problem because it will reduce traffic on the roads, while also quickly moving more people to the airport, the Mater Misericordiae University Hospital and Dublin city centre. Reduced traffic leads to less road traffic accidents, as the Minister will appreciate as he also has responsibility for that, and faster commute times.

Deputy Shane Ross: I appreciate the frustration which the Deputy is expressing about the northside but it is not just a northside problem. It is not something which is just affecting the northside and it not just because of the delays in the planning that is going on in the southside around the emerging route and the preferred route. All of those are factors of course but there have also been factors on the northside. The areas where the concerns have had the highest

public profile have been with CLG Na Fianna, the adjacent Scoil Mobhí and Scoil Chaitríona in the Glasnevin area and Dunville Avenue in Ranelagh on the southside. Other locations of concern include Swords and O'Connell Street and whether the tunnel configuration would be twin or single bore. On Ranelagh, the NTA has prepared and presented two proposals: bridge and cutting options, with more design work to be carried out on these options. The proposed MetroLink station development in the Tara Street area has been identified by TII and the NTA as a key connection area, as it will provide interchange between MetroLink, DART and suburban services. Various options have been explored by TII and the NTA and the preferred option identified would require the acquisition and demolition of the College Gate Apartments and other buildings in the area. The NTA and TII have received a submission from the residents that identifies alternative sites and are currently assessing whether these are feasible.

Deputy Brendan Ryan: The construction of a new rail line will allow for local small businesses to grow, along with the potential development of a new tourism sector. As Swords is the closest town to the airport, it could be a popular stay over location for tourists if there is an easy access rail line for them to use. MetroLink will provide residents with greater job opportunities because those without cars will no longer be restricted to areas covered by the current bus routes. We in Fingal have been excessively patient on this project. Northside MetroLink should not be further delayed due to opposition to the southside alignment. The southside already has a Luas line and is relatively well served. A cynic would say the project is almost designed to fail if these southside objections are allowed to delay the project even further. I ask the Minister to fast-track the northside alignment. It is badly needed. Enough analysis has been done on the Swords-to-city-centre route to move that element forward. The solution is to divide the project into two phases and move on with the northside phase. The CEO of Fingal County Council also expressed frustration on this matter last evening to the councillors in the chamber.

Deputy Shane Ross: I fully understand why Deputy Brendan Ryan says that, but some people on the south side would probably say that they recognise the difficulties, delays and objections on the northside.

Acting Chairman (Deputy Eugene Murphy): It is the northside against the southside.

Deputy Shane Ross: It is. There are also the planning difficulties being experienced there in various areas. This is not a one-sided coin. There will always be planning difficulties, objections and public consultations. There will always be controversies about a project as big as this. We cannot object to the people of the southside having their say and having public consultations in Ranelagh and elsewhere, as was the case on the northside. To be fair, pointing the finger one way will only provoke people from the other side of Dublin to point at the northside. This is a great project.

Deputy Brendan Ryan: Would the Minister consider two phases?

Deputy Shane Ross: No. It will be a great project that links north and south. When it comes to fruition in 2027 we will all welcome it.

Acting Chairman (Deputy Eugene Murphy): I am sure you will all come together for the All-Ireland final. There will be no difference between the north and the south of the city.

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Driver Test Waiting Lists

55. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the considerable waiting periods for driver tests nationally and the debilitating impact this can have on persons living in rural areas. [7062/19]

Deputy Robert Troy: The Minister is undoubtedly aware of the considerable waiting times for driver tests. That is having a huge impact, particularly on the younger generation living in rural Ireland. They need a car to go to school, college or work. They have no alternative because, as was outlined in an earlier question, there is no public transport. When will this matter be addressed? When will the waiting times be brought down to an acceptable level?

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I am very aware of the current wait times for driving tests across the country. I accept that these waiting times remain high but I am assured that measures being put in place by the Road Safety Authority, RSA, are working towards reducing waiting times for the public.

The authority's target for a national average waiting time for a driving test is no longer than ten weeks. The current average wait time, as at 4 February last, is 12 weeks. While the wait times at some centres such as Carrick-on-Shannon, Dún Laoghaire, Deansgrange, Mulhuddart and Wexford are less than six weeks, there are some centres where the wait time is considerably longer. The longest average wait time at a centre, which is Newcastle West, is just over 20 weeks. It should be noted that an applicant can apply to sit the driving test at any test centre around the country.

In 2018, following my approval, the RSA recruited 52 driver testers, and there are currently a further 14 testers undergoing training. In addition, it is planned to recruit an additional eight driver testers in March. Including the 14 driver testers currently being trained, there are now 147.94 full-time equivalent driver testers available for deployment and this provides an annual capacity of 260,000 driving tests.

Despite an increase in applications for driving tests, which may reflect legislative changes relating to enforcing the existing law on unaccompanied learner drivers - the Clancy amendment - as well as ongoing economic and demographic growth, there is a gradual reduction in waiting times at almost all test centres. With the additional resources available as well as those coming on stream, waiting times will continue to reduce at all test centres.

The RSA provides a facility where driving test cancellations are made available to applicants who may need an urgent appointment. An applicant should contact the RSA directly and request that he or she be placed on the cancellation list. To be fair to all applicants, cancellation places will be assigned in order of the date of placement on the list. If an applicant requires a driving test urgently for employment or emigration purposes, the RSA will make every effort to accommodate that applicant.

Deputy Robert Troy: At the time of the changes with the Clancy amendment, the Minister gave a commitment that this issue would be tackled. In fact, Deputy Fitzmaurice put forward an amendment that would have imposed a legal requirement for a maximum waiting time which, unfortunately, was defeated. The RSA has committed to waiting times of no more than ten weeks. That is laughable and far from the reality in most test centres. Driving is a lifeline for many young people in rural areas to enable them to get to college, go to work or go wherever.

Frankly, the fact that the Minister has ignored the calls since the issue was raised two years ago - the issue has not been addressed since the Clancy amendment was debated here - shows that he and the Government are out of touch with the needs of the younger generation in rural Ireland.

The Minister said 52 people were recruited last year, but in June 2018 he said that 67 would be recruited. Only 52 of the 67 have been recruited. How many testers retired last year? Regarding the 14 being brought forward this year, how many people are due to retire in 2019?

Deputy Shane Ross: I do not know how many are due to retire this year. I will give the Deputy some figures that are quite optimistic, although they might not please him much because of that. In his area the average waiting time in Athlone is 8.7 weeks and the longest waiting time is nine weeks. In Longford, the average waiting time is 10.9 weeks, which is again below the national average, and in Mullingar it is 12 weeks. The Deputy is quite right that it is unsatisfactory. The target is ten weeks but it is now 12 weeks, which is above that. However, the idea that we have not addressed it is absurd and ignores what I said in my reply. Last year, the RSA recruited 52 driver testers and a further 14 are undergoing training. It will recruit an additional eight driver testers in March. Including the 14 driver testers currently being trained there are now 151 driver testers available for deployment and this provides an annual capacity of 260,000 driving tests. We are addressing this issue, and we are addressing it in the light of the Clancy amendment as well. We are well aware of it and aggressive action has been taken by the RSA, with my approval.

Deputy Robert Troy: Unlike the Minister, I do not concentrate my efforts on my constituency. This is a problem across Ireland. The Minister has selectively identified my local areas but I take my responsibility as transport spokesperson as a responsibility for all of Ireland. I am aware that the Minister concentrates on his own constituency. In Churchtown in his constituency, the longest waiting time last year was 26 weeks. I acknowledge that it has gone down to 15.1 weeks. The average waiting time in Cork is 17.9 weeks, with a longest waiting time of 24 weeks. In Mallow, the average waiting time is 19.2 weeks while in Skibbereen it is 20.2 weeks. There is a problem, regardless of whether the Minister cares to acknowledge it.

I am surprised that the Minister does not know how many additional staff the RSA has recruited. It has recruited 52 but the Minister is unable to say how many additional staff that represents *vis-à-vis* people who retired and positions that have not been filled in previous years. The simple fact is that despite the 52 who were recruited last year the problem with waiting times persists. The Minister should introduce a mandatory maximum waiting time of the ten weeks the RSA has indicated.

Deputy Shane Ross: We are not far off it. The RSA has targeted ten weeks and it has hit 12 weeks, so it is not far off. To make it mandatory would be extremely difficult. I would love to see it below double digit figures and I hope that will happen. After the Clancy amendment, we anticipated that there would be a sharp rise and measures have been introduced in anticipation of that. More driver testers will be employed and trained, which is essential and will take some time, and people who need a driver licence quickly will be facilitated. The RSA has introduced emergency slots to accommodate people with such requirements.

Deputy Robert Troy: It has always offered that service.

Deputy Shane Ross: I acknowledge the particular need for this to be accelerated in rural Ireland where there are difficulties caused by a lack of public transport. We will address that

issue.

Deputy Robert Troy: Acknowledging it is one thing; dealing with it is another.

Deputy Shane Ross: The RSA has pledged to continue to make improvements and I hope Deputy Troy will acknowledge them.

Ceisteanna Eile - Other Questions

Taxi Regulations

56. **Deputy Richard Boyd Barrett** asked the Minister for Transport, Tourism and Sport if he will report on plans in the taxi industry to introduce ride-sharing; his recommendations for regulating same; and if he will make a statement on the matter. [6721/19]

Deputy Richard Boyd Barrett: Before Christmas, a significant number of taxi drivers contacted me regarding their concerns at plans by parts of the taxi industry to introduce a taxi ride-sharing scheme. The taxi drivers believe the scheme could cause significant difficulty, particularly in terms of passenger and driver safety, and would massively disrupt the taxi business. What knowledge does the Minister have of this proposal and what does he intend to do about it in terms of regulations and so on?

Deputy Shane Ross: In Ireland, the carrying of passengers in a car for a payment is regulated under the Taxi Regulation Act 2013. The Act provides for the regulation of the small public service vehicle, SPSV, sector, which includes taxis, hackneys and limousine services and is commonly referred to as the taxi industry. Under the legislation, the regulation of the SPSV business is carried out by the National Transport Authority, NTA.

Ireland's regulatory regime is governed by recent modern legislation, which provides for licensing arrangements and industry standards and applies to vehicles, drivers, operators and the services provided for the travelling public. The Act requires the licensing of vehicles and drivers involved in providing SPSV services. However, it places no quantitative restriction on the number of licences that may be issued. The objectives of the regulatory framework are to protect consumers and help ensure safety.

As Deputies are probably aware, the SPSV regulatory regime makes several requirements in the interests of passengers and the public generally. Drivers must be Garda vetted and must demonstrate knowledge of industry standards and the areas in which they will work. Vehicles must meet specific safety standards and appropriate insurance is required. Services must be operated to an appropriate standard for passengers and fares must be charged within the regulated pricing system.

As I mentioned, the focus of the regulatory regime is to protect the consumer and help ensure personal safety. These are vital objectives which must continue to be central to how the SPSV industry is operated and regulated. Within that context, there is a need to evolve and be open to new technologies and innovation. In that regard, there is now widespread use of tech-

nology in the SPSV industry, and such innovations are of benefit to consumers and operators.

Additional information not given on the floor of the House

Over the past few years, there have been calls to change the regulatory system to allow the operation of certain taxi-type services that are not currently permitted. As the Deputy mentioned, ride sharing has been suggested as an additional means of providing transport services in rural areas.

The taxi regulation review report published by the Government in January 2012 recommended the introduction of a local area hackney licence to address transport deficits that would not otherwise be addressed in certain rural areas. Regulations permitting the issue of such licences were introduced with effect from December 2013 to enable a part-time hackney service to be provided in rural areas likely to be too small to support a full-time taxi or hackney operation and too far from adjacent centres to be serviced by taxis or hackneys therefrom. The RSA continues to offer the local area hackney licence to address transport deficits in certain rural areas. However, the number of active licences remains very low. The NTA has advised my Department that the principal deterrent to the take-up of the licences seems to be the high cost of insurance for the carriage of passengers for reward. A review of the position on local area hackneys is currently being undertaken by the NTA as part of the development of a strategy framework for the SPSV industry. It is expected that the review will be completed in 2019.

As regards the specific issue of transport connectivity in rural Ireland, the Deputy will be aware that the NTA has responsibility for providing integrated local and rural transport. This includes responsibility for the rural transport programme which now operates under the Local Link brand. The number of services has been expanded in recent years and spending on the programme has increased substantially. In recent months, the NTA has been conducting a pilot scheme to test evening and night-time services as part of the rural transport programme. The pilot scheme was recently extended and future arrangements will be informed by an evaluation of its experience.

We must remain open to new possibilities. However, the regulation of any public passenger service should continue to be determined in the context of the important safety and consumer objectives that underpin our existing legislation.

Deputy Richard Boyd Barrett: I am all for proper regulation of the industry. We should keep Uber out because users of that service do not know who their driver will be or whether the vehicle will be safe or properly regulated. However, that is not the issue I wish to raise. My question regards a proposal by Mytaxi to bring in a ride-share scheme. If there is a big queue at a taxi rank late at night and one proposes sharing a taxi with another member of the queue, that is fine. However, if these taxi app companies set up a ride-share scheme whereby three or four people who had not met would get into a taxi at different locations, problems may arise, particularly late at night. Passengers would not know with whom they will be sharing the taxi nor how much alcohol their fellow passengers may have taken. It may lead to fights over the division of fares and so on, with taxi drivers being left to manage such situations.

Does the Minister welcome the proposal being put forward by some sections of the taxi industry? I do not. I share the concerns of taxi drivers. A ride-sharing scheme should not be introduced until it has been properly examined and all stakeholders consulted on the possible dangers.

Acting Chairman (Deputy Eugene Murphy): Deputy, please. You are way over time.

Deputy Richard Boyd Barrett: What is the role of the Minister in terms of preserving the livelihood of taxi drivers and passenger safety?

Acting Chairman (Deputy Eugene Murphy): It is very unlike Deputy Boyd Barrett to exceed his time. I know he is very passionate about this issue.

Deputy Shane Ross: I note the Deputy stated that Uber should be kept out of the market. I presume that was a throwaway remark because his question as tabled does not refer to Uber.

Deputy Richard Boyd Barrett: It was a throwaway remark.

Deputy Shane Ross: On that throwaway remark, I am open to all constructive suggestions which would reduce social or rural isolation, such as the local hackney service referred to in a previous question. We will tackle that isolation. There are certain very important criteria in place for providers of such services. The potential scenario referred to by the Deputy was quite alarming. I am not prepared to entertain any enterprise which would prejudice people's safety in any way. We must have a safe, fully regulated, consumer-friendly and competitive taxi industry. The Deputy may rest assured that neither my Department nor any other body will look favourably on any proposal which threatens the safety of taxi passengers.

Deputy Richard Boyd Barrett: I am glad to hear that. I ask the Minister to look into the matter further and send out a clear message that what would be a very dramatic change with potentially very negative consequences will not be allowed and that any such proposal will be thoroughly investigated and weighed up and the subject of proper public consultation. Broadly speaking, we should not allow ride-sharing because it would devastate the livelihood of taxi drivers, very seriously prejudice the safety of passengers and could cause chaos.

I am very sympathetic to the need for additional public transport for those in rural areas. The provision of those services must be examined. However, that is a separate issue to services such as ride-sharing schemes, which could have very negative consequences and should not be allowed to go ahead. There have already been protests by taxi drivers against the possible introduction of the service. I ask the Minister to look into the matter and, bearing the regulations and passenger safety in mind, to ensure that no such scheme is introduced without permission.

Deputy Robert Troy: I welcome the fact that the Minister is open to all suggestions to reduce rural isolation. I hope he will embrace the use of technology to improve services for the public. Services must be safe. Drivers must be vetted and people must feel safe while using public transport. The Committee on Transport, Tourism and Sport is in the process of inviting all stakeholders in the area, including the taxi alliance and other groups representing taxi drivers, to appear before it. I understand the Minister has agreed to appear before the committee in that regard. When will there be a timeline for the introduction of adequate rural transport services? It is not good enough to say things will be done in 2019. When will he bring firm proposals regarding how we will address the deficiencies in rural transport to the House or the Oireachtas transport committee?

Deputy Shane Ross: I have given the deadline of 2019 and I am not going to revise it because it is realistic.

Deputy Robert Troy: It is ten months long.

Deputy Shane Ross: The Deputy may be demanding an earlier one. He asked me for one and I gave it to him. It is 2019. That is where it is and-----

Deputy Robert Troy: That is ten months.

Deputy Shane Ross: -----I am sorry but that is where it stays. The Deputy is not going to bamboozle me into changing it.

The issue of safety is paramount. Deputy Boyd Barrett may recollect that I made a pledge about the issue of rickshaws, which is not dissimilar. Rickshaws act as quasi-taxis from time to time. They must be regulated and abide by rules that make people safe, not only the passengers but also those whom they pass in the night. No operation of that sort that does not abide by rules of safety and consumer protection will be tolerated. That is something I reiterate here. This does not in any way prejudice my commitment to helping rural areas on the way to a more amenable, accessible and workable transport system that helps those in those areas to have a better and more active social life.

Question No. 57 replied to with Written Answers.

Acting Chairman (Deputy Eugene Murphy): I am aware of the number of Members tied up with committee meetings. Looking at my list, I believe Deputy Boyd Barrett has hit the jackpot because, as far as I can see, his question is next.

Deputy Richard Boyd Barrett: I will take Deputy Gino Kenny's question.

Acting Chairman (Deputy Eugene Murphy): Has that been agreed? I have not been informed.

Deputy Richard Boyd Barrett: It has.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Disabilities Data

59. **Deputy Gino Kenny** asked the Minister for Transport, Tourism and Sport his plans to disability-proof policies of his Department; and if he will make a statement on the matter. [6514/19]

Deputy Richard Boyd Barrett: Ten years after we promised to do so, we passed the UN Convention on the Rights of Persons with Disabilities. It is good to have an aspiration although, noticeably, we ducked out of the proper option on monitoring. To what extent will the Minister ensure this is made a reality in terms of access to public transport for the disabled and the disability-proofing of public transport?

Deputy Shane Ross: I will first address the public transport area. My Department's high-level policy goal for accessible public transport, based on the principles of universal access to public transport, is being implemented through my Department's policies and funding. This includes new public transport facilities and infrastructure, retrofitting of older infrastructure, and accelerated investment in public transport. In 2018, I appointed to the boards of the National

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Transport Authority, Dublin Bus, Bus Éireann, Irish Rail and Córas Iompair Éireann directors with direct personal experience of disability.

In the tourism sector, my Department is committed to supporting action 11 of the tourism action plan for the period 2019 to 2021, regarding accessible tourism. In the sports sector, my Department is committed to supporting the national sports policy for the period 2018 to 2021, which contains four specific actions aimed at addressing the disability participation gradients.

My Department continues to work to ensure it meets the 6% target for the employment of people with disabilities over a phased period to 2024 in accordance with the national disability inclusion strategy. The public sector duty, as outlined in section 42 of the Irish Human Rights and Equality Commission Act 2014, is a legal obligation on all public bodies, including all central government Departments, to promote equality, prevent discrimination and protect the human rights of their employees and everyone affected by their functions and services.

To meet its public sector duty, my Department is preparing to carry out shortly an assessment to identify human rights and equality issues, including disability issues, that are relevant to its functions. The assessment will cover my Department's functions as a policy maker, employer and service provider. The assessment will also identify my Department's policies and practices that are in place or those it will plan to put in place to address these issues.

Deputy Richard Boyd Barrett: Very simply, if a wheelchair user is trying to get on the DART, he or she will face extreme difficulty in many cases. He or she must give advance notice. At some stations, one simply cannot get on. One certainly has to give very significant advance notice. This unfortunate, unequal and discriminatory situation suffered by people with disabilities has been exacerbated by the removal of staff from many DART stations. That is just one example. The staff would often be the individuals who could facilitate access for people who just came up to a DART station to try to access the service. If the staff are not available, access is impeded. That is just one example.

It is all very well talking about committees, consultation and aspirational commitments under the UN convention but if they do not translate into access to public transport such as the DART for people with wheelchairs and others with a disability, it means very little.

Deputy Shane Ross: We have made a lot of progress and I absolutely acknowledge we still have plenty to do. This applies not only to the areas to which the Deputy referred but also to others. Since 2010, all new taxi or hackney licences require wheelchair-accessible vehicles. In 2018, the appointment by me to the boards of the National Transport Authority and Dublin Bus of people with direct experience of disability was a major move in the right direction. I hope the Deputy acknowledges that we now have, on every public transport board, directors who are conscious of disability issues and who I hope are at every meeting disability-proofing what is happening in the companies. Their representation surely gives the people who are suffering from disabilities reassurance that everything is being done to look after their needs in a practical way.

Deputy Richard Boyd Barrett: On one level, that is an improvement. I acknowledge improvements where they exist, just as I acknowledge the belated but nonetheless welcome signing of the UN convention. This is undermined, however, when decisions are made to reduce staff numbers or remove staff at DART stations or other areas. Often, the real assistance needed to ensure access is from a human being working in public transport and who is in place

to provide support and assistance to people with disabilities. What is happening neutralises or subverts the progress the Minister might be making through consultation, albeit welcome, with people with disabilities. He needs to address that.

Many of the DART stations do not have lifts or have a lift on only one side of the track, as is the case in Dalkey DART station. There are real problems getting on if one is on the far side of the tracks. These matters need to be addressed if we are to ensure real equality, to which we are now committed under the UN convention.

Deputy Shane Ross: The Deputy referred to lifts. I have a few statistics on this that might help him. Across the rail network, of 144 stations an average of 12 lifts were out of service per week in 2018. The reasons were vandalism, parts being required or technical call-outs. Vandalism accounted for lifts being out of service on over 44 occasions in 2018. Some issues were rectified within an hour while others took up to a month if specialist parts were required to be ordered. Sometimes lifts simply cannot be repaired rapidly, and this obviously has a detrimental and very regrettable effect on people with a disability because it makes it much harder for them to gain access to public transport. I am determined to tackle this in an energetic way also.

Deputy Richard Boyd Barrett: That is why staff are needed in the train stations.

Deputy Shane Ross: Approximately 86% of Bus Éireann coaches are now wheelchair-accessible by lift, and this proportion will increase as the coach fleet is replaced.

Acting Chairman (Deputy Eugene Murphy): Some people were tied up in committees and, with the permission of the House, I am going to go back to Deputy Thomas Byrne's question and then I will proceed to those in the names of Deputies Wallace, Clare Daly and Curran. Is that agreed? Agreed.

Road Network

58. **Deputy Thomas Byrne** asked the Minister for Transport, Tourism and Sport his plans for investment in primary routes in County Meath. [6686/19]

Deputy Thomas Byrne: I will not delay. I was seconds late to the Chamber. I will hear the Minister's reply.

Deputy Shane Ross: This question is about plans for investment in primary routes in County Meath. First, I wish to explain that, as Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in respect of the national roads programme. However, under the Roads Acts 1993 to 2015, the planning, operation and development of individual road projects is a matter for the relevant road authority - that is, local authorities in whose functional areas road developments are situated - in the context of local and regional roads or Transport Infrastructure Ireland, TII, in conjunction with the local authorities concerned, regarding national roads.

Consequently, it is an operational matter for a road authority and TII to give an account of how a project is progressing within their functional areas of responsibility. However, following consultation, I can provide the following information and update to the Deputy on investment in primary routes in County Meath.

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The N2 Rath to Kilmoon roundabout scheme is included in Project Ireland 2040. The scheme is being progressed through pre-appraisal and early planning. This project, which relates to a section of road approximately 6 km long, will address the existing operational and safety problems on this part of the N2. The expected benefits of the scheme will be to improve efficiency of traffic using the N2 corridor, improve safety and improve connectivity between Dublin and the north west.

In 2018, TII provided an allocation of €25,000 to Meath County Council to carry out the pre-appraisal plan for Rath to Kilmoon. A further allocation of €250,000 has been provided by TII in 2019 to allow the scheme to progress through planning and design. TII has issued approval to Meath County Council to progress the procurement of technical advisers to commence the design of the scheme. The procurement of technical advisers will take approximately three to four months.

The traffic problems at Curragha are exacerbated by traffic which is trying to avoid the delays at Primatestown and also traffic heading to Tayto Park. The Ashbourne municipal district engineer has been installing and maintaining signage at the junction as well as hedge cutting. The transportation section of Meath County Council has also prepared a preliminary design to calm traffic and improve definition at the junction and safety on the approaches, including the R155 as it passes the residential properties and school through the village of Curragha itself. My Department has made €200,000 available to the council to progress this work in 2019 .

Acting Chairman (Deputy Eugene Murphy): The Minister will have an opportunity to come back in.

Deputy Shane Ross: I might come back to it in a second.

Deputy Thomas Byrne: What about the Slane bypass?

Deputy Shane Ross: I will address the matter of Slane bypass.

Deputy Thomas Byrne: I will clarify the difficulty I have. On the issue of the Rath to Kilmoon scheme, the difficulty I have is that my constituents are stuck in traffic every day. They get on to us to ask what is happening and we get very little information. I would like to know specifically, in the context of projects such as this which are listed for pre-appraisal under Project Ireland 2040, what that means. My reading of Project Ireland 2040 is that not all of the projects listed will get approval. Is that the case? We are spending money on consultants now and, at some point, a list of about half of them will be picked for construction. That is what a plain reading of that document suggests. There are other projects in my constituency that are also on that list, particularly the project at Clonee.

This is a major issue. The Minister is aware of that because he has met residents of the area, councillors and me in respect of it. People are at breaking point over the traffic there and it needs much more action. Farther up the road is the Slane bypass and it is almost exactly seven years to the day since it was refused planning permission and we still are nowhere near another planning application being made. Farther along again is the A5. I wonder if today's announcement will have any impact on projects on the N2 in County Meath.

Deputy Shane Ross: I will address the N2 Slane bypass and come back to the Deputy's question in a moment.

In December 2009, a proposal for an N2 bypass of Slane was submitted to An Bord Pleanála. In March 2012, An Bord Pleanála refused planning consent citing its concern that, having regard to the importance and sensitivity of the location, a bypass of the type proposed could only be considered where it had been demonstrated that no appropriate alternative was available. Following additional studies, Meath County Council concluded that traffic management options were not viable alternatives to a bypass and an N2 bypass for Slane village was still required. Technical advisers were procured in February 2017 to re-examine the need for a bypass from first principles and bring the scheme through to make a new application to An Bord Pleanála for statutory consent.

The scheme is contained both in the NTA's transport strategy for the greater Dublin area and Project Ireland 2040. An N2 bypass of Slane is required to alleviate traffic congestion in the village and to reduce the potential for serious vehicular accidents due to the steep approaches to the very narrow Slane bridge and the high commercial vehicle content in the traffic flow.

Acting Chairman (Deputy Eugene Murphy): The Minister will have a final minute.

Deputy Shane Ross: Okay.

Deputy Thomas Byrne: I would like to yield my time to the Minister because I want to get answers to the questions I have already asked.

Deputy Shane Ross: My understanding is that pre-appraisal is the first stage and it certainly does not mean that final approval is guaranteed.

Deputy Thomas Byrne: Final approval is not guaranteed.

Deputy Shane Ross: It is not.

Deputy Thomas Byrne: The Rath to Kilmoon scheme is not guaranteed.

Deputy Shane Ross: My understanding is that it is not guaranteed, despite the pre-appraisal.

The expected benefits of the Slane bypass are that it will provide a bypass of Slane village, provide an enhanced living environment within the historic village, reduce journey times and traffic delays in the vicinity of Slane and enhance access between Dublin and the north west region. This scheme is currently at route selection stage. The route selection report is being finalised and is due for publication in 2019. A pre-application consultation process is under way with An Bord Pleanála. It is anticipated that the scheme will be published in late 2020. Subject to receiving planning approval the scheme may then progress to construction. The estimated construction timetable is three years with an anticipated completion date of 2024.

Ports Facilities

60. **Deputy Mick Wallace** asked the Minister for Transport, Tourism and Sport the actions he has taken to address the ownership issue at Rosslare Europort; and if he will make a statement on the matter. [6716/19]

77. **Deputy Mick Wallace** asked the Minister for Transport, Tourism and Sport his views on the ten-year strategic plan for Rosslare Europort of Irish Rail; and if he will make a statement on the matter. [6715/19]

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Deputy Mick Wallace: For more than three years now - since prior to the Brexit referendum - I have argued that this Government and that which preceded it needed to invest and to address the issues faced at Rosslare Europort, not least the problem that it is run by a rail company and is partly owned by the British. Every time I question the ownership of the port I am given the same line about the complicated legislative basis of the port and that the Minister's Department has received detailed advice from the Attorney General and that advice identified a number of legal issues which remain under consideration by the Department. Has there been any progress in addressing the ownership issue of Rosslare Europort?

Deputy Shane Ross: I propose to take Questions Nos. 60 and 77 together.

Rosslare Europort is unique among the State-owned ports, as it is not a commercial company operating under the Harbours Acts but is instead operated on a commercial basis as a division of Iarnród Éireann. Technically, the port forms part of the Fishguard and Rosslare Railways and Harbours Company, which is a 19th century joint-venture company, consisting today of Iarnród Éireann on the Irish side and Stena Line on the Welsh side.

The status of the port, and whether its current status potentially inhibits its development, was considered in a strategic review commissioned by the Department of Transport, Tourism and Sport and carried out by Indecon Economic Consultants. Its report concluded that the creation of an independent port authority would be extremely difficult, given the port's complex legal structure. Instead, it was recommended that the port remain in public ownership and that the possibilities for increased private sector involvement be investigated.

In order to assist Iarnród Éireann's overall consideration of how best to move forward, the company then engaged consultants to assess market interest. The assessment was largely positive in terms of the potential for increased private sector investment in the port. However, it did identify possible implementation issues due to the complicated legislative basis of the port.

Following that assessment, the Department sought and received detailed advice from the Office of the Attorney General on the matter. That advice identified a number of legal issues with any such proposal and those issues remain under consideration by the Department.

I am satisfied that Rosslare Europort, as a division of Iarnród Éireann, is effectively managing operations at the port and looking at the potential of the port to develop further and take advantage of any new opportunities. The port is targeting growth and new business opportunities and recently received the approval of the Iarnród Éireann board for a strategic plan to grow the port's business. This includes investment plans for up to €25 million in customer facilities and port infrastructure, port assets and new technology. The port is engaging with several potential new shipping customers to supplement existing operators and offer greater choice to freight and passenger business. Iarnród Éireann and Rosslare Europort briefed my Department late last year on the company's plans for strategic development of the port over the coming years.

Brexit will have implications for several key ports and airports. Rosslare continues to work closely with my Department and a range of other relevant Departments and Government offices in preparing for the additional border controls that will arise from Brexit. In this context, my Department has met Rosslare Europort management on a number of occasions during the past year, most recently last month, about the infrastructural requirements of the port in connection with Brexit. My Department has also met ferry and shipping companies regarding their plans for dealing with the challenges of Brexit.

Deputy Mick Wallace: On 3 May last, the Minister told the House that the structure of the port's ownership was somewhat unorthodox and would certainly need to come under more immediate scrutiny. That does not seem to have really happened, however. Several weeks ago, the Minister of State in the Department of Defence, Deputy Kehoe, brought a delegation to Brussels to meet the European Commissioner for Transport to stress the need for investment in Rosslare. Will the Minister explain why the Department of Defence has become involved?

Why has it taken until now, on the eve of Brexit, for someone to wake up and state that something needs to be done about Rosslare, the closest port in the State to mainland Europe? I fail to understand why Rosslare was not developed into a strategic harbour a long time ago. Central Statistics Office, CSO, port traffic figures from 2016 show that Rosslare had arrival gross tonnage of 32,000 tonnes, Cork, 18,000, and Shannon, 10,000. Are Cork and Shannon getting more investment than Rosslare? In terms of footfall, Rosslare had 268,000 passengers in 2016 compared with Dublin, which had just under 500,000 passengers, yet it is left behind. Wexford is a deprived county and could be given a boost through investment in Rosslare Europort.

Deputy Shane Ross: Rosslare Europort is a commercial operation and operated as a division of Iarnród Éireann. As such, any State investment would not be legal under EU regulations on state aid. However, Rosslare Europort is a division of Iarnród Éireann which is managing operations at the port and looking at its potential to develop it further. The 2017 Iarnród Éireann annual report showed operating revenue at the port of €10.6 million and subsidies to the port of approximately €2.5 million per annum. Iarnród Éireann recently completed a detailed report on the development potential of Rosslare. The port is targeting growth and new business opportunities. Recently, it received the approval of the Iarnród Éireann board for a strategic plan to grow the port's business. This includes investment plans of up to €25 million in customs facilities and port infrastructure, port assets and new technology.

Deputy Mick Wallace: I know there is €25 million going into Rosslare. However, there are plans for the Government to invest €587 million in infrastructure for Dublin, Cork and Shannon ports. Compared with that, €25 million is a drop in the ocean. Dublin Port Company plans to invest €1 billion over the next ten years. In 2018 alone, €132 million was invested in Dublin Port. It does not appear that the Government regards developing Rosslare as a priority.

A control compound will be required at the port for Brexit purposes, which will probably come from the €25 million allocation. It will not be built, however, for three years, while Brexit is only months away. Why was this decision delayed for so long? Is there any genuine appetite on the Government's part to bring Rosslare up to a certain point? Irish Ferries wants to pull out of Rosslare and just use Dublin Port. This will add to traffic congestion around Dublin Port and the M50, which is turning into a parking lot.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy conclude? Some of his colleagues will lose out on their questions.

Deputy Mick Wallace: Will the Minister agree that it would be better long-term planning to invest more in Rosslare?

Deputy Shane Ross: It would be unlawful under EU regulations on state aid for the State to directly invest in Rosslare Port. Iarnród Éireann will put in €25 million and has developed investment plans for customs facilities and port infrastructure. That is a fair vote of confidence

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in the future of Rosslare. Up to €1.8 million will be invested from profits every year for the next five years on general renewals and maintenance. Up to €12.5 million will be invested in the extension on berths 3 and 4, from 190 m to 220 m, with a double-link span to cater for future longer ships and two-tier vessels. Up to €1.5 million will be invested in IT and creating a smart and automated port to include vehicle recognition systems, a trailer tracking system, compound management, check-in and check-out systems. The port is currently an entirely manual operation in need of IT modernisation. Up to €3.5 million will be invested in port configuration for future requirements. The latter is Iarnród Éireann stating that the port is worthy of investment. It is not running down the port but expanding it. If the necessity and demand is there, it will expand further.

Acting Chairman (Deputy Eugene Murphy): I want to get to the following questions from Deputies Clare Daly, Curran and Durkan but only if all Deputies co-operate with the time slots.

Airport Security

61. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport further to Parliamentary Questions Nos. 482 and 484 of 29 January 2019, if a response will issue on the treatment of members of An Garda Síochána and the Defence Forces as being exempt from airport security compliance on the basis that they receive once-off full background checks. [6350/19]

66. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the consideration he has given to reinstating the Airport Police and customs on the security compliance list with the completion of full background checks; if he has been contacted by the Dublin Airport Authority, DAA, seeking full background checks for its officers in the Airport Police Service from An Garda Síochána; if an additional request of having 10% of all officers receive full background checks annually has been reviewed; if this offer has been addressed or accepted by his Department; and if he will make a statement on the matter. [6351/19]

Deputy Clare Daly: There is utter chaos in Dublin Airport as a result of the Department working at the behest of the Irish Aviation Authority, IAA, to change the working arrangements of Airport Police and customs officers who, since the foundation of the State, have been exempt from security compliance conditions. They are now forced to go through normal airport security which is having a significant impact on their ability to do their job. Their health and safety, along with their welfare at work, is also affected. Exemptions are given to Army and Garda members on the basis of one-off security checks. Why can this not be given to those at the coalface, namely, the Airport Police and customs staff?

Deputy Shane Ross: I propose to take Questions Nos. 61 and 66 together.

Aviation security is a priority area at national and EU level which is under constant review and scrutiny in response to new intelligence on threats and risks. Ireland is obliged to play its part in the international effort to make flying as secure and safe as possible. If we aspire to be a highly connected nation, it is essential that our international airports are up to international best standards in security terms.

A number of reviews and audits of security practices and procedures at the State airports pointed to the need to introduce improvements in staff screening arrangements. For example,

in 2017 the Department invited the European Civil Aviation Conference to review security at Dublin Airport. Several recommendations were made, including relating to improving security screening and checks for so-called insider threats. The new enhancements were adopted by the National Civil Aviation Security Committee, NCASC, on the basis of a risk assessment by the IAA, which has responsibility for overseeing compliance with aviation security requirements.

On the matter of how and why specific decisions have been taken in respect of certain categories of people working at our airports, these details are security related and, as such, are highly confidential. I cannot be drawn on these details and I am sure the Deputy will understand that. However, these decisions are informed by international best practices and risk assessment. No organisation is exempt from compliance with the regulations governing aviation security.

New provisions are on the way at European level which will introduce additional aspects to the background checks carried out in civil aviation, including the use of security intelligence. When these new EU measures come into effect, they will become part of the overall suite of security measures now applied at Irish airports, including the recently introduced enhanced screening measures, with the objective of improving security practices and security culture at our airports.

There has been a high level of engagement on the implementation of the new security enhancements introduced by my Department. While there is always an element of adjustment and inconvenience to individuals, these new measures are in the broader public and national interest. As threats and risk to civil aviation change over time, so too must the security response. This requires those people charged with providing security to be flexible and innovative. I have no intention, nor any desire, to interfere in softening any security measure that brings aviation security to a higher standard.

Deputy Clare Daly: I think the Minister will be revisiting this topic in the future. All of us are in favour of enhanced security; it is under constant review. This proposal did not come from any audit or oversight at Dublin Airport. In fact, the constant improvements the Minister referred to have always excluded airport police and customs officials from it because contrary to his statement they are not members of staff; they are the State airport operator's primary law enforcers. In doing their job and going between airside and landside they are being asked to divest themselves of all their protective clothing gear, stab vests, handcuffs, limb restraints and first-aid kits at a normal X-ray machine multiple times a day. It is utterly chaotic and they cannot do their work properly.

A full background check is acceptable for members of An Garda Síochána and the Defence Forces who continue to be exempt from the security clearance. Why have the airport police and customs officers not been given that choice?

Acting Chairman (Deputy Eugene Murphy): Thank you.

Deputy Clare Daly: What is the response? Has the DAA contacted the Minister to offer a percentage of staff on an annual basis for this type of screening? It is a bit ironic that the airport police get reviewed every three years for security check and yet gardaí and Defence Forces members are walking through on a one-off security check. It is utter nonsense to hide behind the guise of security.

Acting Chairman (Deputy Eugene Murphy): If we want to include other people, I appeal to the Minister and Deputies to keep the answers as short as possible.

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Deputy Shane Ross: The Deputy seems to be under the impression that airport police and Revenue officials are being treated differently from members of the Garda Síochána and the Defence Forces - that they are being excluded from the security clearance that it is available. I reassure her that this is not the case. Airport police and Revenue officials are fully background checked in accordance with EU regulations. The basis of this decision is that of a risk assessment by the Irish Aviation Authority on the screening exemptions held by categories of persons in Ireland.

The details of the risk assessment cannot be discussed due to its highly sensitive nature. The process is extremely robust and has been endorsed by the National Civil Aviation Security Committee of which the Revenue Commissioners and the DAA are members.

Deputy Clare Daly: Has there ever been a complaint about the security risk of any airport police or customs officer? The Minister is missing the point. Members of the Garda and Defence Forces do not need to strip off and divest themselves of all their work clothing in order to do their job when they go through the security and X-ray machines, which the airport police and customs staff have to do. It is making their job incredibly difficult. They were always security-compliance exempt because they are under that law enforcement category.

If a full background check is sufficient to exclude gardaí and members of the Defence Forces from having to do that, why not the airport police, customs officials and immigration officers who quite often in a time-sensitive way have to move airside and back to the other side of the airport? The DAA - Dublin Airport and Cork Airport - has passed all the security audits that have been done. The findings of one of those are due to be released later this month. From where is the threat coming? It does not add up. Can we not have a level playing field for all?

Deputy Shane Ross: I am afraid I am obliged and inclined to accept the advice of the IAA and the NCASC on matters of security. That is the position I must take. Rather than taking the Deputy's advice, I must take theirs.

Dublin Bus Fleet

62. **Deputy John Curran** asked the Minister for Transport, Tourism and Sport the progress being made to replace diesel buses in Dublin with alternative low-emission vehicles; the type of buses that will replace diesel buses; the number of buses that will be replaced with non-diesel buses each year; the timeframe to replace all buses in Dublin with non-diesel buses; and if he will make a statement on the matter. [6431/19]

Deputy John Curran: What progress is being made to replace diesel buses in Dublin with alternative low-emission vehicles? I ask the Minister to indicate the types of buses that will replace diesel buses and the annual programme of replacement.

Deputy Shane Ross: The Deputy is aware that Project Ireland 2040 commits to ending the purchase of diesel-only buses from July 2019 for all our urban bus fleets. This is an important commitment and one which we all are looking forward to commencing as part of this year's PSO bus purchase programme by the NTA.

Of course we all know that this move alone it is not enough and that we need a fundamental shift away from the private car to sustainable transport options if we are really going to tackle

the transport dimension of our climate change challenge.

That is where the significantly improved funding secured will have an important role to play through: increasing PSO bus and rail services; expanding PSO bus and rail fleets; and significantly improving our cycling infrastructure across the major cities and beyond. As the numbers of passengers using our PSO bus services increase, so too will the number of cleaner and greener buses.

To support the change, a comprehensive series of low-emission bus trials is under way in Dublin and Cork, funded through my Department's green public transport fund and with support from multiple agencies, including the National Transport Authority, Dublin Bus and Bus Éireann. It is expected that the trials will conclude in April 2019. A final report will be produced which will further inform the best lower-emission option, or options, for our PSO services in the greater Dublin area and in the regional cities in the years ahead. In addition to this, a number of double-deck diesel-electric hybrid buses will shortly be delivered to Dublin Bus for a trial which will allow for a comparison of various manufacturers' offerings.

Complementing those trials, the NTA will soon commence a tender process for the purchase of diesel-electric hybrid buses as part of next year's bus purchase programme. This new contract will be in place during the second half of this year but the exact date of delivery of the new hybrid vehicles will only be confirmed subsequent to the appointment of the successful tenderer.

Deputy John Curran: I thank the Minister for his reply. He indicated that trials are ongoing. My understanding is that they should have started sooner. He concluded by saying that a contract will be awarded later this year. Will that contract be awarded on foot of the trials being completed analysed and reviewed? I understand 150 buses are on order and will be *in situ* before July. The Minister has made the commitment that from July all the buses will be low-emission vehicles. I ask the Minister to confirm that the 150 on order at the moment are diesel buses. Will they be in use for the next decade or longer?

The Minister has indicated that they might be all electric or hybrid. The key point is that we are coming to this late in the day. For quite a period, we have been listening to talk of trials and putting them on the road. Those trials are only taking place now. Why are we only at this stage with trials?

Deputy Shane Ross: I thought the Deputy would take exactly the opposite view. I thought he would find it really welcome that bus trials are ongoing and that we are moving to the era of diesel-electric vehicles. The NTA is beginning a tender process for the purchase of diesel-electric hybrid buses. I thought the Deputy would welcome this.

Double-deck buses have an optimal life of about 12 years and the NTA's current fleet strategy envisages a continual fleet replacement programme of about one twelfth of the fleet each year, which equates to approximately 95 buses being replaced each year out of a total current complement of 1,136 vehicles. Development of an overall medium-term and long-term policy will be informed by the conclusion of the work I have referred to already. However, July's deadline is an important one and very welcome.

Deputy John Curran: I welcome the move to low-emission vehicles. However, the Minister has set a deadline of July, but the NTA has fast-tracked and is currently purchasing 150 diesel buses for 2019. Had the trials been conducted earlier, the fleet of buses we are buying

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today and which will be in use for the next decade might be something different. I am very appreciative and supportive of the move, not just to meet our carbon-emission targets, but also from the point of view of air quality in Dublin. I am very impressed by the idea of moving to low-emission vehicles, but the Minister has missed this year's deadline. He has set a deadline and will not be delivering low-emission vehicles in 2019 because 150 diesel buses are on order and will come in.

Deputy Shane Ross: We are sticking to the timetable we set out, which is that we will have the last diesel-only buses this year. That itself is a target we have met.

Acting Chairman (Deputy Eugene Murphy): I will allow Deputy Durkan's question to be answered as he has been waiting patiently. I ask that the Deputy forgo his 30 second introduction and that he asks only one follow-up question.

Rail Services

63. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent of proposed augmentation and investment in rail services over the next five years, with particular reference to the extent that services can be tailored to meet the ongoing travel requirements of commuters, such as identifying the way in which rail services in general can meet the demands of medium to middle distance commuters from towns and villages outside the greater Dublin area, thereby alleviating road traffic congestion and reducing travel times; and if he will make a statement on the matter. [6718/19]

660. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport his plans for investment in rail services over the next five years, including extensions to services; and if he will make a statement on the matter. [7091/19]

663. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he plans to meet or exceed expectations in relation to the extension of commuter and intercity rail services; and if he will make a statement on the matter. [7094/19]

Deputy Shane Ross: I propose to take Questions Nos. 63, 660 and 663 together.

Project Ireland 2040 states that the priority funding objective in relation to mainline rail is the maintenance and renewal of the existing network so that it continues to provide a safe and reliable infrastructure that enables the provision of quality rail services for passengers across the country. This means ensuring steady state levels of investment in our rail infrastructure each year for the foreseeable future and requires a significant and recurring capital investment of around €200 million from the taxpayer every year. I am pleased to inform the Deputy that the funding I have secured under Project Ireland 2040 means that we are in a position to provide this steady state level of funding. This is significant and very welcome progress.

In addition to this significant increase in funding to support the infrastructure, we have also been increasing the funding available to support expanded services across the country through the public service obligation, PSO, subsidy. That subsidy amounts to around €140 million each year and is paid in accordance with the public services contract that Iarnród Éireann has entered into with the NTA. We have improved the funding framework which, in turn, has allowed the NTA and Iarnród Éireann to deliver an improved passenger experience. Improvements to

date include the introduction of ten minute DART services, peak-time DART services operated by six or eight car train sets only, additional off-peak capacity on the Kildare, Maynooth and Northern line services, increased usage of the Phoenix Park tunnel for Kildare line services, improved journey times on a number of key intercity routes and the roll-out of the city centre re-signalling project, which will improve train movements, thereby providing improved passenger capacity across the network. These are all immediate measures but there are other medium-term and longer-term measures required and key to these is the provision of additional rail fleet. DART expansion will transform the rail fleet in the greater Dublin area in the coming years but prior to that, the NTA and Iarnród Éireann are exploring ways to secure additional fleet. The NTA has recently advertised for second-hand rail fleet, either through lease or purchase. If this process proves successful, it could provide a quick win boost to rail capacity on key commuter routes. In addition, the NTA and Iarnród Éireann are also exploring options to place an order for additional intermediate carriages for the existing rail fleet which would be of benefit to the middle-distance commuters to whom the Deputy refers in his question.

In addition to all the aforementioned, Project Ireland 2040 also provides for the construction of a new national train control centre which will greatly improve the overall management of train services across the network. I hope the Deputy will acknowledge that there are a number of short-term, medium-term and longer-term measures under way which are designed to deal with the very welcome increase in the number of passengers availing of our rail network.

An Leas-Cheann Comhairle: I understand it was agreed that Deputy Durkan would have only one supplementary question.

Deputy Bernard J. Durkan: Yes. I thank the Minister for his comprehensive reply. I ask that every effort is made to invest in our rail infrastructure to enable the greatest number of commuters to be catered for on a daily basis, particularly those in towns and villages outside the greater Dublin area. Enhanced services in both directions should result in the alleviation of road congestion.

Deputy Shane Ross: That is our target and the basic aim of the commitments we have made for the expansion of both Luas and DART services. The increased use of the Phoenix Park tunnel for Kildare line services must be dear to Deputy Durkan's heart and we will certainly pursue that further in the years to come. We will try to meet the requirement to reduce congestion, to which many Deputies have referred this afternoon. We want to get people out of their cars and onto public transport, including the Luas, DART and mainline trains.

Written answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Schools Building Projects Status

Deputy Clare Daly: It is shocking to think that this refurbishment and extension was planned before my daughter attended St. Finian's community college. She is now in her second year of college and many of the issues at the school are probably as bad as they were when she was a pupil, if not considerably worse. Just before Christmas I received a letter from transition year students who are taking a particular interest in this issue. In their letter, they describe how several classrooms do not have any windows and that several windows in the school leak in bad weather, which has damaged student work and ICT equipment. They say that the roof leaks in wet weather, creating pools of water on the floor which is a health and safety risk. There are problems with ventilation in parts of the school which limits work in the science lab and home economics kitchens. Some classes do not have access to emergency exits, which is not in line with safety regulations. There is not enough space to accommodate 660 people and there is no Wi-Fi in the classrooms, which affects teaching and learning. This is a school in Dublin in 2019. It is a DEIS school, which means it is supposed to have extra resources and benefits.

When I raised some of these issues with the Minister for Education and Skills previously, I was utterly shocked to hear that the Department was "unaware of the scale" the problems in the school. Subsequent to that, students posted pictures of vegetation growing inside some of the classrooms online. Even then, the response of the Minister was that it was not possible to say when the project would proceed to tender, at least until the pre-qualification process has been completed. The problem with that is that this project was initiated in 2010. In 2015, after a few years of delay, planning permission was granted. There were certain delays due to fire safety and ESB issues but these issues were overcome more than two years ago. The project was expected to go to tender then and it was expected that work would begin shortly thereafter. A whole year and a half went by and there was no progress. Now we have a limbo situation. In September 2018, the ETB was asked what stage the project was at and what was going on. The school was told that the project was at the pre-qualification stage, for the appointment of contractors. This had been sent into the Department and had been returned with no explanation. I want to know who was responsible for that. We cannot have the two sides saying completely different things but that is what is happening.

In January 2019 there was still no movement. It appears from the Minister's response to me that the Department is using the pre-qualification process as an excuse not to proceed with the development. The ETB is saying that the pre-qualification process has been completed and is with the Department but the Minister is saying that it is with the ETB. They cannot both be right. The manager of buildings in the ETB communicated with the school principal and said that the ETB had completed the documentation and sent it to the Department for approval to go to tender in December 2016. The Department sent that documentation back, stating that it was to be "pre-qualified". The ETB wrote back and asked the Department what it wanted but nothing further happened. This is beginning to make the children's hospital project look well managed. I just do not get it. The answer we seem to be getting to all the questions we submit on education is that projects fall down between the council and the Department or the Department and the ETB. Somebody, somewhere has to do something. This project is more than nine years old and the planning permission for it will expire in the next year if it does not progress. New

schools are being promised left, right and centre in locations nearby and meanwhile, hundreds of children are in this school in appalling conditions in Dublin, in 2019.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I am taking this matter on behalf of the Minister for Education and Skills, Deputy McHugh, who is in the Seanad at present. I thank the Deputy for raising this matter as it gives me the opportunity to outline to the House the current position regarding the building project to provide improved accommodation for St. Finian's community college in Swords, County Dublin.

As the Deputy is aware, the project to which she refers is a major devolved building project to deliver a critical standalone extension at St. Finian's community college in Swords, County Dublin. This extension will be over 4,000 sq. m, and will include a two classroom special educational needs, SEN, base. Responsibility for delivering the project has been devolved to the Dublin and Dún Laoghaire Education and Training Board. A service level agreement, SLA, is in place between the Department and Dublin and Dún Laoghaire ETB in respect of this project. This agreement outlines the roles and responsibilities of each of the parties in the delivery of education projects. It is a central tenet of devolution that responsibility for the delivery of these projects within certain agreed parameters as laid down in the SLA rests with Dublin and Dún Laoghaire ETB. In this respect, Dublin and Dún Laoghaire ETB has appointed a design team to design the accommodation being provided and to bring the project through the tender and construction phases.

The detailed design stage for St. Finian's community college project is almost complete. Planning and other statutory permissions have been obtained. Officials in the Department have been liaising with Dublin and Dún Laoghaire ETB in recent weeks with a view to resolving some other issues that have arisen with respect to this stage of the project. The matter was discussed at a recent meeting. The primary issue relates to the process for the prequalification of contractors to deliver the project. I am pleased to inform the Deputy that these issues have been worked through and Dublin and Dún Laoghaire ETB is now proceeding with its prequalification process. Once this process is complete, the project will move to the next stage. This involves the preparation and issue of tender documents and the appointment of contractors to complete the project. This process will be carried out by Dublin and Dún Laoghaire ETB and its design team.

I acknowledge that delivery of this project has taken longer than envisaged. This was the result of a number of issues which arose with respect to this project and which required time to resolve. These issues included delays in obtaining statutory consents from the local authority and delays in the finalisation of the detailed design process up to this point. While this process has not yet been completed, I want to assure the Deputy and the House that there is now a clear path to completion of this stage and towards progression to the next stage. The project is now moving into a space where it can quickly progress the prequalification of contractors and thereafter move to tender and construction phases.

An Leas-Cheann Comhairle: I thank the Minister of State. She will have two additional minutes later.

Deputy Clare Daly: I know the Minister of State, Deputy Mitchell O'Connor, is not the Minister who is responsible for this, but there is a real problem here. When will anybody ever be held to account? There are primitive, totally unacceptable conditions in which our young

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people are expected to be educated. It is intolerable. I am supposed to accept a response that says not to blame the Department, that it is the fault of the ETB because of the service legal agreement. If that is true, who will make it pay for the debacle, which is what this is? If it is the fault of the ETB, someone has to be held to account. The Minister of State said the detailed design is almost complete. I am sorry but I cannot celebrate because the design team started in February 2013 and the final design proposal was completed two years later in 2015. For me to be told in 2019 that it is nearly complete is no solace at all, it is a cause for great concern.

We are told that the prequalification process is at issue but the ETB says it did its bit in that regard in 2016. Why is this process still outstanding? Whose fault is it that this is still outstanding? If it was doing this back in 2016, how can I be assured that it is finally sorted? The Minister of State might shed some light on the other issues that have arisen because, again, that is a problem as well. Nine years after this was given the nod, there are other issues coming to the fore. Based on all of the stages outlined by the Minister of State in terms of tenders, contractors and so on it will be another two years before anything will even start. That cannot be allowed. Entire generations will be going through this school. There are children there now whose parents and grandparents have been through it in almost the same condition. I cannot accept that without somebody being held accountable.

Deputy Mary Mitchell O'Connor: I will try to answer the Deputy's final question first. There were design issues which need to be considered. This requires the design team to review the project to ensure compliance with new regulations, namely the near-zero energy building regulations.

Dublin and Dún Laoghaire ETB carried out a prequalification process at an earlier stage of the project. However, for a number of reasons, primarily of a legal nature, it has been decided to proceed with a fresh prequalification process. When Dublin and Dún Laoghaire ETB and its design team have completed the tender process, a tender report will be submitted to the Department with a recommendation for the award of the construction contract to the most economically advantageous tender submitted. The Department will examine the tender report and accompanying recommendation, following which the intention is that a contract will be awarded with a contractor moving onto site shortly thereafter.

The Minister, Deputy McHugh, wants to give assurances that the Department is committed to progressing this project as quickly as possible and to confirm that funding has been set aside to progress the building.

Technological Universities

Deputy David Cullinane: I thank the Minister of State, Deputy Mitchell O'Connor, for coming to the House for this debate. The Minister of State will appreciate that the south east not having a university is not an ideal. The facts speak for themselves. The south east has higher levels of unemployment and lower levels of educational attainment. There is no one reason for this but it is argued by academics, stakeholders and policy makers that not having a university has played its part in those figures, which are not good for the region. We need a university in the south east that puts us on a level playing field with all the other regions. I am a supporter of the technological university of the south east. It is the best fit for the south east and for businesses, people and students.

In the south east we have an airport with no commercial flights. We have two institutes of technology but no university. We are always demanding of the Government that it give us the resources we need as of right. A university is a perfect example of that. What we need for the south east is not just the pegging together of Carlow and Waterford institutes of technology. We have to look at this as the opportunity to build a new world class university of international standing. This will only happen if resources and capacity are put in place. We need to increase the footprint of the campuses of Waterford and Carlow. In my view, the headquarters of the new university needs to be in the economic engine of the south east, its capital, namely Waterford. I know a change management strategy is being worked on by both institutes but I am concerned that the process for the south east is well behind other consortiums. Does the Minister of State, Deputy Mitchell O'Connor, share that concern? How do we transition from where we are now with two institutes of technology to a university of international standing that can be on par with existing universities and can create the level playing field for people and businesses in the south east?

6 o'clock

This will not happen if capital funding is not forthcoming.

I tabled a parliamentary question asking the Minister of State about the capital spend for all universities and institutes of technology. According to the response I received, TCD received €15 million, DCU received €32.84 million, UL received €1.7 million, IT Tallaght received €7.7 million, IT Dundalk received €18.4 million, GMIT Castlebar received €2 million and IT Limerick received €11.5 million. There was no mention of Waterford. I went back to the Secretary General of the Department to query that because I was aware that there were plans to build a new engineering, computing and general teaching building in Waterford. I was informed that was the case but the information was not in the original response. The question then arises as to when this will start and finish. We see the capital funding that has been made available for other institutes of technology. Why is this capital funding not in place in Waterford and why has the building not commenced. We are told that it will be a 12,800 sq. m building that will provide additional academic and teaching space but the reality is that much more needs to be done. If we want a university in the south east so that we can attract people to the region and seek to retain those who are currently obliged to leave in order to access third-level education because we do not have a university, we must have the capacity to do so. If we want to attract new graduates to the new university, we must have the capacity to do so. That means resources and capital funding. Can the Minister of State outline the funding that will be put in place in the coming years to ensure that we have a university of international standing which can deliver for the south east?

Deputy Mary Mitchell O'Connor: I thank the Deputy for raising this matter. His doing so is very timely because I have just received the application for Munster Technological University, which came in at 5 p.m. I was hoping that the application from the Technological University for the South East Ireland, TUSEI, would come in before the one from Munster Technological University but that has not happened.

The Deputy will be aware that the Technological Universities Act was enacted in 2018 and that Technological University Dublin has now been set up. I am extremely ambitious for our students and I really believed in the technological university, TU, project. It provides significant opportunities for our students, who are the most important people in this debate, and the regional agenda. We have received the second application. I would ask TUSEI to work on its application. I understand it is ready and I am awaiting it.

The Deputy mentioned Exchequer funding and grants. In respect of the development of TUs, the Exchequer has provided some €19 million to consortia since 2013. The TUSEI consortium has received €1.72 million of this higher education landscape restructuring funding. It should be remembered that the institutes are co-funding the projects through staff and resources allocation. While projects will require funding in order to start up and develop, over time they will, as TUs, be in a far stronger position to attract additional funding streams through research funding, product and services development and the attraction of increased numbers of international students and, as the Deputy stated, those from the south east.

The Higher Education Authority will be announcing a new 2019 call for funding submissions in support of TU development and other landscape restructuring projects in quarter 1. This is further evidence of Government's ongoing commitment to the reform of the higher education sector through judicious consolidation as set out in the national strategy for higher education to 2030. Under Project Ireland 2040, the Government has pledged €2.2 billion in capital expenditure to the higher education sector within the next decade. Government will also spend €4 billion on a wide range of projects over the period 2019 to 2027 as part of Project Ireland 2040. In that context, higher education institutions are well placed to benefit in the areas of rural and urban development, climate action and disruptive technology. A call-out for money has been made in many of these areas. The major investments being made under Project Ireland 2040 will have a transformative impact on our education system, particularly students, and those consortia developing into TUs will be well placed to benefit from the significant investment opportunities presented.

Deputy David Cullinane: Unfortunately, the Minister of State did not answer the questions I put to her. That is very disappointing. In fact, I was able to put more information on the record of the House as to what capital spend is being made available for the south east than the Minister of State, which is quite extraordinary. The question concerned the capital funding that will be put in place to deliver a university of international standing in the south east. The Minister of State speaks of Project Ireland 2040, of which I am aware, and indicates that €2.2 billion in capital expenditure will be invested in the higher education sector in the next decade, of which I am also aware, and that as part of that, all universities and institutes of technology and potential TUs will benefit. However, I was asking specifically about the south east and the capital programmes that will be put in place. The Minister of State is asking people to take a leap of faith. People need to know how the Government is going to increase the footprint of the campuses in Waterford and Carlow to ensure that the TU has the capacity to retain more students and to attract more people to the south east. How was it that I was able to get information from the Secretary General of the Department when I followed it up with him after I received a poor response to my first question about what funding was being made available? According to an additional parliamentary question response, there is a PPP connected with the engineering, computing and general teaching building that is at an advanced design phase. The question is when the money for that will be made available and when construction will start because what we have in Waterford at the moment is a big crater in the ground. This project was a victim of the Celtic tiger. What capital funding will be invested and what additional capacity will be put in place in the south east?

It is very interesting that the Minister of State said the application from Munster Technological University has now arrived ahead of the one from the south east. What is the reason for that? How is the south east so far behind given that Dublin is so well advanced and the application for Munster has now been received? We are still behind in the south east with high levels

of unemployment and lower levels of educational attainment. We need this for the south east. Why is it that, again, the process relating to the south east is well behind the rest?

Deputy Mary Mitchell O'Connor: I announced the €200 million for 11 of our 13 institutions in 2018. The Deputy asked why the application from the south east has been delayed. I am not sure. I have given it a lot of time. I have visited the campus and, since Christmas, met the two presidents of the institutes. I acknowledge the significant work being done by the presidents in Waterford and Carlow. I keep saying that this is for the students. It is not for other, possibly vested, interests. I encourage Waterford and Carlow and all the stakeholders there, including the students, to put pressure to make sure that application is received.

The TU budget is in place. The Higher Education Authority will announce a new call on money. I cannot give out money if I do not see something coming through and I have not seen a definitive plan for the south east. For example, Technological University Dublin received €9.28 million in 2018 while TUSEI received €1.72 million. We will be-----

Deputy David Cullinane: It is very depressing to hear the funding for other regions, although fair play to them, they deserve it.

Deputy Mary Mitchell O'Connor: The Taoiseach and I are very ambitious for the area. We want the technological university in the south east to make its application and the expert group to look at that application. I heard that 20,000 students leave the south-east region every year. I would like to see students educated in their own area, thereby creating a regional development dynamic within the area.

I ask Deputy Cullinane to use his office in any way he can to help promote the technological university in the south east. He could talk to whatever stakeholders he deals with and encourage them to come on board and make sure this happens.

State Properties

Deputy Sean Sherlock: I am delighted the Minister, Deputy Creed, is in the House to reply to the query. Haulbowline Island, as we know, has been the subject of remediation works since 2011 and the Department of Agriculture, Food and the Marine is the current owner of the site, which is the former Ispat or Irish Steel site. We know the East Tip of the island has been significantly remediated in the last year or so and there is great praise for the work that has been done in respect of the football pitch and the East Tip itself being completed, with proper seeding and shrubbery being planted, and so on. However, there is a question mark over the remainder of the site. My understanding is that three sites were to be remediated. The East Tip is arguably all but complete and there has been much progress on that. I am here to ask the Minister about the status of the remainder of the works and when they will be completed. There is massive expectation on the part of the people who reside in that area, particularly the people of Great Island and Cobh. We know Spike Island has become a global tourist attraction and there is a high expectation that Haulbowline would be completed and remediated in a timely fashion.

I hope the Minister will not respond by saying the ownership of the site is to transfer to the Department of Defence and it then will take ownership of the issue. As far as the people of Great Island are concerned, this is a whole-of-Government issue which should be responded to by everybody across Government. I am hopeful there will not be a turf war between the De-

partment of Agriculture, Food and the Marine and the Department of Defence in respect of the remainder of the works that need to be done. In fairness to the Minister, he has taken ownership of this issue thus far. He stated the remediation works would intensify between July 2017 and late 2018, which has proven to be the case, as I acknowledge. I am hopeful the Government will take a whole-of-Government approach to this issue. I would specifically like to know if there is a funding line available and earmarked for the remainder of the works to be carried out. I ask the Minister to explain the exact position in respect of the site because the expectations are high in the area that the remediation works will be completed.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): My Department assumed responsibility for remediation works at Haulbowline Island on behalf of the Government in 2012. The particular focus has been on bringing about compliance with the terms of a European Court of Justice judgment under the waste framework directive concerning the East Tip site. Funding for the remediation project is provided to my Department, in accordance with the specific conditions set out by the Minister for Public Expenditure and Reform, on an annual basis up to the completion date of the remediation works.

The East Tip works are the most significant element of the remediation project. In the period up to 2017, expenditure was focused on preparing for and securing the necessary planning and waste licence consents for the East Tip and upgrading the island infrastructure in anticipation of works. Following the signing of contracts in July 2017, the remediation of the East Tip commenced and, in December 2018, I visited the site to see that the works had been substantially completed. Some minor finishing works on the site are to be completed early this year. The access road leading into the site is also being upgraded and this is scheduled for completion by the end of April 2019.

While the priority has been remediation of the East Tip, work on assessing a suitable solution for the former steelworks factory site has also been advanced in preparation for the next phase of the remediation project. Detailed site investigations have been undertaken and the preparation of an application for planning consent has also been advanced.

The Government has decided that the Minister for Defence will be the ultimate owner of Haulbowline Island, in keeping with the Naval Service being headquartered on the island. Any remediation solution for these areas will need to be cognisant of their likely long-term use. Information from site investigation studies and assessments to date has been made available to the Department of Defence to assist in this work.

Cork County Council has expressed a desire to open a public park at the East Tip site after works are complete. In the meantime, the council continues to act as agent for my Department in carrying out the operational tasks to deliver the remediation project. There has been close co-operation with the naval base to minimise any impacts on its operations arising from the works. The council has also worked to keep neighbours and stakeholders in the area briefed on the status of the works.

Deputy Sean Sherlock: I accept the Minister's response. While I have the greatest respect for him, I believe what we are seeing is a transfer of authority from the Minister to the Department of Defence, although it has not happened yet. I reiterate the point that, as far as the people of the Great Island and Cobh and the surrounding areas are concerned, this is a whole-of-Government responsibility and they do not necessarily see into the internal workings of the various silos within Government and between the Department of Agriculture, Food and the Marine and

the Department of Defence.

Some €61 million was originally allocated for this during the lifetime of the last Government and my understanding is that only €23 million has been spent so far. We acknowledge the work done thus far but there is more to be done, for example, a significant amount of site remediation work. I have not had a clear answer from Government in respect of when that will happen. We know the recreational park will open some time in 2019 and that will add significantly to the public use value of the site, which is a positive public good. However, we need to hear from the Government specific answers to specific questions as to whether the remainder of the fund will be made available to do the work at the South Tip and at the former steel plant itself. To my mind, the Minister has not responded satisfactorily in that respect.

I ask the Government to revisit the issue and give us a clear picture of what the likely outcome will be, given there was a ring-fenced allocation of approximately €60 million in funding and that has not been spent. Are we now given to understand this has been shelved in favour of other priorities in the capital programme? It is an important issue.

Deputy Michael Creed: I assure the Deputy there are no silo issues at play here. I am cognisant of the fact there are four Cork Deputies in the Chamber at present and all of us recognise the potential in the greater Cork Harbour area, with Haulbowline as a critical part of developing its potential. The Deputy mentioned Spike Island, Great Island and Cobh. I have been to Haulbowline and witnessed this work, so I know there is huge potential. However, we cannot get away from two issues. The European Court of Justice ruling was about the East Tip and the immediate obligation was to remedy that situation and ensure compliance. Those works are almost complete now and they are exceptionally well done. Hats off to the contractor, the local authority and the staff of my Department on what has been an extraordinary result.

The other critical point is that the anchor tenant on Haulbowline is the Naval Service, which is headquartered there. It will be the ultimate owner of the island. We were charged with the original obligation to remedy the situation that arose following the European Court of Justice ruling, which we have done, but we have also been engaged with all the stakeholders, especially with the Department of Defence, on the future arrangements and the works that need to be done. We have worked with the local authority on the preparation of the necessary works, which it is expected will continue in a holistic fashion. The next step will be the steelworks site, as Deputy Sherlock mentioned, and to continue the investment that is necessary to bring the true potential of Haulbowline to fruition.

There are not any silos at work. There has been very close co-operation between all stakeholders but in particular between the Department of Defence and my Department, the local authorities, the contractors and the local residents, many of whom were the cause of the European Court of Justice ruling initially and what that triggered. We are on a journey here and there is no intention of pausing the journey. Much preparatory work must go into preparing for the next phase of the works and it is continuing as we speak.

Garda Deployment

Deputy Charlie McConalogue: Thank you, a Cheann Comhairle, for selecting this Topical Issue matter for debate. I also thank the Minister of State, Deputy Stanton, for coming in to respond to it this evening.

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This is an important issue for the Milford, Fanad and Rossguill peninsular areas in the Milford Garda district. It became clear in recent days and this morning that there are plans by the superintendent in the Milford area to pull a number of gardaí who are in stations around the area into the headquarters in Milford. That means the service provided in the stations in Rathmullan, Kerrykeel and Kilmacrennan will not remain as it is, in that no garda will now be based directly in those three stations. That follows on from the situation in recent years whereby no garda is now based in Ramelton station. In addition, Churchill Garda station was also closed by the Government in recent years.

I refer to the Fanad and Rossguill peninsulas, coming across into Kilmacrennan and Churchill. In 2010 Ramelton Garda station had four gardaí added, but now it does not have anyone stationed there permanently. Until a couple of weeks ago Rathmullan had a garda but it does not have one today. Likewise, Kilmacrennan will not have a garda permanently stationed there and neither will Kerrykeel, which had a garda until now, and had several gardaí a number of years ago. Of all the stations in Rathmullan, Ramelton, Kerrykeel, Carrigart, Kilmacrennan and Churchill, only Carrigart will have a full-time garda based in the station. Due to a lack of resources, the superintendent is now pulling all gardaí into the Milford headquarters from where an outlying service will be given in terms of office opening to those other stations. As Councillor Liam Blayney outlined very clearly this morning on local radio, the principle of community policing is that gardaí live and work in an area in which they know the people but that is being pulled back because of the lack of resources. Another local councillor, Michael McBride, mentioned this morning that when his father was a sergeant based in Kilmacrennan in the late 1970s and 1980s three or four additional gardaí were also stationed there, but according to the plans unveiled in recent days there will not be any garda permanently based in Kilmacrennan.

This goes back to the under-resourcing of the Garda force in County Donegal, especially in the Milford district. Despite the fact that recruitment to Templemore recommenced in 2015, the Milford Garda district has not had any new recruits in the intervening period. The impact of that is we are now seeing a superintendent left with little choice but to pull gardaí into the central station when that should not, and cannot, be the case. We need additional resources in the county and in the Milford area, in particular, so that the stations I mentioned can have permanent personnel located in them serving the local community. I hope the Minister of State will address the issue. The situation the Government has overseen is that the Garda force and resources in the county have been depleted to such an extent that the number of Garda personnel has reduced from 466 in 2010 to 404 today. That is simply not enough to do the job of properly policing such a large county. We deserve better.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I acknowledge Deputy McConalogue's interest in and passion for this issue and I thank him for raising it. I apologise for the Minister for Justice and Equality, who cannot be here this evening.

I wish to reiterate for the House yet again that the deployment of Garda resources, including personnel, to specific areas, as the Deputy will appreciate, is solely the responsibility of the Garda Commissioner and his management team. The Commissioner has publicly spoken about issues such as protecting our most vulnerable and he has highlighted that his priority is a policing model that will provide the best outcomes for communities.

The distribution of Garda resources is constantly monitored and a distribution model is used that takes into account all relevant factors, including population, crime trends and overall polic-

ing needs at local level. It is then a matter for the divisional chief superintendent to determine the optimum distribution of duties among the personnel available to him or her, having regard to the profile of the area and its specific needs. That applies equally in both rural and urban areas.

The Commissioner has informed the Minister that on 31 January 2019, the latest date for which figures are readily available, the strength of the Donegal division was 409, with 63 gardaí assigned to the Milford Garda district. There are also 13 Garda Reserves and 35 civilians attached to the division.

An Garda Síochána has responded to the type of threats that communities face through a robust and determined drive against criminals who seek to prey on vulnerable householders with the implementation of special operations such as Operation Thor, which is active in the Donegal division and focused on burglary and burglary-related crime. Since the beginning of Operation Thor in 2015 up to 15 January 2019, there have been 9,290 arrests, 10,662 charges, 34,720 searches, 273,355 patrols, 177,488 checkpoints and 97,480 intelligence reports.

Since the reopening of the Garda College in September 2014, almost 2,400 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, of whom 55 were assigned to the Donegal division. I am informed by the Commissioner that the Milford Garda district has now been designated as a Garda training district and it is expected that newly attested probationer gardaí will be allocated to the district following the planned attestation of a further 200 probationer gardaí next month.

The Commissioner has also informed the Minister that it is his intention to recruit a total of 600 trainee gardaí in 2019 along with a net 600 Garda staff. The recruitment of the additional Garda staff will allow the Commissioner to redeploy this year a further 500 fully trained gardaí from administrative duties to the front-line duties for which they are trained. The injection of this large number of experienced officers into the field, along with the new recruits, will be really beneficial in terms of protecting communities.

Furthermore, the Commissioner has been provided with an additional €100 million in 2019, bringing his total budget to almost €1.8 billion. This substantial investment will allow the accelerated recruitment programme to continue, in tandem with the deployment of new and leading-edge technology to support front-line gardaí in carrying out their work of delivering a visible, effective and responsive police service to communities across all Garda divisions, including the Donegal division in 2019 and future years.

Deputy Charlie McConalogue: I thank the Minister of State for his response, but I am afraid the severity and impact of the Government's failure to work with the Garda Commissioner to properly allocate sufficient Garda resources to the county is not accepted or acknowledged by him and I get no sense from the response that he will ensure, in tandem with the Garda Commissioner, that additional resources are supplied to the county.

I outlined to the Minister of State how we have gone from 466 gardaí in the county in 2010 to just 404 today. We acknowledge that there are new trainees coming out of Templemore but, as I pointed out to him, there have not been any new trainees going to the Milford Garda district. That is why we are seeing pressure on policing, particularly on community policing. The communities of Rathmullan, Kerrykeel, Carrigart, Kilmacrennan and Ramelton deserve to have Garda members based in the area and working in the stations there. Unfortunately, we have

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seen from the Government the closure of Churchill Garda station, the reduction of Ramelton Garda station's complement from four to zero and proposals today to pull gardaí from Kilmacrennan, Kerrykeel and Rathmullan to central headquarters. Working with the Garda Commissioner, the Minister of State must look at this issue very seriously and address it. This must be done by putting additional resources into the county and ensuring that Donegal has enough uniformed personnel on the ground. Members of the Garda based in those stations, whose presence in the community is valued so much, must not be pulled away from them because of the Government's inaction.

Deputy David Stanton: As it probably was not heard the first time, I wish to stress again that the deployment of Garda resources, including personnel, to specific areas is solely the responsibility of the Garda Commissioner and his management team. It is very important that colleagues understand this. The Minister has no role whatsoever in interfering with that. As already alluded to, community policing is at the heart of An Garda Síochána, as it is recognised that every community, urban or rural, has its own concerns and expectations. All members of the Garda have a role to play in community policing while carrying out their duties. This is particularly true in rural areas such as Milford, where local gardaí are strongly connected to the community. Over the past few years unprecedented resources have been made available to the Commissioner. They are now coming on stream across all Garda divisions, including the Donegal division and Milford district. To conclude, I assure the Deputy that the Government is committed to ensuring that the Commissioner and his management team have the resources necessary to deliver a modern policing service to communities throughout the country, including Milford Garda district. I repeat, they and not the Minister are responsible for the allocation of resources. I thank the Deputy for raising this important issue this evening and bringing it to the attention of the House.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: I understand the Government Chief Whip has a business proposal to put to the House arising out of this morning's debate on the Order of Business.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders or the Order of Business of today, that the Dáil shall sit later than 10.15 p.m. tomorrow and shall adjourn not later than 11.15 p.m., that a statement by the Minister for Health, followed by questions and answers, shall be taken immediately following Private Members' business and that the following arrangements shall apply: the opening statement, questions and answers and the Minister's reply shall conclude within one hour and 20 minutes; the Minister shall make an opening statement and a statement in reply which shall not exceed five minutes each; and following the Minister's opening statement each party and group in Opposition shall have ten minutes for alternating questions and answers.

An Ceann Comhairle: Is the proposal agreed? Agreed.

Criminal Law (Extraterritorial Jurisdiction) Bill 2018 [Seanad]: Second Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

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

I am delighted to introduce the Criminal Law (Extraterritorial Jurisdiction) Bill 2018 to the House today on behalf of the Minister for Justice and Equality, Deputy Flanagan, following its passage through the Seanad last month. The Bill is the last legislative action required to enable Ireland to ratify the Istanbul Convention on combatting violence against women and domestic violence, and as such received cross-party support in the Upper House. The main aim of the convention is to protect women against all forms of violence and prevent, prosecute and eliminate violence against women and domestic violence. The convention also aims to ensure the design of a comprehensive framework of policies and measures for the protection of and assistance to all victims of such violence. The Bill will create extraterritorial jurisdiction over violent offences committed by Irish citizens or residents abroad.

Deputies will agree that violence against women and domestic violence should not be tolerated in a modern society. However, in a pan-European Eurobarometer survey on perceptions, attitudes and awareness of gender-based violence published in November 2016, 77% of the Irish sample regarded domestic violence against women as either “fairly” or “very” common in Ireland. This is an issue that needs to be tackled on all fronts through awareness-raising, education and tough criminal penalties where appropriate. This is why the Istanbul Convention is important. It is a significant legal instrument in the fight against domestic and sexual violence. The Government agreed at the time of the signing of the Istanbul Convention to an action plan that contained outstanding legislative and administrative actions identified as necessary to enable Ireland’s ratification of the convention. Those actions were incorporated into the second national strategy on domestic, sexual and gender-based violence, which was published in January 2016. Significant work has been done on those actions to date. The Domestic Violence Act 2018, enacted on 8 May, addresses all aspects of domestic violence, threatened violence and intimidation in a manner that provides protection to victims. That Act was fully commenced on 2 January this year. The Criminal Law (Sexual Offences) Act 2017 was enacted on 22 February 2017 and introduced a statutory definition of consent to a sexual act. It also addressed a number of evidential issues to protect child and adult victims of sexual assault from any additional trauma arising from the criminal process. Finally the Criminal Justice (Victims of Crime) Act 2017 was enacted on 5 November 2017, providing for a wide range of measures to protect and inform victims during the progress of their case through the criminal justice system.

Under the Istanbul Convention, Ireland is required to make provision for extraterritorial jurisdiction over convention offences. While there are already some provisions on the Statute Book with respect to murder, manslaughter and some sexual offences, this Bill is necessary to fully extend extraterritorial jurisdiction to all convention offences. This short Bill is a priority piece of legislation for the Government. It complements other recently enacted laws I have already mentioned, which have also given effect to our obligations under the Istanbul Convention. Deputies should note that the provisions of the Bill do not just apply to situations where the victim of a crime is a woman or a victim of domestic violence. While the primary aim of the convention is to tackle violence in these circumstances, this Bill does not limit the scope of extraterritorial jurisdiction in this manner. For equality reasons, the offences under this Bill will apply equally to women and men.

Turning now to the detail of the Bill, I would like to outline its key provisions. Section 1 defines the key terms used in the Bill, the most notable being the term “relevant offence”, which is used in the offences created under section 3. A relevant offence under the Bill is defined as assault causing harm, assault causing serious harm, threats to kill or cause serious harm, coercion and harassment under the Non-Fatal Offences Against the Person Act 1997; sexual assault and aggravated sexual assault under the Criminal Law (Rape) (Amendment) Act 1990; rape; or rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990. Another key definition is “Convention State”, which is defined as a state other than Ireland that is a party to the Istanbul Convention. Only acts committed in another convention state are covered by the Bill, with the exception of murder and manslaughter, which already have limited worldwide jurisdiction.

Section 2 is a technical section, aimed at excluding the provisions of the Bill where section 3 of the Criminal Law (Jurisdiction) Act 1976 applies. This Act deals with certain offences committed in Northern Ireland. The provision is necessary to avoid confusion as to the basis for claiming jurisdiction over an offence committed in Northern Ireland.

Section 3 sets out the offences under the Bill and various provisions relating to double jeopardy and proof of citizenship or residency, as the case may be. Subsection (1) provides that it is an offence for any person to commit a relevant offence on board an Irish ship or on an aircraft registered in the State. Subsection (2) provides that it is an offence for any person to aid, abet, counsel or procure another person to commit a relevant offence on board an Irish ship, on an aircraft registered in the State or in a convention state. The aiding, abetting, counselling or procuring must take place in the State, on board an Irish ship or on an aircraft registered in the State. Subsection (3) provides that it is an offence for an Irish citizen or resident to commit a relevant offence in a convention state, with a requirement that the offence must also be an offence in the place it occurs. Subsection (4) provides that it is an offence for an Irish citizen or resident to aid, abet, counsel or procure another person to commit a relevant offence in a convention state. The aiding, abetting, counselling or procuring must take place in a convention state, with a requirement that it must also be an offence in the place it occurs. Subsection (5) provides that it is an offence for a person who is ordinarily resident in the State to commit murder or manslaughter in any place outside the State. Murder and manslaughter committed by Irish citizens outside the State is covered already by section 9 of the Offences Against the Person Act 1861. Subsection (6) provides that it is an offence for a person to aid, abet, counsel or procure another person to commit murder or manslaughter in a place outside the State. The aiding, abetting counselling or procuring must take place in the State, on board an Irish ship or on an aircraft registered in the State. Where the person who aids, abets, counsels or procures another to commit murder is an Irish citizen or resident, the aiding, abetting, counselling or procuring can take place outside the State. Subsections (7) to (12), inclusive, relate to procedural and evidential matters such as the place that proceedings may be brought, evidence relating to proof of citizenship or residency and double jeopardy.

Section 4 amends the Criminal Justice (Mutual Assistance) Act 2008 to ensure that the provisions of that Act are applicable to the Istanbul Convention. Section 5 provides for the Short Title and commencement of the Bill.

This Bill will provide increased powers in the context of investigating and prosecuting crimes committed abroad by Irish citizens and residents. More importantly, it will also enable us to ratify the Istanbul convention as soon as possible. The Minister is committed to doing just that. As already stated, there was wide support for the Bill and for the swift ratification of the convention in the Seanad. I hope Deputies can echo that support and get this important Bill

enacted as quickly as possible.

I look forward to the debate and I commend the Bill to the House.

Deputy Jim O’Callaghan: I welcome the opportunity to speak on the Bill. Fianna Fáil will be supporting its provisions and we hope to see it pass as quickly as possible.

As the Minister of State indicated, the catalyst for the introduction of this legislation is the Istanbul Convention. It is important that we enact this legislation so that we can ratify that convention, which was signed in May of 2011. Some 45 countries signed up to the Istanbul Convention on combating violence against women but only 33 countries have been able to ratify it in full. It is disappointing that Ireland has delayed in its ratification. Nonetheless, I welcome the fact that, once this legislative hurdle has been overcome, we will be in a position to ratify the convention in full.

As the Minister pointed out, it is also important to note that the legislation we are debating does not simply apply to violent acts against women. It also applies to any violent acts against men. The Bill defines “a relevant offence” and it is important that we are aware of the offences we are talking about for the purpose of ensuring that those offences can be prosecuted here if it is the case that they are also offences in other convention countries.

Provision is made to the effect the offences covered by sections 3 to 5, inclusive, 9 and 10 of the Non-Fatal Offences Against the Person Act 1997 are relevant offences for the purposes of the Bill. The offences in question include assault causing harm, assault causing serious harm, threats to kill or cause serious harm, coercion and harassment. I regret the fact that the majority of those criminal offences are committed against women. The latter is the reason the Istanbul Convention expressly provides that criminal acts such as these are criminalised - outlawed - in the countries to which it applies. This extraterritorial provision must be put in place in convention countries.

Other offences are also contemplated. I refer, for example, to sexual assault within the meaning of section 2 of the Criminal Law (Rape) (Amendment) Act 1990, aggravated sexual assault and rape under that Act or otherwise. Again, regrettably, it is the case that these are offences, whether nationally or internationally, which are committed predominantly and overwhelmingly against women. However, as the Minister of State indicated, although the Bill has as its focus the Istanbul Convention and protecting women from violence, it nonetheless will have application in respect of those offences if they are committed against men or women.

It is important to point out that there is a problem, nationally and internationally, in the context of violence against women. That is regrettable and we should recognise that in this House by looking at domestic statistics in respect of domestic violence against women but also the international context. We know that 25% of all violent crimes reported internationally involve a man assaulting his wife or partner. We know that statistic from the European Union campaign against domestic violence, which was completed in 2000. We know that at least one in three women has been beaten, coerced into sex or otherwise abused in her lifetime. We also know from a British crime survey carried out in 2009-2010 that 7% of women between 16 and 59 were victims of domestic violence in the previous year. It is regrettably the case that all international research consistently shows that a woman is more likely to be assaulted, injured, raped or killed by a current or former partner than by any other person. Regrettably, we know that is the case in this country when it comes to the murder of women. Since 1996, 216 women

have died violently in this country and 63% were killed in their own homes. It is the case that there is an international problem and a domestic problem in respect of violence against women. It is appropriate that we send out a consistent message that such violence is unacceptable and cannot be tolerated.

One of the great advantages of what has happened over the past 70 years is that there has been increased international co-operation. The finest example of that is the European Union and the Council of Europe but it has also been the case that there has, since the Second World War, been increased co-operation internationally. There have been many successes in the area of trade and in the context of the pacific settlement of disputes. However, another area in which there has been a significant improvement is in the context of the criminal law. We see this with the European arrest warrant and how that is beneficially used to ensure that people who commit crimes in one country in the European Union can be held to account in the country where those crimes were committed, even though they have moved between jurisdictions. That is another interesting and advanced development because it will allow this State to prosecute people who have been involved in the commission of the offences I have just described in other convention countries but they can be prosecuted in this country provided the offences committed are offences in the convention country. It is the case that, predominantly, these are and will become offences in the convention countries because a country cannot sign up to the Istanbul Convention unless it indicates that they will become particular offences.

There are other elements to this legislation which deal with, for example, murder and manslaughter and which will allow us to prosecute in this jurisdiction people who have committed murder or manslaughter elsewhere. This was introduced in the context of Northern Ireland in the 1970s when controversial legislation was introduced which allowed people who committed murder and manslaughter in Northern Ireland to be prosecuted in this jurisdiction. It is also appropriate that we have in our law and that there is an international recognition that murder is so unacceptable that one can be prosecuted in a country where the crime did not occur on the basis of the fact that there is a common interest and recognition in countries to the effect that murder is unacceptable. The same applies in the context of manslaughter.

If the legislation is enacted, we hope it will be the case that if criminal acts which come within the parameters of this Bill are committed in other countries, they will be prosecuted here. That will be difficult for prosecutorial authorities because they will have to ensure that there is evidence available to prosecute the people involved in this jurisdiction. If somebody committed the crime of sexual assault in Greece, prosecuting the case here will give rise to difficulties. We would have to have the witnesses here in order for the case to be proven. In many of these cases, what the legislation will do is give, for example, an Irish victim who is in Greece the ability to have the case prosecuted here. There should be co-operation in that regard. At present, it is always the case that the accused can be prosecuted only in the jurisdiction where the crime has been committed. That places a major burden upon the victims of those crimes. We have seen it here previously when people who have been assaulted or attacked or their loved ones killed have had to travel from abroad in order to have the trial operate effectively in this jurisdiction. It seems to me sensible that if it is possible the place where the victim is based could also be the locus for the prosecution of that crime. That will not reduce the obligation on the prosecution to ensure that the relevant witnesses are here. Those prosecuting will still have to ensure that and they will still be obliged to prove their case beyond all reasonable doubt. However, what is proposed is a sign of increased and improved international co-operation.

It is important to note that at a time when international co-operation is being criticised and

at a time when we see in Brexit and the policies of the United States people trying to resile from international co-operation, that the Council of Europe and this House send out a strong message that international co-operation is a positive. We should also send out a strong message that trying to turn one's back on international co-operation is a regressive step. I know we do not want to interfere in the events of other countries, which are taking steps away from international co-operation, but in this House we can say that it is a regressive step and it is an attempt to hold back the course of history. It is not just all about globalisation but it is also about international co-operation in vital areas such as protecting women from violence around the world and ensuring that we have a system in our laws whereby people can be held to account for their offences, irrespective of where they are committed.

I welcome what the Minister of State said about the fact that this is the last step we have to take before we can ratify the Istanbul Convention. I hope we will be able to ratify it this year but let nobody be in any doubt that this country and the world still face a huge challenge in sending forward a message that violence against women is simply unacceptable. Regrettably, it is the case that certain men, in this country and internationally, seem to think that it is permissible and acceptable to inflict violence upon women with whom one is having a close relationship. It is totally unacceptable and we need to send out that strong message. That message is not just by way of legislation. We need to send out a message to young men who are growing up in an environment which is much more difficult than the environment the Minister of State and I grew up in, where they are now exposed to an assessment and an appraisal of women from what they view on the Internet, which presents women in a malleable and submissive way. We need to ensure that we send out a strong message in this country that just as it is unacceptable to inflict violence upon anyone, it is particularly unacceptable to do it in the context of a relationship which one is in. I will conclude on that point and hand over to my colleague, Deputy O'Loughlin.

Deputy Fiona O'Loughlin: I thank Deputy O'Callaghan. Violence against women, in all its manifestations and forms, is a deeply traumatising act that demands Government action on many different levels. Apart from the physical violence, the emotional and mental impact is also huge.

The Criminal Law (Extraterritorial Jurisdiction) Bill 2018, which we have before us, is good on two different levels. The fact this Bill contains the final legislative action required in order for Ireland to ratify the 2011 Istanbul Convention is really important. There have been numerous delays in this process, but Fianna Fáil welcomes the completion of this process as the last step which must be taken before the convention is ratified. When we look at where we are now, a total of 45 countries have signed the convention and of these, 33 have ratified it so far. We want Ireland to be the 34th. Some 12 countries have signed it, but have not ratified it. We certainly should not delay in bringing it further because the Istanbul Convention is a really important one. It is basically about preventing and combatting violence against women, particularly domestic violence. It is the first European treaty which specifically targets violence against women and domestic violence. Sometimes we need to remember the purpose of the convention, namely, to protect women against all forms of violence; to prevent, prosecute and eliminate violence against women; to eliminate domestic violence; to contribute to the elimination of all forms of discrimination against women and promote a substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation, for which this Bill is

key, with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

My colleague, Deputy O'Callaghan, has outlined the very stark situation in Ireland in terms of the statistics we have on violence against women and domestic violence. It is harrowing and shocking. Barely a week goes by without a woman coming to me in my constituency to seek help, support and advice on what she can do. Many of them are in situations where they are still living with the abuser. It is an awful state of affairs and we need to do more as a country to protect women, who are in this horrific situation, and their children. There are many areas where we can help to provide support. There are still some counties without refuges. Luckily, we have a very good one in Kildare town that gives much support to women and their families but, of course, like any other organisation that is giving really essential help and support to women and families, it needs more help, particularly with providing counselling to these women and their children. We also need to ensure housing money is ring-fenced for women who have to leave the family home.

This particular Bill seeks to expand extraterritorial jurisdiction over a number of offences, which include assault, harassment, coercion and rape. It certainly is the obligation of the State to address certain forms of criminal behaviour which transcend national borders. As a result, serious crimes committed by Irish people abroad should be liable to be prosecuted in Ireland. Extraterritorial jurisdiction is not a new concept but it is a very important one and it is one we need to sign up to.

Domestic violence is more than a human rights violation and a public health issue. In its report last year, SAFE Ireland highlighted the often forgotten about and ignored consequences of same in terms of exploring its wider economic and social impact. The purpose of this Bill is to create extraterritorial jurisdiction over certain offences contained in the Non-Fatal Offences Against the Person Act 1997 and the Criminal Law (Rape) (Amendment) Act 1990, as well as extending extraterritorial jurisdiction to murder and manslaughter committed abroad by Irish residents which is really important. Extraterritorial jurisdiction is the situation when a state extends its legal power beyond its territorial boundaries. Examples include where a state maintains jurisdiction over its citizens when they are overseas, and where certain criminal offences can be prosecuted in a state regardless of where they were committed, for example, piracy and child sex offences. That is the main overview of the Bill.

As my colleague, Deputy O'Callaghan, outlined, my party, Fianna Fáil, supports this Bill. It is an important step in the ratification of the Istanbul Convention. We need to be the next country to ratify it. It is to protect women in very difficult and vulnerable situations because, no matter what the law is, women are in very difficult situations in terms of their health and, indeed, their lives in domestic situations. We need to be able to equip the Judiciary with everything we can to ensure perpetrators of violence against women and domestic violence can be brought to heel, even when they escape and leave the jurisdiction.

Deputy Donnchadh Ó Laoghaire: Beidh Sinn Féin ag tacú leis an mBille seo. Is Bille tábhachtach é. Táimid ag lorg an Bhille seo ar feadh tamaill i ndáiríre chun go mbeidh muid in ann ár n-ainm a chur go hiomlán leis an gCoinbhinsiún Iostanbúl.

I thank the Minister for bringing the Bill forward. It is a welcome Bill that is long overdue.

It has been debated during Question Time on a number of occasions in the last two or three years. The Bill will enable Ireland to ratify the Istanbul Convention. Ireland is already a signatory to the convention but has not yet ratified it. Some 45 countries have signed the convention. Of those, 33 have ratified it and Ireland is one of the 12 countries that has signed the convention but not ratified it.

In general, there is an effort to co-operate on a cross-party basis on issues relating to domestic and sexual violence. Some people think we never agree in the House but the example I usually offer is the Domestic Violence Act 2018. That measure only got traction in the media after it became law, but the debate on it in the Houses was constructive and saw significant engagement. It was a good Bill to begin with and there was constructive engagement across the parties. In the Seanad a number of amendments were accepted, to the extent that we have a good law. There are probably ways it can be improved but it is good law. It got no real coverage outside the Houses but it is an example for issues of this nature which are of great importance. That is right and that should be the way to proceed. We must do everything we can to protect women, children and everybody from all forms of violence, and prosecute and eliminate domestic violence and violence against women.

Section 3 is the core of the Bill in many respects. Subsections (1) to (4) provide that it is an offence for a person to commit a relevant offence on board an Irish ship or on an aircraft registered in the State and that it is an offence for an Irish citizen or resident to commit a relevant offence in a convention state. The relevant offences are assault causing harm, assault causing serious harm, threats to kill or cause serious harm, coercion or harassment under the Non-Fatal Offences Against the Person Act 1997, sexual assault and aggravated sexual assault under the Criminal Law (Rape) (Amendment) Act 1990, rape and rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990. This measure provides for full extra-territorial jurisdiction for these key offences. As the Minister of State pointed out, for Irish citizens murder and manslaughter were already long covered by extra-territoriality but this extends it to somebody who is not a citizen but who is ordinarily resident in the State. Where such a person commits murder or manslaughter outside the State the person can be convicted under the laws of this jurisdiction.

The enabling of international co-operation in this Bill is particularly welcome and necessary. We must also have a more integrated approach between the North and the South. We should work as much as possible on an all-island basis on domestic and sexual violence. That is necessary to address the problem. Adopting good practices in both the North and the South would allow us to tackle the problem in a more meaningful way.

As with many other legislative areas, unless we have the resources to support the actions of ratifying this convention we will continue to fail women, children and men who endure domestic violence. Everybody accepts that. Clearly, the convention is important but ultimately it will not provide the protection that is required to everyone who is at risk of domestic violence. The number of people who suffer domestic violence is still significant. The Government should look again at the resources available. There were many cuts in this area during the recession and large parts of the country do not have adequate services or resources. In our 2019 alternative budget Sinn Féin committed to investing in services such as domestic violence housing support at a cost of €2.8 million and pledged to treble the funding for Rape Crisis Network Ireland from €60,000 to €180,000 per annum. That is a €3 million investment in specific measures, allowing for the adequate services people so desperately need and which consistently experience underfunding by this Government. It does not take a great deal to fund such services, and the great

work they do gives a tenfold return on what they receive. They are vital if we are to be taken seriously in our efforts to make Ireland a safer place for people who experience, and are victims of, domestic abuse or domestic violence.

I acknowledged the Domestic Violence Act earlier. Does the Minister have plans to put in place a review of the implementation of the Domestic Violence Act so we can have a sense of how it is being implemented, particularly in regard to the area of training? Garda representative bodies highlighted the issue that many of their members did not feel adequately trained and in that context felt ill-equipped to implement the Act properly. If we could have a quick review of how that is going it would be of value. I take this opportunity to commend the many individuals, NGOs and civil society groups, such as the Irish Observatory on Violence Against Women, Women's Aid, the National Women's Council of Ireland, SAFE Ireland, Rape Crisis Network Ireland, the Dublin Rape Crisis Centre and all the other groups which advocated and continue to advocate for better policies, resources and legislation to combat domestic and sexual violence in Ireland. They have all called consistently for the ratification of this convention.

For a number of years the Women's Aid "Change the Conversation" campaign has provided a stark and sobering reminder of how pervasive domestic violence and intimate partner violence are in Ireland. I will outline the extent of that from a variety of reports in recent years. One in five women in Ireland have experienced emotional, physical, sexual and-or financial abuse by a current or former partner. One in every two women murdered in Ireland are killed by a partner or ex-partner. In 2016, there were 16,946 disclosures of domestic violence against women during 19,000 contacts with Women's Aid direct services. The Women's Aid 24 hour help line responded to 15,952 calls in 2016. In a 2014 study, entitled "Violence against women: An EU-wide survey", by the European Union Agency for Fundamental Rights it was reported that 14% of women in Ireland have experienced physical violence by a partner since the age of 15 years. That gives an impression of how widespread and pervasive the problem still is. Tá sé forleathan, tá sé domhain mar fhadhb, tá tionchar aige ar mhéid mhór mná agus páistí agus fiú tar éis na reachtaíochta seo, tá bóthar fada le taistil againn.

The Istanbul Convention is a Council of Europe convention on violence against women and domestic violence which was opened for signature on 11 May 2011. The convention's aims are prevention of violence, victim protection and to end the impunity of perpetrators in convention states. The full convention is contained in the Schedule. It is the obligation of the State to address it fully in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. The convention leaves no doubt that there can be no real equality between women and men if women experience gender-based violence on a large scale and State agencies and institutions turn a blind eye, much like the Ireland of not so long ago. Implementing the convention is an opportunity for us to bring about the systemic and institutional change we need to facilitate the protection of women and the accountability of perpetrators. It is critical to match our response to the scale and complexity of the violence. Once Ireland ratifies the convention we will be examined for compliance with its standards and for that reason we must get our house in order.

I welcome the announcement last year that the CSO is to undertake the collection of data on the prevalence of sexual violence in the form of a sexual abuse and violence in Ireland, SAVI, II report. It has been 16 years since the last SAVI report was conducted, which is far too long. Poor or outdated data have an impact on the development of policy. Data are very important to developing policy so this report should have been undertaken far sooner. I hope it is available as soon as possible. It is essential for forming an understanding of the problems we

face, the prevalence of sexual violence in our society and what actions or policies are needed to address it. Fundamental to combatting this abuse will be the completion of the SAVI II report providing updated research and data on sexual abuse and violence in Ireland.

Deputy O’Loughlin referred to the need for judges to have this legislation and the domestic violence legislation. I should highlight a point I have made frequently, which is inconsistent sentencing on the part of some judges in respect of sexual violence.

That matter needs to be addressed via sentencing guidelines. I have been in regular contact with the Department in that regard and hope that progress will soon be made. Such guidelines are vitally important in order for the public to be confident that we have consistent and good sentencing.

To conclude, ba mhaith liom a rá arís go dtacaíonn muid leis an mBille seo. Is dócha go mbeidh muid ag féachaint ar leasuithe ach gach seans nach mbeidh leasuithe ar an reachtaíocht seo. I go leor slite tá an reachtaíocht fada de bharr go bhfuil an coinbhinsiún ann ach tá sé simplí go leor i slite freisin. Tá sé luachmhar agus tábhachtach agus tá súil agam gur féidir linn é a chur i gcrích go luath agus go mbeidh sé mar chuid de dhlí an Stáit seo.

Deputy Sean Sherlock: The Labour Party unambiguously welcomes the Bill and acknowledges the work of the Minister and the Minister of State in bringing it before the House. The Bill is clear in what it seeks to achieve. I acknowledge the work of the Oireachtas Library and Research Service and congratulate Ms Liane Reddy, the parliamentary researcher who compiled the Bill digest and raised some very interesting points in the process.

I note that the United Kingdom is one of the signatories to the Istanbul Convention. In the context of Brexit negotiations, has there been any discussion within the Department of Justice and Equality on how Brexit may impact on the interpretation of this legislation *vis-à-vis* our relationship with the United Kingdom given the close ties that exist between the two countries? It is a very theoretical question at this stage. It may be that because the United Kingdom is a signatory to the convention which has a certain date stamp, Brexit will have no implications in that regard. It would be very useful to have that clarified.

Cosc, the national office for the prevention of domestic, sexual and gender-based violence, states that a Government action plan to give voice to the Istanbul Convention is in place and relates to issues such as education and training modules for An Garda Síochána, the HSE, Tusla and the Courts Service. Is the Minister of State satisfied that adequate ongoing training and education is in place? Has An Garda Síochána implemented what Cosc describes as the risk assessment matrix? I do not fully understand what constitutes a risk assessment matrix. It would be useful for that to be explained and to clarify whether it is ongoing. Is there an integrated 24-hour national helpline to respond to the issues pertinent to the legislation? Cosc also raises the issue of support for child witnesses of domestic or sexual violence. Is the Minister satisfied that programmes, protocols or procedures are in place in respect of those issues?

My party very much welcomes the Bill. I again refer to the Bills digest, which was very useful in gaining a better understanding of the dynamics of the legislation. In respect of the principle of extra-territorial jurisdiction it states:

However, there is a “growing list of situations in which offences committed outside Irish territory are subject to the jurisdiction of an Irish court.” This is largely due to the effects of globalisation, and an acceptance by the international community “that it has a common

obligation to tackle certain forms of criminal enterprise that threaten fundamental interests transcending national boundaries.” As Ireland assumes obligations under an increasing number of international agreements, the extent to which Irish citizens and those ordinarily resident in Ireland may be prosecuted for acts done outside the State has also increased.

It then refers to sections of Acts such as the Domestic Violence Act 2018 and the Criminal Justice (Corruption Offences) Act 2018, and to section 4 of the Criminal Justice (Female Genital Mutilation Act) 2012. The digest also addresses the issue of Irish-registered ships or aircraft, stating:

The fact that a ship or aircraft is registered in Ireland does not automatically mean that it is Irish territory for the purpose of criminal jurisdiction once it leaves Irish territorial waters or airspace. However certain statutory provisions confer that jurisdiction on them where certain criminal offences are committed on board, irrespective of the nationality of the offender.

What is the perspective of his Department on that dynamic? Is this legislation pertinent to such scenarios?

The Labour Party fully supports the Bill.

Deputy Thomas Pringle: Independents 4 Change are fully supportive of the Bill. On Leaders’ Questions a couple of years ago, I asked when we would ratify the Istanbul Convention. I am glad that its ratification has come a step closer. Possibly because I am unfamiliar with being in government, I do not understand why it takes so long for such matters to be progressed. In one way, today is a good day. It is welcome that ratification is a step closer but it is disappointing that it is taking so long to get there, particularly given that the convention opened for signature in May 2011 at the Council of Europe.

A couple of Members referred to the potential impact on the Bill of the United Kingdom leaving the European Union. My understanding is that as this is a convention of the Council of Europe rather than of the European Union, Brexit will have no impact on it. I ask the Minister of State to address that point. In the context of the wider European debate in Ireland, it is conveniently forgotten by many political commentators who praise the European Union for initiatives that impact on Ireland that it is the Council of Europe that brings through many of those initiatives and our membership of the EU has nothing to do with them. That is the case with the convention. It is very interesting how the political establishment uses that ignorance. This debate is a perfect example of that because Deputies Sherlock and O’Callaghan----

Deputy Sean Sherlock: On a point of order, I was not making a political point. Rather, I was merely asking a question, the answer to which I had anticipated. For the record, I asked the question in good faith and with good intentions.

Deputy Thomas Pringle: I accept that. However, Deputy O’Callaghan referred to the impact that Brexit may have on the Council of Europe and on our signing of the convention. As I understand it, Brexit will have no impact in that regard because the United Kingdom is a member of the Council of Europe and that status has nothing to do with its membership of the European Union. I may be wrong in that regard. I ask the Minister of State to outline his understanding of the situation. It is important that it be clarified.

It is important to note that this Bill is the final legislative action that is required to enable

Ireland to ratify the Istanbul Convention on combatting violence against women and domestic violence. The main aim of the convention is to protect women against all forms of violence and prevent, prosecute and eliminate violence against women and domestic violence. As such, and in the modern context, it is vital that this also include men. Although domestic violence against men is not as prevalent, it is becoming more common. It is important that this be covered. The convention also aims to ensure the design of a comprehensive framework, policies and measures for the protection of and assistance to all victims of domestic violence.

The Council of Europe convention on preventing and combatting violence against women and domestic violence was opened for signature on 11 May 2011 in Istanbul, Turkey. This probably gives an indication of developments in respect of the European Union. The convention's aims are the prevention of violence, victim protection and "to end with the impunity of perpetrators". As of January 2018, it has been signed by 46 countries and, as mentioned, separately by the European Union. Why it has taken so long and why it would take so long to be adopted here are genuine questions that need to be answered. I acknowledge the Department has priorities and that it is a big Department but the priorities of the nation are also important.

It is some time ago since I raised with the Taoiseach the adoption of the convention into Irish law. The convention is based on the premise that no single agency or institution can deal with violence against women and domestic violence alone. An effective response to such violence requires concerted action by many different actors. The convention therefore asks state parties to implement comprehensive and co-ordinated policies involving Government agencies and NGOs, in addition to national, regional and local parliaments and authorities. Unfortunately, we do not have local parliaments or authorities that would have the powers to deal with this.

The aim is to have policies to prevent and combat violence against women and domestic violence implemented at all levels of government and by all relevant agencies and institutions. That is vital. The experience from countries where this is already being done shows results are improved when law enforcement agencies, the Judiciary, NGOs, child protection agencies and other relevant partners join forces and work together.

Under the Istanbul Convention, Ireland will be required to make provision for extraterritorial jurisdiction regarding convention offences. While there are some provisions on the Statute Book already, in respect of murder, manslaughter and some sexual offences, this Bill is necessary in order to fully extend extraterritorial jurisdiction to all convention offences.

Obviously, we can enact and ratify all we like but, unless we have the resources to back up the actions, we are going to fail those whom the Bill is intended to protect. I encourage the Minister to ensure resources are available in order that this Bill can be implemented in full.

One in five women has suffered intimate partner violence and domestic abuse, and nine out of ten women who are killed are killed by someone known to them, with 56% killed by a partner or ex-partner. That, in itself, shows the importance of this Bill and the need to implement it and the measures in the Istanbul Convention as quickly as possible.

With regard to the convention, the Council of Europe states:

In addition to addressing governments and non-governmental organisations, national parliaments and local authorities, the convention sends a clear message to society as a whole. Every man, every woman, every boy and girl, every parent, every boy/girl-friend must learn that violence - any kind of violence - is not the right way to solve difficulties and

live a peaceful life. Everybody must understand that now and in the future violence against women and domestic is no longer tolerated.

That is important.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

I thank the Deputies for the broad support for the Bill this evening. Deputy Ó Laoghaire said this is one of the issues on which we can all agree. When I was Chairman of the justice committee, we did a lot of work in this area and there was broad support and constructive debate on this important issue. Pending the passage of Second Stage this evening, the Chairman of the Select Committee on Justice and Equality, Deputy Ó Caoláin, and his colleagues have agreed provisionally to schedule Committee Stage for next week. I am grateful to them for this.

We can agree on this. Eradicating the problems in our society is a shared goal for all Members. The Minister for Justice and Equality, Deputy Flanagan, and the former Minister, Deputy Fitzgerald, indicated in this House that Ireland would ratify the Istanbul Convention at the earliest opportunity. An action plan was put in place. Various steps and a range of legislative measures required for ratification have been taken. In many ways, achieving ratification of the convention seems like the final hurdle. In other ways, it is only the beginning.

Once ratification is completed, Ireland joins a monitoring mechanism of independent experts called GREVIO, which will monitor the effective implementation of the convention. It will evaluate implementation in Ireland, determining whether legislation is effective. It will also publish reports on all efforts being made in Ireland to make a difference in regard to violence against women and, as Deputy O’Callaghan stated, men. The convention provides that each government must submit the GREVIO report to the national parliament. Therefore, all such reports on implementation in Ireland will be submitted to the Oireachtas.

As stated, 45 countries have signed the convention so far and 33 have ratified it. Very soon, Ireland will bring the number of ratifications to 34, as Deputy O’Loughlin stated. This Bill was published only in November 2018. It completed its passage in the Seanad two weeks ago and tonight it is commencing its passage through this House. The Minister, Deputy Flanagan, is on the record as saying he would like it enacted by 8 March, International Women’s Day. Maybe colleagues could all agree on this. We are on course to achieve that deadline.

Let me turn to some of the issues colleagues have raised. A number of points were made on delays regarding the Bill. It has not really been delayed. The treaty was signed in 2011 and entered into force in 2014. Ireland signed up to the convention in 2015. Since then, a number of actions have been taken by the Government on the convention. The Domestic Violence Act 2018 was passed by the Houses, as were the Criminal Justice (Victims of Crime) Act 2017 and the Criminal Law (Sexual Offences) Act 2017. The Criminal Law (Sexual Offences) (Amendment) Bill 2018 is also one of the measures. Therefore, there has been much legislation and work done in order to reach this point. The reason is that Ireland is a dualist state. We ratify international conventions only when we have transposed their various requirements into domestic law. When we ratify, we have the job done. A lot of work is done before that point. Over the past three years, a number of Bills, already referred to, have been enacted to get to this point. This is the final piece and it will allow for ratification as early as possible this year. Much work was done to get to this point. It had to be done; otherwise we could not have ratified the convention. I hope that is accepted by colleagues.

Deputy O'Callaghan referred to the seriousness of murder and manslaughter. Ireland already claims jurisdiction for murder and manslaughter offences committed by Irish citizens anywhere in the world. This is provided for in section 9 of the Offences Against the Person Act 1861. We are now claiming jurisdiction where a person normally resident in Ireland commits murder or manslaughter abroad. It would be incongruous if Ireland were to claim jurisdiction where murder or manslaughter is committed by an Irish citizen in any country but restrict jurisdiction only to convention states where it involves an Irish resident.

We are not extending jurisdiction to offences committed against Irish residents abroad. This issue was considered fully with the legal advisers. Article 42 to the Istanbul Convention requires a state to endeavour to take necessary legislative measures to establish jurisdiction over any offence established in accordance with the convention where the offence is committed against one of its nationals or a person who has his or her habitual residency in its territory. In the national action plan, first agreed by the Government, it was decided that Ireland would legislate for jurisdiction where the offence is committed by or against Irish citizens or residents abroad. The issue has been further considered by my Department officials and advice has been received from the Office of the Attorney General. Heretofore, Ireland has normally legislated for extraterritoriality according to the active personality principle, which allows a state to exercise jurisdiction over its own nationals who commit offences abroad. Having considered the issue fully, it is now apparent that extending jurisdiction to Irish citizens abroad would be a huge shift in Ireland's approach to this and would require detailed and lengthy deliberations as to how it would work. We would have to claim jurisdiction to prosecute in this country a foreign national for committing a relevant offence in his or her own country against an Irish citizen in residence. There are major issues to be considered concerning extradition to Ireland and mutual legal assistance issues around the transfer of evidence. At this time, the Minister has decided it would be best to limit jurisdiction to Irish perpetrators abroad. The Government agreed to his proposals to do so. The Government has also agreed that this decision can be reviewed in the years ahead.

To further consider Irish victims now would undoubtedly delay ratification of the convention and the Minister would prefer to move ahead at this point. Once ratification has been completed, Ireland will become part of the Istanbul Convention peer evaluation process, as I said earlier, known as GREVIO. This will be an important learning tool for Ireland and it will put us in a stronger position to know how this issue could be addressed in the future.

Deputy Sherlock asked about a risk assessment matrix and 24-hour helplines and so on. That is to do with the domestic violence legislation and not this particular item but I will try to get responses to the Deputy on those matters.

Deputy O'Loughlin also spoke about the Domestic Violence Act. All the provisions of the Domestic Violence Act were fully commenced on 1 January. Prior to commencement, the key agencies, namely, the Courts Service, the Director of Public Prosecutions and An Garda Síochána, worked hard to put in place the necessary measures, including the preparation of guidance documents and appropriate training, to ensure the successful implementation of the legislation. It is also intended to establish divisional protective services units in each Garda division by the end of this year. These are specialised units which improve services to victims, improve the investigation of incidents of sexual and domestic violence and will improve the identification and management of risk in cases of domestic and sexual violence.

Deputy Sherlock raised an interesting point in asking if Brexit will affect the legislation.

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It is our understanding that it will not. The UK also plans to ratify the Istanbul Convention although I understand it is a little behind Ireland at this time in terms of ratification. As has been said by Deputies Sherlock and Pringle, this is a Council of Europe convention, not an EU convention, and the UK is not leaving the Council of Europe. Both Deputies strongly made that point.

Deputy O'Callaghan referred to other actions the Government is taking and I mentioned the Garda National Protective Services Bureau which has been established and is led by a chief superintendent. A nationwide network of Garda victim support offices with dedicated staff in each of the 28 Garda divisions has also been established. The Garda National Protective Services Bureau is tasked with improving services to victims, improving the investigation of incidents of sexual and domestic violence and identifying and managing risk.

There is also a domestic homicide review. An Garda Síochána's domestic violence policy intervention unit is currently working with the Garda Síochána Analysis Service in analysing domestic related homicides. Such homicides are examined and any lessons learned are feeding into policy and investigations in this area.

The Minister brought a memorandum to Government on 20 November and the Cabinet approved the undertaking of a national survey, as Deputy Ó Laoghaire pointed out, on the prevalence of sexual violence to be repeated every decade by the Central Statistics Office, CSO, and the publication of the report of the scoping group. The survey will be large scale, complex and extremely sensitive. A completed sample of 5,000 adults, on a wide range of intimate questions on abuse in adult life and in childhood is envisaged. My colleagues can imagine how challenging that will be.

Once the first full national survey is complete, it is envisaged that work will then begin on exploring the experiences of sexual violence abuse by specified vulnerable minority cohorts, for instance the LGBTI+ community, members of the Traveller community, migrant populations and people with disabilities. A memorandum of understanding between the Department of Justice and Equality and the CSO to proceed with this project is currently in preparation.

On the review of the investigation and prosecution of sexual offences, the Minister for Justice and Equality published terms of reference for the review of the investigation and prosecution of sexual offences on 7 September. The Minister also announced that Mr. Tom O'Malley, BL, will chair the working group tasked with undertaking it.

Cosc is currently supporting and overseeing the implementation of a uniform national domestic violence intervention programme under the second national strategy for the prevention of domestic sexual and gender-based violence for the period 2016 to 2021. The roll-out of this programme, entitled the Choices programme, began in 2017.

Funding and resources have been mentioned on a few occasions. Under the Child and Family Agency Act 2013, Tusla, the Child and Family Agency, has statutory responsibility for the care and protection of victims of domestic, sexual or gender-based violence. As such, Tusla is the primary funder of services. In 2018, Tusla allocated funding of €23.8 million to domestic, sexual and gender-based violence services, an increase of €3.4 million or 17% over 2015. Following budget 2019, additional funding of €1.5 million will be allocated to these services in 2019.

Of the €1.72 million allocated to victims of crime in 2018, grants totalling €686,000 were

awarded to 34 domestic violence organisations for support and assistance and to provide support and court accompaniment to victims of crime. Of the €2.205 million non-pay budget for Cosc, it allocated €950,000 for the national awareness programme, “What would you do?”. In 2018, the campaign messaging moved from an objective of raising awareness to one of education. Additionally, €500,000 from the Dormant Accounts Fund, which has been provided under the dormant accounts plan for 2016 and 2017 is being used to provide key additional localisation to the national campaign over its lifetime.

Cosc also allocated €817,000 for the delivery of the uniform national domestic abuse intervention programme entitled the Choices programme. The primary aim of the programme is, while maintaining its support for the safety and well-being of women and children as paramount, to support and challenge men who are engaged in domestic violence to change their abusive behaviours and attitudes towards their partners.

Cosc also provided funding of €22,000 in 2018 to the Dublin Rape Crisis Centre for a sexual violence awareness and prevention programme for young people. This funding went towards the running of five four-day body right programme training events in 2018 for staff from Youthreach and other alternative educational settings.

My colleagues can see that there is a lot going on in this hugely important area. One can never really do enough in this challenging area and I was taken again with what Deputy O’Callaghan said earlier, and he said it previously at a different debate on a similar issue, that we are changing in our society. We have much more access to material on the Internet which is, really and truly, not suitable for young people at all and which gives images which are completely wrong and at variance with reality. We have seen more and more reports of the amount of time people spend on screens to the detriment of exercise and other more healthy activities. That is something all of us must reflect on and, in particular, parents will need to reflect on that to ensure that is the case.

I thank my colleagues here for their support this evening and for a constructive debate. This is a sensitive and important area. I look forward to the committee debate hopefully next week, if we agree to progress the Bill this evening, as I anticipate we will. I look forward to ratifying this convention by International Women’s Day, as I outlined earlier.

Question put and agreed to.

Criminal Law (Extraterritorial Jurisdiction) Bill 2018 [Seanad]: Referral to Select Committee

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Consumer Protection (Gift Vouchers) Bill 2018 [Seanad]: Second Stage

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): I move: “That the Bill be now read a Second Time.”

The Bill proposes to amend the Consumer Protection Act 2007 to provide additional protections for consumers who receive gift vouchers. Very few people have not given or received a gift voucher at some point. Industry estimates suggest the annual value of gift vouchers sales is approximately €600 million. A survey undertaken for the Competition and Consumer Protection Commission in 2014 found that 41% of consumers surveyed had purchased a gift voucher in the previous 12 months. It is clear, therefore, that the appropriate regulation of gift vouchers is an issue which impacts a significant number of people. However, at present, there is no specific legislation dealing with gift vouchers.

The Bill proposes that gift vouchers must have an expiry date of not less than five years from the date on which the voucher was issued. A trader who supplies a gift voucher must also provide information on its expiry date on a durable medium such as paper or email. Currently, expiry dates for gift vouchers can vary widely from as little as six months up to ten years. In the retail sector, expiry dates for vouchers issued by large retailers are typically for two years from either the date of purchase or of last use. In the hospitality and travel sectors, an expiry date of one year is common.

Research undertaken in 2013 and 2014 by the then National Consumer Agency found that between a quarter to a half of consumers had let a gift voucher expire at some point without using it. In some cases, this happened because the voucher was lost or forgotten about. In other cases, however, consumers found themselves unable to use a gift voucher because it had expired before they went to redeem it. It is entirely wrong that consumers should find themselves unable to use a gift voucher because of an unreasonably restrictive expiry date imposed by the business that issued the voucher. The five-year minimum term for gift vouchers provided for in the Bill strikes a fair balance between the right of consumers to get what they or someone close to them have paid for along with the need of businesses for commercial certainty.

The Minister for Business, Enterprise and Innovation, Deputy Humphreys, noted that Retail Ireland, which represents retailers with over 3,000 outlets, in its response to her Department’s public consultation of July 2018 on gift vouchers, stated it was not opposed to the proposed five-year term for gift vouchers. Chambers Ireland, which represents 43 affiliated chambers, indicated five years was a reasonable minimum term for gift vouchers. The Minister believes these views reflect the fact that responsible businesses want to treat consumers fairly and to retain their goodwill. The Minister is aware that some, although not all, businesses will in fact honour gift vouchers which are tendered after the expiry date. Many Deputies are aware of cases where local businesses have honoured vouchers after the expiry date. This shows a loyalty to the customer which is to be commended.

The Bill is about giving certainty to people that their voucher will, at a minimum, be valid for five years. In the United States, gift vouchers must be valid for at least five years under federal law. Several US states provide for a complete ban on expiry dates, as do several provinces in Canada. The Bill includes provisions that address certain unfair practices which were brought to the Department’s attention in consumer responses to its public consultation on gift vouchers.

The first of these provisions deals with gift vouchers which require the full value of the voucher to be redeemed in a single transaction. While this is not a widespread practice, the Minister is aware of several cases where traders impose such a requirement. There is no justification for such an unfair and anti-consumer practice. Accordingly, the Bill prohibits this practice. It provides that where a consumer redeems only part of the value of a voucher and the remaining balance is greater than €1, the trader must reimburse the remaining balance by way of cash or another gift voucher. For example, if a customer has a restaurant voucher for €100 and the cost of a meal comes to €75, the restaurant must give the customer the remaining balance of €25. The restaurant cannot make the customer use the full voucher in one single transaction or risk losing the balance.

The second provision seeks to address cases where the purchaser of a voucher is required to indicate the name of the intended recipient. If the name of the recipient on the voucher differs from the recipient's name as stated, for example, on their passport, the recipient may be precluded from using the voucher. For example, the Department recently received a representation from a retired person on a fixed income who has been unable to use €200 worth of vouchers to book flights to visit family and friends in the UK because the family members who purchased the vouchers used the familiar name by which they knew the person rather than the name on the person's passport. Appeals to the airline to reissue the voucher in the name stated on the passport have been unsuccessful. In the Minister's view, this type of restriction on the use of a voucher is manifestly unfair and she is glad to have the opportunity to tackle it.

The Bill provides accordingly that where a gift voucher is subject to a requirement that it be used by a named consumer, a trader shall not refuse to accept a gift voucher from a consumer other than the consumer named on the voucher. Additionally, the Bill provides that a trader cannot charge a fee for amending or changing the name of the consumer named on the voucher. The Minister believes the inclusion of these provisions in the Bill shows the value of the public consultation.

Since there is only one other Deputy in the House, I can cut and allow him to speak because he has come in. Would that be okay?

An Leas-Cheann Comhairle: It is up to the Minister of State.

Deputy John Halligan: I will try to finish by 7.55 p.m. Another Deputy has just come in.

If Deputies are aware of other unfair practices involving gift vouchers, the Minister, Deputy Humphreys, would be glad to have details of them and is willing, where necessary, to introduce amendments to the Bill to address such practices.

So far, I have been discussing what is contained in the Bill. I must turn now to a provision that does not form part of the Bill. As Deputies may be aware, the scheme of the Bill, which the Minister received Government approval to draft in June 2018, included a provision authorising the Minister for Business, Enterprise and Innovation to make regulations on fees for the issue and replacement of gift vouchers and for inactive balances on gift vouchers. The latter fees which range, from €1.40 to €3.50 per month are commonly known as dormancy or maintenance fees and apply after 12 months to electronic money gift vouchers such as the One4All and FromMe2You gift cards, as well as to some shopping centre gift cards.

Consumers understandably feel that they should be able to redeem gift vouchers at their full face value. While some of these providers may argue that their gift cards are not subject

to expiry dates, if after 12 months €1.50 is being deducted every month from a gift card for a relatively small amount, it will not be long before the value of the gift card is completely wiped out. The Minister believes, in essence, this is an expiry date by another route. However, the providers of regulated electronic money gift vouchers maintain that the cost of providing the additional protections required by law for these products necessitates the imposition of fees.

While the Minister remains strongly in favour of the regulation of the gift voucher fees in question, a legal issue emerged in the course of drafting the Bill regarding the power proposed for the Minister for Business, Enterprise and Innovation to make regulations fixing these fees. The issue related to possible encroachment on the regulatory regime for electronic money products. As the Minister did not wish to delay publication of the Bill further, she decided to omit the provision on the regulation of gift vouchers fees pending the outcome of the required legal review. If the review concludes that the provision to give the Minister for Business, Enterprise and Innovation power to set certain gift voucher fees would not involve an impermissible or inappropriate double regulation of electronic money gift vouchers, the Minister would propose to reintroduce it on Committee or Report Stage. The fee-setting power proposed for the Minister would be subject to certain conditions, including requirements for prior consultations, for fees to be proportionate and commensurate with the costs incurred by businesses in supplying and servicing gift vouchers, and for consumers to be protected.

I now turn to the purpose of each of the sections of the Bill. Section 1 refers to the Consumer Protection Act 2007 as the Bill's provisions will form a new Part 4A of that Act. The incorporation of the Bill's provisions in the 2007 Act means that the comprehensive enforcement regime in Part 5 of the Act will apply to breaches of these provisions.

Section 2 provides for the insertion in the 2007 Act of Part 4A comprising new sections 66A and 66B. Section 66A defines gift vouchers and provides for a number of exclusions from the definition. These exclusions relate first to vouchers usable only for the purchase at a discounted price of specified goods or services from a specified trader or traders on a specified date or for a specified period of limited duration. They apply, second, to vouchers supplied under a customer loyalty or promotional scheme and, third, to vouchers supplied to a consumer by way of a refund for goods by a consumer to a trader. It may be necessary to provide for further exclusions by way of amendment to clarify that products such as transport or telephone cards, which would not generally be regarded as gift vouchers, do not come within the scope of the definition.

Section 66B provides for the five-year expiry date for gift vouchers outlined earlier and for the requirement for the trader to inform the consumer of the expiry date, if any, to which the voucher is subject. The section also contains provisions addressing unfair practices which, first, require gift vouchers to be redeemed in full in a single transaction and, second, which preclude the use of vouchers because of issues relating to the name of the recipient or which impose a fee to change or amend the name of the recipient of the voucher. The section also includes offences provisions and definitions of "expiry date" and "durable medium".

Section 3 of the Bill provides for consequential amendments to the Consumer Protection Act. Section 4 contains provisions on the Short Title, citation of the Act and commencement.

Deputy Billy Kelleher: I welcome the opportunity to speak on the Bill. I know certain provisions proposed by the Minister are not contained in the Bill itself. From that perspective we are discussing a Bill that is published but clearly the Minister intends to introduce amendments at a later Stage.

I think the voucher industry is positive. It allows for people to provide gifts other than cash. It is part and parcel of what we do in everyday transactions and when giving presents to people. The most pertinent issues are the diminishing value of a gift voucher, the terms and conditions on the voucher and the expiry dates especially where they expire sooner than the purchaser or recipient would have anticipated.

Certain companies do everything in their power not to honour vouchers, using excuses such as the wrong name on a voucher *vis-à-vis* passport for airlines and so on. The overall general concept is good and should be encouraged. Very often small communities, towns and villages promote the concept of a regional or town voucher system to support and encourage local shopping. All these things are because of threats from electronic media advertising coupled with purchasing on the Internet itself.

I often become concerned when the Government steps into a marketplace, as it can be over-zealous in regulation. We do not want to diminish the ability of companies to provide vouchers in a way that is meaningful and allows them to survive and continue to provide that service. Whatever is implemented must be in accordance with best practice but equally, must not be a burden on the companies to the point where they no longer exist.

Terms and conditions need to be to the fore in vouchers. When companies are selling their products, people need to be fully aware of the terms and conditions, which should not be in the small print at the bottom of the case, as is often the case. It is critical to address those points when regulating and in bringing forward this legislation.

The concept is good. It facilitates commerce by allowing people to give gifts through the voucher system. It can allow for small towns and villages or individual companies or communities to get together and also get involved in this activity. The downside can be when companies do not honour the spirit of a voucher system and try to undermine or diminish a person's ability to claim the full value of a voucher.

On the issue of the so-called maintenance fee, there is no doubt that when people buy gift vouchers, they expect the full face value to be redeemable at a future date. Over a period of time, the value of some vouchers diminishes in order to incentivise people to redeem them early. However, there should not be massive penalties of which people are unaware so that when they redeem their vouchers, they find that they have diminished in value quite substantially.

The Minister is proposing a consultative process through the Department but it is not clear what is envisaged in terms of regulating maintenance fees or diminishing values. I hope that whatever is done takes into account the sustainability of the gift voucher sector. The Minister must ensure that whatever she does, it does not impact negatively on the ability of the sector to provide a service in a way that encourages people to participate in the purchase of vouchers as gifts.

Debate adjourned.

Comptroller and Auditor General (Amendment) Bill 2017: Second Stage [Private Members]

Deputy Barry Cowen: I move: “That the Bill be now read a Second Time.”

I introduce this Bill in Private Members’ time, further to it having been published in December 2017 by my colleague, Deputy Calleary, who had responsibility for this issue in our party. The developments of recent weeks regarding the national children’s hospital overrun and the mismanagement of that project by the Government only serve to highlight the need for many improvements to be made in the way in which capital development projects are administered and delivered in this State. It is against that background that Fianna Fáil saw fit to use its time to reintroduce this Bill and to ask the Government to take on board the recommendations contained therein.

The Bill acknowledges the Comptroller and Auditor General’s role, as currently constituted, to investigate, analyse and scrutinise capital development programmes once they are completed, to make recommendations thereafter and to be available for questioning to various all-party committees of this House. It is an independent office which has done great work in that regard. It has contributed in no small way to legislation that has ensued as a result of its intricate scrutiny of various programmes.

However, the Government is now employing the offices of a company in the private sector to carry out an investigation of the processes that brought us to a situation where a very poor and porous contract contributed to the State carrying the can for such overruns as became apparent last August and on which the Government only acted in December. Had this legislation already been enacted, it would have allowed the Office of the Comptroller and Auditor General and the expertise therein the opportunity to intervene at a much earlier period, if and when expenditure ceilings associated with national development programmes and capital projects were breached. In the case of the children’s hospital project, for example, that would have saved the State up to €500,000 in consultancy fees.

Notwithstanding the lessons that we can learn immediately, the Government sought to preempt the report’s findings when it made various suggestions, following today’s Cabinet meeting, about how contracts should not be divided into two stages, as they were in this instance. The Government also made reference to some weight being attached to the previous performance of low-ball bidders and so forth. However, all of this is coming after the event. The legislation that was put before the House previously by my colleague would have catered for the analysis that is now costing the State €500,000.

It is incumbent on the Government and all parties to accept the recommendations contained within the legislation. I am joined this evening by the Chairmen of the joint committee on finance and the Committee of Public Accounts who, in their capacity as members of my party, will support the recommendations. They will also add their voice of reason and experience in the context of recent analyses, investigations and scrutiny by their respective committees and the assistance they received from the intricate and inquisitive work of the Comptroller and Auditor General’s office. They will add their voices, on behalf of their respective committees, to those calling for the alteration of the primary legislation to allow the Comptroller and Auditor General to act on our behalf and provide independent assistance and oversight, funded by the taxpayer. The value of that office is acknowledged by the taxpayer and is evidenced by the office’s great track record.

Deputy Dara Calleary: We published this legislation in January 2018, immediately ahead of the publication of the so-called Project Ireland 2040 wish list. The first flagship project referred to in Project Ireland 2040, the national children's hospital, has been marked by incompetence and avoidance of responsibility. We have seen nothing in terms of concrete achievements or straight answers on what is a major overspend. This Bill will empower the Comptroller and Auditor General to do that. It gives responsibility to that office for parliamentary oversight of major infrastructure projects so that we do not have the kind of pass the parcel, dodge the bullet action that we have seen on the part of the Departments of Health, Public Expenditure and Reform, and Finance and the Department of the Taoiseach since the news of the overrun broke.

I am disappointed that the Government is abstaining rather than supporting this Bill. Support for this legislation would send a signal that the Government is interested in working with us on strengthening the Bill and addressing its weaknesses. We do not claim complete wisdom on this and had hoped that the Government would support the Bill and bring it to Committee Stage. I hope that we will have the support of other parties in the House and in that context, I acknowledge the support of Deputy Jonathan O'Brien. I hope we can bring the Bill to Committee Stage in order to strengthen it and to give taxpayers some assurance that this House has learned from the fiasco of the last number of weeks, is doing everything it can to prevent that kind of overspend from happening again and that it takes its responsibility, as the guardian and custodian of taxpayers' money, seriously. I want to assure the public that we can learn lessons, that events do not just happen and then we run away from them. We must learn lessons and change things.

Deputy Cowen has spoken about changes that need to be made in procurement. We cannot continue to award contracts to contractors who fail to deliver on projects or on budgets. We must look at the two-stage system and ask why we are still doing that kind of thing. We must examine our procurement more generally and ask why we are preventing small businesses and SMEs from engaging in the procurement process. We must ask why we are going with the cheapest bid every time because going after the cheapest bid on this occasion has landed us with an overspend of €400 million. The cheapest bid is not necessarily always the winner for the taxpayer, as we know to our cost.

The Comptroller and Auditor General's office is fantastically expert in this area. Its staff are highly skilled and have a reputation for independence. The office is answerable to the Committee of Public Accounts and this Bill seeks to give the office extra powers to conduct this kind of analysis. We must stop farming this kind of operation out to private consultancy companies which have many different clients and many skins in many different games. In the case of the Comptroller and Auditor General's office, the only skin it has in the game is the taxpayer, representing taxpayers' interests and standing up for them. That is what this Bill is about.

One of the key shortcomings also outlined in the 2017 IMF review of capital planning was our focus on sectoral planning. Different Departments and different agencies undertake major infrastructural projects differently. They operate different policies and different procurement and tendering processes and this leads to projects hitting the bleachers in the way that the national children's hospital has done. We have consistently reiterated, and do so again, the need for a national infrastructural commission that will take responsibility for lining out all infrastructure projects, such that all of the expertise required to deliver big projects is in one body. This body would have the expertise, experience and financial clout and, most important, the responsibility to the taxpayer to deliver projects on budget and on time.

It is disappointing that the Government is taking an abstentionist role in regard to this Bill. It is disappointing that it continues to shrug the shoulders and to say “Oh well look that happened, but we will still get our hospital”. Where is the party of fiscal responsibility? It is running in the opposite direction.

Deputy Sean Fleming: I welcome the opportunity to speak on the Comptroller and Auditor General (Amendment) Bill 2017 introduced by my colleagues, Deputies Barry Cowen and Dara Calleary. Essentially, this Bill, if passed will ensure an automatic Comptroller and Auditor General review of capital projects is triggered where costs rise above a set amount, which amount will be determined during later Stages of the passage of the legislation. This would ensure enhanced oversight of public spending. This is the lesson we need to learn before we embark on the major spending of the national capital plan. It also will ensure greater accountability for the taxpayer in the spend of public funds.

Where does this come from? It comes, in part, from the view within the Fianna Fáil Party but it is backed up by the IMF report on Ireland’s capital investment management, which found the Comptroller and Auditor General’s office is focused on financial rather than performance auditing and active monitoring by the Department of Public Expenditure and Reform is underdeveloped. These are the two key issues this Bill sets out to address. The Comptroller and Auditor General carries out a good financial audit at the end of a process. This Bill seeks to enhance the powers of the Office of the Comptroller and Auditor General to allow it to carry out performance auditing during the course of a project, many of which span several years. It is only right that the Comptroller and Auditor General would be able to review projects when costs increase above a particular level.

Among the risks faced by the taxpayer is the political risk of a Government simply wanting to get diggers on a site to show progress. This is probably where most public projects go wrong. It is what happened with the national children’s hospital. The Government wanted the diggers on site before the hospital was designed and that is what happened. The Government made the political decision to allow the project to get under way and to work out the cost as it progressed. Once one lets a contractor on site, one has lost total control. The external reviews currently being commissioned will delve into the entrails of what went wrong but the project went wrong because the Government made that decision.

The Government also made a second wrong decision in regard to the national children’s hospital. When the detailed design was completed, it could have gone to tender for the detailed construction of the hospital but that would have required the contractor on site who had completed the ground works to withdraw from the site and re-tender along with everybody else and this would have delayed the process for six or eight months. Government public relations considerations won the day. The Government did not want to face a situation whereby the contractor would have to move off-site lest it would be accused of collapsing the project and the PR for the Government superseded any interests of the taxpayer in getting the job properly tendered when the design was completed. This was a mistake. Under this Bill, the Comptroller and Auditor General would be able to flag such issues.

The public service is complicit as well. As the public service does not have a commercial mandate it may, owing to a lack of independence, want to follow the Minister’s wish and so it will produce memos low-balling the estimated cost of a project to get it up and running. The contractor also knows that the Government wants the project up and running and so it submits a low tender. All of this is done in the knowledge that once a project is up and running, there

will be a point of no return at which costs will go out the window. They all want to get projects to the point of no return because the view is that in ten years' time, people will forget about the cost. People will not forget the cost because it will form part of the national debt on which we will be paying interest. It is important that we have control and management of these issues at all stages. The Comptroller and Auditor General should have the authority, through enhanced powers, to carry out this function. The Comptroller and Auditor General has financial expertise and he or she would be well able to oversee capital projects.

This is not just about the children's hospital. The sum of €3 billion is being thrown around in regard to the national broadband plan. Nobody knows what that is about. I can guarantee the Minister for Communications, Climate Action and Environment, Deputy Bruton, and his Department do not know what it is about but that figure is in the ether. If €3 billion is being mentioned before the project is even commenced, God knows where this will end up. The same happened in regard to the light rail extension projects. All of these are great ideas, in respect of which there is great PR and many ribbons cut on the commencement of projects, but there is no consideration for who will be left to pick up the cost. The Minister who turns the sod is never the Minister who picks up the bill four, five, six or seven years later. It is left to his or her successor to worry about because he or she will have moved on to another portfolio.

We want good projects to proceed. The children's hospital is needed but we must ensure that we get value for money and value for the taxpayer, with projects completed at realistic prices that the taxpayer can afford. We need a central unit for cost control and value for money auditing as projects progress. The Comptroller and Auditor General's office is the best office in the State to do this as it is independent of Government and the Oireachtas. Also, the Comptroller and Auditor General has a constitutional role and as nobody can challenge him or her, we should proceed and give him or her the additional powers to perform this function.

Deputy John McGuinness: I am not surprised that Fine Gael is taking this attitude to the Bill because previous Administrations led by Fine Gael took the same attitude. It does not seem to want to progress an oversight authority in regard to the expenditure of taxpayers' money on major projects, to achieve value for money or to accept some of the very valuable recommendations put by the Committee of Public Accounts to various Departments. There is a history of Departments stalling replies to the Committee of Public Accounts and not implementing the recommendations it makes in terms of achieving value for money. This is continued by way of the response of the Minister, Deputy Donohoe, this week at the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. When I suggested that he should involve the Comptroller and Auditor General he responded that he could not do so but he can. The Comptroller and Auditor General has been already involved. He carried out some audits and reports on various aspects of the children's hospital, which, I think, cost in the region of €38,000. Why would the Government not reach to an internal arm of the State to ensure that it gets value for money, rather than giving money to a company like PwC?

We are now faced with the biggest scandal the country has seen for a long time, in that the estimated cost of the construction of the children's hospital has moved from €600 million to €1.7 billion, and no one can guarantee that that figure will be the final cost. It may increase to €2 billion. In regard to the works being undertaken on this house, we were told today at the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach by the Chairman of and the Minister of State with responsibility for the Office of Public Works, OPW, that the cost of this work is estimated to be €15 million, that there is likely to be an overrun but that they could not tell us by how much it would overrun. The OPW has to claw back €3 million in the

context of the money that has to be recouped due to the overrun on the national children's hospital. They have to deal with an overspend in regard to the work on Leinster House but they could not tell us what schemes or projects would be affected by the clawback, except to say generally that the €3 million would be taken out of the flood relief schemes. That is shocking. The Minister of State, Deputy D'Arcy, often appears before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. We have often questioned the methodology behind the procurement process. As stated by Deputy Calleary, we have flagged the fact that this process is working against the SMEs in this country. It is not giving them a fair shake. Have we not learned from Carillion? Have we not learned from all of the other issues that have dogged Government over a long number of years in regard to overspend and poor value for money? When what can be done for the future is articulated here, the single thing the Government will not do for some reason is increase the powers of the Comptroller and Auditor General. Those powers should be increased to cover what is in this Bill, for example, the works and expenditure of Irish Water, which was promised. The Comptroller and Auditor General should be considered in the context of local government expenditure, which none of us in this House can get to grips with because responsibility for it is one step removed from us in the Local Government Audit Service. I have not seen a public debate on a report from the Local Government Audit Service. The Government still resists the suggestion that it be included in the remit of the Comptroller and Auditor General. If the Government has confidence in that office, it should accept this Bill and the other suggestions that have been made. It should include local government and send a clear signal to the taxpayer that we will no longer accept overruns and poor value for money and that our business will mean that what gets counted gets done. If the Government were to live by that rule, as a normal business would, we might see far less of the carry-on we are experiencing with the national children's hospital, the Leinster House project and many other projects that go unscrutinised in this State.

I ask the Chairman of the Committee of Public Accounts, Deputy Fleming, to resist entirely the negative commentary from those on the ditch outside this House who question the role of the committee. It is the foremost committee in this House and should be defended to the last by all parties. The Office of the Comptroller and Auditor General should be skilled to the last and we should be foursquare behind that office, the public and value for money. Let us put our foot down and stop it now. Instead, the Minister of State and the Government ignore the genuine attempts being made to improve what is necessary to get value for money.

Minister of State at the Department of Public Expenditure and Reform (Deputy Michael D'Arcy): I must say to the four Deputies of experience that their cynicism is staggering. They seem to have collective amnesia. Projects such as the Jack Lynch tunnel, Dublin Port tunnel, Luas and terminal 2 at Dublin Airport were examples of cost overruns. Another example was the PPARS project. All of these projects occurred under Fianna Fáil Governments.

Deputy Dara Calleary: What has the Government done to change it?

Deputy John McGuinness: Does that make it okay?

Deputy Michael D'Arcy: I did not interrupt once. I sat here and took it. On radio last week, Philip Boucher Hayes featured ten projects in the history of the State that involved overruns. I am not sure whether they were all on Fianna Fáil's watch but I believe nine out of ten were.

(Interruptions).

An Leas-Cheann Comhairle: Please allow the Minister of State to continue without interruption.

Deputy Michael D'Arcy: I listened to the Deputies and took their criticism, some of which was fair and some of which was not, and I am throwing some of it back to them. I am sure they will have an opportunity to respond.

Responsibility for the implementation of Government policy and the delivery of public services takes place at multiple levels across the public sector. In recognition of this, there is a well established framework of accountability, responsibility and control in operation at each level. This framework encompasses the role of the Comptroller and Auditor General, as reflected in the Constitution; public financial procedures, as reflected in other legislative provisions; structures and requirements for governance, administration and control; and the institutional and financial relationships between Parliament and the Government that have developed over the years.

Article 33 of the Constitution provides for the office of Comptroller and Auditor General to audit all accounts administered by or under the authority of the Oireachtas. It states that the Comptroller and Auditor General shall report to Dáil Éireann at stated periods as determined by law. The Comptroller and Auditor General's role is to provide independent assurance that public funds and resources are used in accordance with the law, managed to good effect and properly accounted for and to contribute to improvement in public administration. The Comptroller and Auditor General is required by law to issue opinions on the accounts of Government Departments and public bodies that are audited by him, to publish reports on important matters selected at his discretion relating to value for money and the administration of public funds and to authorise under the comptroller function the release of public money from the Exchequer for purposes specified by law

The principal legislative provisions governing the powers and duties of the Comptroller and Auditor General are set out in the Comptroller and Auditor General Act 1923 and the Comptroller and Auditor General (Amendment) Act 1993. Under section 9 of the Comptroller and Auditor General (Amendment) Act 1993, the Comptroller and Auditor General can examine the economy and efficiency in use of resources and effectiveness of certain management systems - a value for money audit - of certain persons. All Departments and bodies audited by the Comptroller and Auditor General will be subject, at his discretion, to examination by him regarding value for money, that is, of the economy and efficiency of their operations and the adequacy of the management systems they have in place to appraise the effectiveness of their own operations. Under section 9 of the 1993 Act, the Comptroller and Auditor General can carry out such examinations as he considers appropriate for the purpose of ascertaining whether and to what extent the resources of the Department, person or fund have been used and, if acquired or disposed of by the Department, person or fund, whether they have been so acquired or disposed of economically and efficiently or whether any such disposal has been effected upon the most favourable terms reasonably obtainable.

All reports of the Comptroller and Auditor General are presented to Dáil Éireann and are examined on behalf of the Dáil by the Committee of Public Accounts. While there are close working relations between the Committee of Public Accounts and the Comptroller and Auditor General, the two are independent both in law and in practice. I was previously a member of the

Committee of Public Accounts.

There is no doubt that the role and levels of accountability required in Government have evolved significantly in recent years. There are increased demands for greater oversight, transparency, financial disclosure and the management of risk and change. The Comptroller and Auditor General (Amendment Act) 1993 was developed with a particular focus and has so far stood the test of time. The Department is open to new ideas to reform how we manage large-scale public investment projects and to increase accountability and transparency across Government. The investment projects and programmes office, IPPO, was established within my Department in 2018. This was on foot of the recommendations contained in the public investment management assessment, PIMA, report and a commitment set out in the National Development Plan 2018-2027. The IPPO is redesigning the requirements relating to the different stages involved in the process of selection, appraisal, approval and delivery of capital investment projects. It is intended that the updated capital appraisal guidance will be included in a revised public spending code during the course of 2019. More generally, the public spending code is reviewed on an ongoing basis to ensure that it takes account of the changing environment and to ensure best value for public funds.

I now turn to the content of the Bill. The Bill proposes to amend section 9 of the Comptroller and Auditor General (Amendment) Act 1993 by inserting a new section 9A. Section 9A(1) states:

The Comptroller and Auditor General may utilise the powers granted under this Act, and in particular the powers contained in section 9 of this Act to examine the financing and expenditure required in the construction and completion of any strategic infrastructure development where that development is in part or fully funded from voted expenditure of the Oireachtas.

Section 9A(2) states:

Where any such development as described in this section requires additional expenditure not foreseen at the granting of planning permission for that development the Comptroller and Auditor General shall conduct an examination as outlined under section 9. The Minister may proscribe by regulations the conditions which shall require such an examination to be carried out.

While I appreciate that the Bill is well intentioned, I am concerned that what is proposed in section 9A appears to be already provided for under the current Comptroller and Auditor General Acts. Therefore, it would appear that this Bill does not provide any additional powers for the Comptroller and Auditor General. However, I look forward to hearing the views of Members on this issue and I will take the opportunity to reflect on those views.

I have some concerns relating to section 9A(2). This seems to potentially create a significant change to the independence of the Comptroller and Auditor General. It appears to give the Minister the ability, on a discretionary basis, to direct the deployment of the resources of the Office of the Comptroller and Auditor General. In this regard, it should be noted that the Mexico Declaration on Supreme Audit Institutions Independence states that supreme audit institutions, SAIs, should have full discretion in the discharge of their responsibilities and should co-operate with governments or public entities that strive to improve the use and management of public funds. As a principle, what is proposed in section 9A(2) of the Bill may be problematic, partic-

ularly given the Mexico Declaration on Supreme Audit Institutions Independence. One of the eight core principles in this document, principle 3, states that an SAI should have “a sufficiently broad mandate and full discretion, in the discharge of SAI functions”. In addition, principle 6 states an SAI should have the freedom to decide the content and timing of audit reports. This concern is heightened further by the proposed scope of the section. In practice, it would have a significant impact, given the limited resources the office has for its value for money work and the proposed scale of the required work at the direction of the Minister. One possible outcome would be that the Comptroller and Auditor General would, in effect, be severely constrained in the value for money examinations he could carry out at his own discretion. These would be serious, even fundamental, changes to the role of the Comptroller and Auditor General and very serious consideration would need to be given to the impact of such changes. I ask Members to reflect on that section.

On a brief initial consideration, there might be a cost to the Exchequer if the Bill was enacted as it would have resource implications for the Office of the Comptroller and Auditor General. At this point it is not possible to quantify the estimated costs, but the Bill has the potential to result in additional costs to the Exchequer. Therefore, it appears that a money message would be required in respect of the Bill. The Government will consider this issue further in advance of any Committee Stage hearings. The Government will abstain in the vote on the Bill on Second Stage. We will, of course, reflect on all of the issues raised by Members in the House during this debate and reflect on the views expressed before the next stage of consideration of the Bill.

Criticism is fair and valid in regard to the overrun of €450 million on the children’s hospital project and the Minister, Deputy Donohoe, has accepted responsibility on behalf of the Government. Nobody is pleased with the overrun. However, the figures being quoted are not the actual ones associated with the project. It was to be a €943 million project and some €450 million was to be added to the the cost of the initial project. It is not €2 billion or €1.7 billion but €943 million plus €450 million. They are the actual figures. There is an additional amount of almost €300 million to be added to the cost of the overall project, which is to merge three hospitals on one site and put in place ICT and electronic systems in order that the hospital will be a digital, electronic hospital. They are the facts and if people want to dispute them, they are wrong to do so.

Deputy Jonathan O’Brien: I wish to share time with Deputy Buckley.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Jonathan O’Brien: I am a little confused on the Government’s position on the Bill, given the controversy we have just gone through about overruns and the potential impact an overrun of €450 million will have on the Exchequer. I do not want to get into a blame game because I want to concentrate on the Bill. However, I agree with my Fianna Fáil colleagues that by abstaining on the Bill, the Government is sending completely the wrong message. Sinn Féin and Fianna Fáil have huge differences on how we should approach the issue, but I am more than willing to work with it when it brings forward a proposal to try to address some of the concerns expressed and rectify them. I hope it will do the same if we bring forward proposals. However, I would have thought the Government would be falling over itself to work with Opposition parties to try to restore some confidence in the procurement process employed by the State. Abstaining on this legislation sends completely the wrong message.

We will be supporting the Bill, but I have one small concern about an issue the Minister of

State referenced in regard to section 9A(2). He said the Bill would confer no new powers on the Comptroller and Auditor General. I disagree. Section 9A(2) will confer an implicit new power on the Comptroller and Auditor General because it will compel him or her - in this case, him - to examine any cost overrun on a project. It is my understanding that currently the Comptroller and Auditor General has no implicit power to examine cost overruns, whereas the Bill states that if there are cost overruns, the Comptroller and Auditor General should carry out an audit and lay a report before the Houses. For me, that is a new power.

I have a slight concern about the final part of this section which concerns the power to be given to the Minister to prescribe the regulations and conditions by which such an examination would be carried out. The role of the Comptroller and Auditor General is a constitutional one. I am not 100% certain and would like further legal advice on whether this provision will impinge on his powers in giving powers to a Minister to direct him on how he should carry out particular audits. Without doubt, a new power is being bestowed on the Comptroller and Auditor General in what is being proposed in the Bill which we will support. We will deal with that aspect on Committee Stage. However, to suggest, as the Government does, that it does not even want it to get to Committee Stage beggars belief, given everything that has happened in recent weeks. We should all be working together on whatever proposals are brought forward, from whatever side of the House, to try to improve the procurement process.

One of the things that has been highlighted in recent weeks is the deficiency in the procurement process which is not up to standard. We are in a situation where the Government is almost compelled to accept the lowest bid, regardless of how low it is, for fear of ending up on the steps of the Four Courts. That is not a good way to deal with procurement and the issue has to be addressed. I raised it last week at the health committee when I questioned the Secretary General and the Minister about what are known in EU regulations as abnormally low tenders and how they are dealt with by a number of European counterparts. Other countries define in legislation what an abnormally low tender is, which gives them the power to disqualify the lowest bidder without fear of recourse to legal challenge because it is dealt with in statutory law.

The other issue which baffles me is that when a contract is put out to tender and bids come in, the State cannot look at the past performance of any contractor who is bidding or take into account its reputation. I had this confirmed today at the finance committee. The State is prohibited from assessing it in assessing the tender before it. That is wrong and the issue needs to be addressed and, of course, it can be. There are EU procurement guidelines which deal with all of these issues, but we have chosen to ignore them. That is the reality. We deal with procurement under a number of statutory instruments which transpose the regulations by way of secondary legislation. We need to have a complete review of the regulations to see if we can place them on a statutory footing. We have published a Bill tonight to help the Government to do this. Our Bill defines what an abnormally low tender is and the process which should be undertaken if one is received. There would be an onus on the contracting authority to examine the tender and bring in the contractor to go through all of the figures. If there was a genuine belief the tenderer could not fulfil the contract, the State would have the scope and powers to exclude the tender without fear of recourse to a legal challenge. The Bill also touched on past performance and reputation. I refer to the regulation of tenders Bill 2019, which I will move on First Stage next week. I hope to get the support of Fianna Fáil and I remain optimistic in that regard. It is a genuine attempt by us, as tonight's Bill is by Fianna Fáil, to try to address some of the genuine concerns that exist.

While the Bill gives powers to the Comptroller and Auditor General to examine cost over-

runs, we must get to a situation where we do not have cost overruns because we can nip them in the bud at the tendering and procurement stage. That is what our Bill aims to do.

I will not name any contractor or project but we cannot have a situation where a contractor consistently underbids for some of the major State contracts and ends up costing more in some cases than the highest bidder. That cannot continue because it is costing us hundreds of millions. In this case, it has cost us €450 million. That needs to stop. The Fianna Fáil Bill that is proposed is a genuine attempt to try to address some of the concerns. We will support it in good faith.

I am disgusted at the lack of support for the Bill from the Government. I do not understand why it is not lending its support to it. Even if the Government has concerns about the Bill, it should support it. We should be united in our voices in saying that we want to address the issue once and for all, regardless of who is in government. Given the circumstances, it was childish of the Minister of State, Deputy D'Arcy, to hurl accusations at Fianna Fáil about the overruns it presided over while in government. We must get away from that. The public does not care whether Fine Gael is in government, we are in government or Fianna Fáil is in government. An overrun is an overrun and the public ends up paying for it in the long run, and that needs to stop because people are losing faith in the process. We need to fix it now. We have a very small window of opportunity.

I urge the Minister of State to be more open to suggestions from other Opposition parties than he is tonight on the Fianna Fáil Bill. I ask him to consider supporting the Bill on Thursday during the voting bloc and allow it to go to Committee Stage. We can address on Committee Stage all the concerns he has raised. I share one of the concerns he outlined, but opposing the Bill is sending out the wrong message if the House cannot even bloody agree to send to Committee Stage the very first legislation that is introduced to try to address properly the issues we have been discussing in recent weeks.

Deputy Pat Buckley: I welcome the opportunity to speak on the Bill. As my colleague, Deputy Jonathan O'Brien said, we support the thrust of the Bill but it needs some tweaking and a bit of work. However, it is a positive move with a solution, and not an idea that has been dreamt up. Much has been said about accountability and responsibility as well as value for money. What has happened seems to be systemic across many Departments over the years. The Bill strengthens the role of the Comptroller and Auditor General, and while it will not allow the office to foretell the future, through experience, it could possibly predict the future to the extent that sometimes overruns can be flagged in the system before they happen. That would be a positive step, show prudence in dealing with taxpayers' money, and ensure they get value for money. I do not understand why the Government would oppose the Bill. I recently read an article in a medical journal, which I will quote from to show how bad the system is even across the health sector. This goes back to accountability and responsibility.

The Health Service Executive's ability to effectively manage a budget remains a concern. Despite the introduction of Activity Based Funding and Performance and Accountability Frameworks, according to a review of spending in the "challenging" acute hospital sector by the Department of Public Expenditure and Reform. This is a clear indication of the lack of financial management within the sector, and highlights the need for enhanced reform initiatives to drive efficiencies and productivity, according to the review.

Let us take that in the context of the Bill we are dealing with tonight in terms of giving

the Comptroller and Auditor General the power to flag issues and the authority and strength to challenge issues as they arise. Like many of us, the office would learn by experience, and nobody sells that. Those involved in the Office of the Comptroller and Auditor General have been dealing repeatedly with such issues. We have heard in many debates in recent weeks that certain overruns were flagged but the advice was ignored. Now we do not know whether we are starting with the original €600 million or if we are going to €1.7 billion. Are we getting value for money? Certainly not, but it is an opportunity to do the right thing, as Deputy O'Brien said. We are supposed to be here to legislate and drive things forward. As the Minister of State said in his contribution, the role of the Comptroller and Auditor General "is to provide independent assurance that public funds and resources are used in accordance with the law, managed to good effect and properly accounted for and to contribute to improvement in public administration". That is very welcome. He went on to refer to the obligation on the Comptroller and Auditor General "to publish reports on important matters selected at his [and her, to be politically correct] discretion relating to value for money and the administration of public funds".

Deputy O'Brien referred to the new section 9A(2) to be inserted, which encourages the Comptroller and Auditor General to signal if he thinks something is wrong and has concerns about a minor or major overrun being imminent on a given project. The measure could be strengthened on Committee Stage. This has to stop, which means reverting to giving value for money for taxpayers. People want and need value for money. Capital projects cost a lot of money. Irrespective of the accusations hurled across the floor by the two main parties, 99% of projects come to fruition. Being prudent and giving the Comptroller and Auditor General a bit more control and additional powers could only be a forward step. I commend the Bill and ask the Government to withdraw its objection to it to allow it to move to Committee Stage. Let us progress the Bill and do things right.

Deputy Michael Collins: I wish to share time with my Rural Independent Group colleagues.

An Leas-Cheann Comhairle: The group has a total of nine minutes. Is that agreed? Agreed.

Deputy Michael Collins: The people of this country are in fury with the overrun in the children's hospital. It is nothing short of a national scandal, above any other in this country. Time and again the same mistakes are being made by this Government and the previous Government, and there is little evidence that the Government has learnt any lessons from previous projects that have run over budget. I refer, for example, to the Luas, the early days of the roads programme, the maternity and children's hospitals and the likely final cost of the national broadband plan, which all resulted in overruns. I have to question whether the Government values the hard-earned money taxpayers hand over to the State.

We are heading into a major period of investment under the Government's Rebuilding Ireland plan, and I am worried that the Government will be reckless with the taxpayers' money. It is vital that taxpayers receive value for money. There is no question that the children's hospital is needed, but I must question how the hospital is now being costed at €1.7 billion, and there are fears that the final bill could reach €2 billion or more.

To top it off, the Minister for Health, Deputy Harris, is still insisting that the hospital remains value for money. That is not value for money. That is how the people in rural Ireland feel. They fear they will be robbed millions of euro of rural development funds that are there for rural Ireland to make up the cost overruns of the children's hospital. I, along with my Rural

Independent Group colleagues, call on the Minister for Rural and Community Development, Deputy Ring, to clarify what rural projects will be scaled back or delayed when his Department is asked to slash its budget for the Government to make up the massive shortfall in funding that has emerged following the enormous cost overruns at the national children's hospital. The Government is talking about making a saving of €50 million from the Department of Health to make up the €100 million gap. I cannot imagine how it will be able to reduce spending in the health sector by €50 million because, as it is, we have very long waiting lists across all departments within the HSE, including terribly long waiting lists for children and adolescents. Deputy Danny Healy-Rae and I have chartered 24 buses across the Border to Belfast for cataract procedures. If these people had been left on the Government's HSE waiting list they would have gone blind. What will happen when this Government cuts another €50 million from the health budget? I shudder to think. Here we stand with a huge hole in the ground and a Government that is refusing to admit it was wrong. It is digging its heels in on this project and refusing to listen to the people. Coming from west Cork myself, I am horrified for rural families. It is difficult to travel hundreds of miles with a sick child and then have to face the challenge of accessing a site at St. James's Hospital. These families have been betrayed by the State.

The Rural Independent Group is the only group of Deputies that can take the moral high ground here. Two and a half years ago we said this would go over budget, and it did. We said helicopters would not be able to land there, and they are not. We said that it would be difficult to get cars in and out of that site, and it will be difficult or nearly impossible. I look sadly at the Cork event centre, another major mess with evident overspend. There is no control here. This is the worst political disaster this country has ever seen.

Deputy Danny Healy-Rae: Like everyone else in the country I am very disappointed with what has happened with the children's hospital. As Deputy Collins said, we had a motion here before anyone else, back in 2017. The people that are now jumping up and down about the projected cost of the hospital did not support us. Only 18 Deputies voted for our motion. We told everyone that it would go over budget because we understood what was going on and what was going to happen. It has done so more than we imagined in our wildest dreams.

Now the Minister of State is saying it will be good value anyway because we will have a hospital. He does not care. He does not care because he is not paying for it. He did not have his eye on the ball and neither did the Minister for Finance. All last year the Minister for Health, Deputy Harris, was watching the abortion issue and making sure it would be available by 1 January. He did not give a tuppenny damn about the hospital or anything else in the health sector, like the waiting lists or the people we take up to the North. They would go blind if we did not take them up and we are glad to be able to do so to ensure that in the last days of their lives they are able to look around and see the world. If they were depending on this Government they would all be blind. Some 25 buses have gone up and we are taking three more next month.

There is a whole lot wrong with the tendering process, whether it is for public or private procurement. There is no law and order in this country. As far as I understand it, five companies qualified through the pre-qualification process which required them to have a certain turnover. Out of the five, only two were interested. They were able to talk among themselves and decide what price to quote. That is what happened here and that is what happens with a lot of the bigger projects around the country. Then we have small companies. I am talking about the small companies around the country that are out every morning working for the bigger companies. They do not get paid the money they are owed and they go wallop. So many contractors around the country were caught, especially in Kerry. One contractor went down for €20 million. He

caught hundreds of small contractors that did their work honestly, provided the men and machines and did the work. Lo and behold, the contractor went into receivership, examinership or whatever it is. That contractor is working again, but the small fellows never got their money. That is not law and order.

I can go back to 2009. It could be construed that I have a conflict of interest because I got caught as well. We looked to the Director of Corporate Enforcement. What did he do for the people? He did nothing. He did nothing for the small fellows who lost their money. It was everything to some of them. Some of them went down and never came up again. I struggled in 2009, 2010 and 2011 because I got caught for a massive sum of money by these fellows as well. We told the Director of Corporate Enforcement what assets the principal contractor had. The Director of Corporate Enforcement did nothing at all. He left the people stranded. He is supposed to be a pillar of law enforcement in our country. The Director of Corporate Enforcement did nothing for the people of Kerry and elsewhere who were caught at that time. There is an awful lot of work to be done to ensure proper and fair procurement processes in our country. They are not in evidence at present.

Some State bodies now look for tenders on a five-year timeline. In all fairness, how can any small contractor look into a magic ball and decide what it will be able to work for in five years? Everything changes, whether it is prices, fuel or insurance. No care or consideration is given to people who work hard, go out in the morning and do an honest day's work. They are forgotten about and are not treated fairly in our country. Shame on the Government for allowing what has happened to the taxpayers of Ireland. It is the taxpayer who will have to foot the bill. I can tell the Minister of State one thing, those taxpayers are angry and they are waiting for the Government. They will meet its members when they come to the door and they will tell them where to get off. The Government has let the whole country down with this debacle and it will be remembered in 50 years for what has happened. The Government took its eyes off the ball. It was interested in abortion and all the other tomfoolery it was going on with. This is where we are now. The Government is letting the taxpayer pay for its mistakes.

Deputy Mary Butler: The cost overruns of the national children's hospital underline the need for enhanced oversight of public spending in the national development plan. Capital spending must be about more than ribbon-cutting by Ministers and glossy launch brochures. It has to be about more than spin and photo opportunities. After all, this is taxpayers' money we are talking about.

This Bill is a practical measure to avoid future overruns and ensure the taxpayer gets value for money for capital infrastructure, whether it is a motorway, a new hospital, a primary care building or a new school. There must be follow-up on actual delivery and value for money. Fianna Fáil introduced this Bill in 2017 in order to enhance oversight of capital spending. It draws on recommendations in an International Monetary Fund, IMF, assessment of infrastructure spending issues in Ireland. It provides for an automatic Comptroller and Auditor General review of capital projects to be triggered if costs rise by a certain amount or anticipated demand falls. This would place Ireland in line with international best practice and ensure we learn lessons from the children's hospital overspend scandal.

In 2017 the IMF highlighted serious shortcomings in the planning of major infrastructural projects in Ireland and the lack of a national strategy to deal with the current bottlenecks. The report, normally carried out in developing countries, was requested by the Government of which the Minister of State is a member in a bid to improve the delivery of public infrastruc-

ture. It follows a visit by an IMF inspection team earlier this year. However, it has not been acted upon by the Government. The overrun at the national children's hospital is a testament to the Government's refusal to learn the lessons of the report. With €42 billion due to be spent on capital projects over the next decade we need a rigorous set of performance and value-for-money reviews to ensure it is spent wisely. We must act to ensure that the State gets to grips with the problem at the heart of capital spending - over budget, over time, overspend, over and over again.

This Bill is a positive step to address the persistent problem of overspend. In contrast, the Government's mishandling of the scandalous overruns in the national children's hospital undermines its credibility on delivering value.

Will this Bill prevent cost overruns in the national children's hospital? It will not. However, it is timely. While other parties run with motions of no confidence and political posturing, the country still needs a Government at a time when Brexit is only 45 days away.

The overspend on the national children's hospital has to be a lesson to all of us because it is the reprofiling, to use the Taoiseach's phrase, of capital projects that will lose out. Certainty and clarity is required now as a matter of priority as to the projects that will be reprofiled, delayed and deferred. It is the knock-on effect of the cost overrun, the €391 million, that will have to be found. Is it the hospital that needs more beds, the school that needs an extra classrooms or the road that may not be upgraded? The list is endless.

The national development plan sets out almost €116 billion of investment, which will underpin the national planning framework over the next ten years. Some €91 billion in Exchequer funding for public capital investment has been allocated and will be supplemented with substantial investment by commercial State-owned enterprises.

I will use projects in my constituency as examples such as the demand for capital funding to progress the North Quays project, the €4.35 million in capital funding for the second permanent cath lab, of which I know the Minister of State is fully supportive and which, thankfully, has not been reprofiled and capital funding to extend the runway at Waterford Airport.

I believe this Bill reflects best practice internationally to tackle such overruns and apply the lessons learned to future projects.

Deputy Fiona O'Loughlin: Capital projects such as the ones we are mentioning here are vitally important to the country and to all its citizens and residents, not least the many who are coming to my county of Kildare. Of equal importance, however, is the surety to the taxpayers who fund those that there is transparency in terms of the funding and that they are getting the best value for money while the projects are being carried out.

As for this Bill, the key message from our party is that infrastructural investment has to be about much more than just ribbon cutting by Ministers in hard hats. That is something we see on an ongoing basis. As recently as last Thursday, four Ministers were in Kildare basically to put a spade in the ground for a new innovation and research centre, which is very welcome. I do not think a spade went into the ground, however, because the ground was not ready.

There has to be a follow-on in actual delivery of projects and value for money. My colleague, Deputy Calleary, introduced this particular Bill in 2017 to enhance oversight of capital spending. As it draws on recommendations in an IMF assessment of infrastructural spending

issues in Ireland, it comes from a good basis and good research. The Bill ensures that an automatic review of capital projects by the Comptroller and Auditor General is triggered if costs rise by a certain amount or anticipated demand falls. The key point is that this measure will kick in if costs rise by a certain amount or percentage. This would place Ireland in line with international best practice and ensure we learn lessons from the national children's hospital overspend scandal.

With €42 billion due to be spent on capital projects over the next decade, we need a rigorous set of performance and value for money reviews to ensure that money is spent wisely because by way of contrast, the Government's mishandling of the scandalous overrun in the national children's hospital costs undermines its credibility, and that of the Ministers of State opposite, on delivering value.

My colleague, Deputy Cowen, put it very well earlier when he spoke about the amount of money that will be spent in terms of the overrun in the national children's hospital project. If the same percentage of overspending was to take place on all the capital projects in line to be undertaken over the coming years, it would amount to €10 billion, which is frightening. That shows the vital need for a Bill like this one to be put in place. I am disappointed the Government is not supporting it but it is heartening to see support for it from across the rest of the House.

Deputy Michael Fitzmaurice: I welcome Deputy Calleary's Bill and I support it. I agree with giving more powers. The only thing I worry about is that we are mighty at looking back at the mistakes that have been made in this country but we do not know how to do a contract and stay in budget. That is a major problem. Every excuse has been given for that by Governments over the years. Be it renovating this building or whatever the project, there is always an excuse; it is the cost of labour. The cost of labour has not gone up that much because if we talk to workers in Ireland, they will say their pockets are not any fuller than they were three or four years ago.

The biggest problem is that there are people handling contracts who do not have a bull's iota about them. There is only one way. If they do not know how to do it, the best way they can go forward is to design and build it and put it out for a fixed price contract. That is the only way they will know they will not spend any more money. It is a pretty simple methodology providing they make sure they put every item they want into the room and multiply that by 650 rooms. It is a very simple system. We decided that we would look at this when we proposed the primary care centres. We decided we would give the builder a 25-year contract, which would then be renegotiated, instead of telling them that after 25 years, we would own the building for €100, €1,000 or whatever. However, we do not seem to know how to do that.

We need to put in place a system to make sure that when we are designing a project, we know what we are designing and that we get the right people to do it. There are many people scratching their heads after a while and costing the State money. Also, indemnity insurance needs to be called in. We should not let people off the hook.

I refer to those people along the chain who allowed this to happen. I believe that if someone delivers something on time, the people involved, be it the civil servants or the private sector, should be given a bonus. If they do not deliver it on time and if the project is over budget, there should be consequences for situations like that.

We are now facing a scenario where we do not know the position regarding contracts across this country, especially in rural areas, over the next year or two years. Sadly, that will affect the taxpayer of this country. Everyone is looking around them and saying, “This has to go on”. Nothing has to go on. We can put the brakes on something for a few months, do a detailed analysis of it and see where we are going.

With everything that is going on at the moment, I have not heard one word from Ministers or the Taoiseach about broadband, which is another project that is to come. I wonder if there are budgets cut to that project. All we hear is that it is coming shortly. I might not have gone to school for that long but I never knew what date “shortly” meant. I would like to know when it is coming and when it will be delivered because “shortly” has gone on since August and I am getting sick of it.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): As stated at the outset, the Government recognises the need at all times to meet the highest standards regarding transparency, oversight and financial disclosure and recognises the intention to address such issues in the Bill proposed tonight.

The Government will abstain on the vote to oppose the Private Members’ Bill, the Comptroller and Auditor General (Amendment) Bill 2017, sponsored by Deputy Dara Calleary. I will reflect further on the issues raised in advance of the next Stage of parliamentary consideration.

The current legislation, namely, the Comptroller and Auditor General (Amendment) Act 1993, was developed with a particular focus and so far has stood the test of time. The framework of accountability and control is a well-established framework encompassing the role of the Comptroller and Auditor General as reflected in the Constitution. The Comptroller and Auditor General’s role is to provide independent insurance that public funds and resources are used in accordance with the law, managed to good effect and properly accounted for to contribute to improvement in public administration. My colleague, the Minister of State, Deputy D’Arcy, noted that there is no need to consider the provisions made in this Bill as the powers are already provided for in the Comptroller and Auditor General (Amendment) Act 1993. Under section 9 of the 1993 Act, the Comptroller and Auditor General can examine the economy, efficiency and use of resources and effectiveness of certain management systems or carry out a value for money audit of a certain person. Therefore, section 9A(1) of the Bill may not necessarily add any more power to the Comptroller and Auditor General than is already provided for in the current Act. However, having heard the issues raised by Members on this point, we will reflect further on how they should be addressed as the Bill proceeds through the Oireachtas.

The Minister of State also noted the issue with the proposed new section 9A(2) of the Bill and its possible impact on the independence of the Comptroller and Auditor General. As drafted, it would seem to give the Minister the ability or discretionary basis to direct the deployment of the Office of the Comptroller and Auditor General’s resources. As a principle, this is problematic, particularly given the Mexico Declaration on Supreme Audit Institutions Independence. One of the eight core principles of this document, principle 3, states that a supreme audit institution, SAI, should have a “sufficiently broad mandate and full discretion” in the discharge of its functions. In addition, principle 6 states that the supreme audit institution should have the “freedom to decide the content and timing of audit reports”. This concern is further highlighted and heightened by the proposed scope of the section. In practice, it would have a significant impact given the limited resources the Office of the Comptroller and Auditor General has for its value for money work and the proposed scale of the required work at the direction of the

Minister. One possible outcome would be that the Comptroller and Auditor General would be severely constrained in the value for money examinations he could carry out at his discretion.

All Deputies will recognise the key constitutional role of the Comptroller and Auditor General and the need to take great care in considering any changes that might materially affect the scope of the Comptroller and Auditor General's work. The Comptroller and Auditor General has played a critical role in reviewing Government spending and its effectiveness for many years and we do not want to diminish that role. In that context, we have heard the perspectives and views put forward by Members of the Opposition on this issue during this debate and we will reflect further on them before the next stage of consideration of the Bill. Deputy Calleary may also care to reflect on these points as the Bill progresses.

A brief initial consideration suggests there may be a cost to the Exchequer if the Bill is enacted as it would have resource implications for the Office of the Comptroller and Auditor General. It is not possible at this stage to quantify the estimated costs but the Bill has the potential to result in additional costs to the Exchequer. Therefore, a money message is required in respect of this Bill. The Government will consider this further in advance of any Committee Stage hearing.

I thank Members for their views and observations on this draft Bill and the wider issues they raised during this debate. The Government fully recognises the importance of the role of the Comptroller and Auditor General in our system of public accountability and we will consider the issues raised in advance of the next stage of consideration of the Bill. I thank all Deputies for their contributions to this Bill, some of which very good and pointed. We will consider all points as the Bill progresses through the House.

Deputy Barry Cowen: I thank all contributors to this evening's debate. I note the support from all sides of the House, bar the Government side, which has decided to abstain. I will address some of the points made by the only two Government Members who spoke, namely, the Ministers of State, Deputies D'Arcy and Kehoe. The Minister of State, Deputy D'Arcy, stated there is a "well established framework of accountability, responsibility and control in operation at each level." That was an unfortunate statement to make today of all days. We are bringing forward amending legislation on the role of the Comptroller and Auditor General who, as I stated, has independent expertise at his disposal which can help and assist the Government at no extra cost, despite the contention made by Government speakers.

The Government argues that the Bill does not appear to provide any additional powers for the Comptroller and Auditor General, while also contending that there may be a cost to the Exchequer if it is enacted. That is a contradiction. It indicates to me in no uncertain terms that the Government has interpreted and considered the Bill in a flippant manner and has not gone into any great detail in offering a view contrary to the views expressed by Fianna Fáil Deputies and other Opposition Deputies in this debate. I acknowledge Sinn Féin's recognition of our intentions and the basis on which we have proposed the Bill. In doing so, it also agreed with the Bill, as did other speakers.

We want to increase accountability and transparency across Government. Government speakers also said that for a Minister to instruct the Comptroller and Auditor General to intervene and analyse and scrutinise a capital development project and the costs associated with it where they exceed the initially envisaged cost would in some way be interfering with the independence of the Office of the Comptroller and Auditor General. I find that very hard to

comprehend, especially in the week and day that is in it.

I would be more impressed if it were the intention of Government to reflect on this Bill, especially if it is passed by the Dáil, and improve it, especially at it is as plain as the nose on one's face that the State has at its disposal machinery that would allow for an independent assessment of capital projects. It should not leave us in the current predicament where we have abysmal mismanagement of the new children's hospital and we are floundering as we seek to find out what impact this will have on other projects. It is not yet clear from what I have heard from the Minister for Public Expenditure and Reform what cutbacks will take place as a result of this. For example, on the A5 road project, he stated that, even allowing for the problems and difficulties with the Northern Ireland Assembly unfortunately not being in place, it may be the end of this year before the €27 million in funding can be drawn down. It will not be a cut from this year's Exchequer allocation if it comes at the end of the year.

In the event that the Government is not forthcoming with information, the Dáil, especially this side of the House, will insist that the Government provide Members of this House and, by association, their constituents with details of what projects and communities will be at a loss in respect of the initial commitments given by the Government when its members travelled the country with a series of roadshows. It is now unable to have one roadshow to tell us exactly where we stand. It is not only the funding of projects this year that we are worried about because it is not as if the Government can move this expenditure from one year to another and the sum involved will end up supposedly being only €100 million. The Government made commitments to the tune of almost €500 million that will now have to be reprofiled, as the Taoiseach said.

I am conscious of the commitment the same Taoiseach gave to us and, more importantly, to the nation when he spoke on national radio last Sunday week. He said that within ten days everybody would be aware of the implications of the knock-on effects on the capital development programme. The Office of Public Works, OPW, which appears to have been more forthcoming than others at this stage, says that €3 million will come from the flood relief scheme. As a representative who is probably affected by that, I will insist on knowing what schemes and projects in the flood relief scheme will be affected and will not go ahead despite the commitment given by the Government last year and previously regarding the funding that was to be provided in that regard. That will play out in the coming days, as it should. It would be expected of us to extract that from the Government.

As I said, one of the main lessons from how the Government responded to this fiasco and the colossal overspend was that it immediately rushed to the private sector to get it to carry out an analysis and relevant scrutiny. There are many other demanding projects in the offing, as other Members have mentioned, not the least of which is the broadband programme. Many billions will be expended on that and there is great expectation on the part of the public that it will ensure broadband is available to every house. If it is available at a cost, we need to know it and to know that there are processes in place to ensure the taxpayers' interest is protected. If it were the case that there was an indication of an overrun at a certain point, this legislation would allow the Comptroller and Auditor General's office to use its expertise to analyse and scrutinise that to see how such a cost overrun could be arrested.

Another aspect of the national children's hospital debacle is that it appears the initial contract provided for a cost of construction inflation of at least 4% year on year. That did not stop it going to 8% if that is what presented, which is what happened. As Deputy Fleming said, the

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initial rush to get on site on the part of those with responsibility in this area was purely to meet their aspirations for political advancement, at the fault of not having proper and adequate processes to ensure that any subsequent contract could be tight, protect the interests of taxpayers, ensure their funds were spent wisely and appropriately, and delivered on the commitment that was made initially. We are all interested in this, and many previous Governments have been driven by the desire to put that facility in place and to ensure children are afforded the best possible care, attention and service from the State from a health perspective. That is not diminished in any way by our commentary. We merely make it in the best interests of ensuring that other projects that were committed to can be delivered, be they in Waterford, my constituency or elsewhere. Real commitments were made by the Government, which has taxpayers' funds at its disposal and which should not use thrift with that spending or responsibility for its political gain. That is all we wish to ensure.

We are not interested in heads or in playing political games. As we all know, there are bigger pictures at play. We cannot stand idly by in this jurisdiction when chaos reigns in Westminster and, unfortunately, in the North. The Good Friday Agreement and its contents were hard fought for and hard won but, thankfully, were delivered to give the potential for the type of democracy in the North that there is in other jurisdictions. However, our colleagues in Sinn Féin are part of an unfortunate world record at this stage in respect of not taking their seats. It is a disease they cannot seem to rid themselves of, and that is unfortunate as it is not just at their expense but at the expense of all of us. It is at the expense of this island's prosperity and its potential to succeed economically and socially. More importantly, from our perspective the Good Friday Agreement has the potential to protect our security, and that is paramount. We will not use this unfortunate mismanagement and almost misappropriation of funds for political gain. We think too much of those who give us the privilege to be here to do that. That continues to be the *raison d'être* for us. We are committed to this country being united in its efforts to respond to that challenge. Obviously, a united Government and united Dáil are essential to ensure the people can rest assured that the commitment is real and meaningful.

Question put and agreed to.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Wednesday, 13 February 2019.